

NEW YORK STATE LEGISLATURE

JOINT PUBLIC HEARING

SENATE STANDING COMMITTEE ON TRANSPORTATION

SENATE STANDING COMMITTEE ON CORPORATIONS, AUTHORITIES &
COMMISSIONS

ASSEMBLY STANDING COMMITTEE ON CORPORATIONS, AUTHORITIES &
COMMISSIONS

IMPACT OF COVID-19 ON THE METROPOLITAN TRANSPORTATION
AUTHORITY

August 25, 2020

10:00 a.m. - 3:30 p.m.

Joint Hearing Impact of COVID-19 on MTA, 8-25-20

SENATORS PRESENT:

SENATOR LEROY COMRIE, Chair, Senate Standing Committee on Corporations, Authorities and Commissions

SENATOR TIM KENNEDY, Chair, Senate Standing Committee on Transportation

SENATOR TODD KAMINSKY

SENATOR GUSTAVO RIVERA

SENATOR ANNA KAPLAN

SENATOR JESSICA RAMOS

SENATOR ANDREW GOUNARDES

SENATOR LUIS SEPULVEDA

SENATOR THOMAS O'MARA

SENATOR JOHN LIU

SENATOR BRAD HOYLMAN

SENATOR SHELLEY MAYER

SENATOR MICHAEL RANZENHOFER

SENATOR SUE SERINO

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ASSEMBLY MEMBERS PRESENT:

ASSEMBLY MEMBER AMY PAULIN, Chair, Assembly Standing
Committee on Corporations, Authorities and Commissions

ASSEMBLY MEMBER KENNETH BLANKENBUSH

ASSEMBLY MEMBER CHARLES FALL

ASSEMBLY MEMBER NILY ROZIC

ASSEMBLY MEMBER SANDRA GALEF

ASSEMBLY MEMBER STEVEN OTIS

ASSEMBLY MEMBER RON KIM

ASSEMBLY MEMBER STACEY PHEFFER AMATO

ASSEMBLY MEMBER VIVIAN COOK

ASSEMBLY MEMBER DAVID BUCHWALD

ASSEMBLY MEMBER PHILLIP PALMESANO

ASSEMBLY MEMBER ROBERT CARROLL

ASSEMBLY MEMBER REBECCA SEAWRIGHT

ASSEMBLY MEMBER CARMEN DE LA ROSA

ASSEMBLY MEMBER YUH-LINE NIOU

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2 (The public hearing commenced at 10:00
3 a.m.)

4 ASSEMBLY MEMBER AMY PAULIN, CHAIR,
5 ASSEMBLY STANDING COMMITTEE ON CORPORATIONS,
6 AUTHORITIES AND COMMISSIONS: Welcome everyone.
7 We are having a joint hearing, the Assembly and
8 Senate on the MTA and what we know is a fiscal
9 crisis. I'm going to take first, I'm the chair,
10 Amy Paulin, of the Corporations Committee and I'm
11 first going to introduce the other members of the
12 Assembly who are here today, in no particular
13 order, Assembly Member Charles Fall, Assembly
14 Member David Buchwald, Assembly Member Nely
15 Rozic, Assembly Member Phil Palmesano, Assembly
16 Member Ron Kim, Assembly Member Sandy Galef,
17 Assembly Member Stacy Pheffer Amato, Assembly
18 Member Steve Otis, Assembly Member Vivian Cook
19 and Assembly Member Ken Blankenbush.

20 I am going to take a minute to just give
21 some opening remarks and then turn it over to my
22 senate colleagues. So many New Yorkers have
23 relied on a combination of Metro-North, LIRR, the
24 subway and buses to get to their jobs each day.

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2 Many have taken advantage of the cultural meccas,
3 the economic opportunities and the personal
4 connections they have in New York City.

5 Since I moved to Westchester in 1980,
6 I've been using Metro-North. Having grown-up in
7 Brooklyn, I've been using the subways longer. Our
8 transit system is the key reason our community is
9 as robust as it is. These past few months, this
10 health pandemic has put this vital resource in
11 jeopardy. The MTA's fiscal situation is dire, not
12 only in its need for capital investments to
13 stabilize and modernize, but now for the very
14 operating dollars to keep the trains running.

15 I fear what will happen if the federal
16 government doesn't come through for New York.
17 Sustainable funding is not possible without it.
18 Today, we're here to listen and understand the
19 depth of the problem. Today, we're here to listen
20 and understand the options before us. I know
21 there are no silver bullets, that most of the
22 options available will be difficult and painful
23 for someone to bear.

24 As the chair of the Assembly Committee

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2 on Corporations, Authorities and Commissions,

3 I've had the opportunity to work closely with the

4 administration, the advocates and the hard-

5 working men and women who operate the system.

6 I've come to appreciate the expertise, the talent

7 and the dedication of the frontline employees and

8 operators of our mass transit system who work

9 hard every day and who have put their own lives

10 on the line during this crisis.

11 I thank all of you here that are about

12 to share your thoughts. It will truly help me to

13 do a better job, as together we work to save our

14 transportation system, our communities and our

15 state. Thank you. I'd like to turn it over to the

16 Senate.

17 SENATOR TIM KENNEDY, CHAIR, SENATE

18 STANDING COMMITTEE ON TRANSPORTATION: Well,

19 thank you so much Assemblywoman Paulin and thank

20 you for your leadership as chair and for co-

21 chairing today's event. I want to recognize my

22 colleague in the Senate and the chairman of

23 authorities and corporations and that is Senator

24 Leroy Comrie who is also co-chairing this event

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2 with us today. I'm Senator Tim Kennedy, I'm the
3 chair of transportation. I want to recognize our
4 colleagues in the Senate that are here with us
5 today as well. Senator Ramos, Senator Gounardes,
6 Senator Kaminsky, Senator Kaplan, Senator Rivera,
7 and I think that's it. If I missed anybody my
8 apologies and I know there will be more coming
9 in. Oh, Senator Tom O'Mara as well joined us.

10 So I just want to take this opportunity
11 to thank everybody joining us on this important
12 conversation that we'll have today. We recognize
13 that this pandemic has upended our entire global
14 economy. And it is hit us here in the United
15 States particularly hard, and here in the state
16 of New York the hardest. And it hit us the
17 hardest because it hit us first. We had to react
18 to it first and we have done a tremendous job of
19 beating back the curve but we have to continue to
20 stay vigilant, keep our eyes open, continue to
21 practice our proper precautions and take this
22 seriously so we don't see a resurgence in the
23 virus.

24 That being said, as it's upended our

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2 economy it has certainly upended transportation
3 as we know it and the economic impact that
4 transportation, particularly public
5 transportation plays on our economy locally,
6 statewide and nationally. The MTA is a critical
7 component, the most critical component to our
8 economy not only in the downstate region that
9 serves millions of people each and every day but
10 across this great state. As we know, that it
11 supports thousands upon thousands upon thousands
12 of jobs, as well as our national economy.

13 And so it's so critical that we get to
14 the bottom of how the MTA reacted to the
15 pandemic, where we have come from, where we are
16 today, and where we are headed into the future. I
17 am inspired by the work of those that make the
18 system run each and every day. I want to
19 recognize the laborers, the workforce, those that
20 operate the system, those that maintain the
21 system, those that clean the system, those that
22 prepare the system for functioning each and every
23 day. And those that eat, sleep and breathe the
24 MTA system so that others can utilize it to

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2 function in their own lives.

3 I'm proud to be a part of this today.
4 And before I pass it over to my colleague and
5 great co-chair of this event, Senator Leroy
6 Comrie I would like us to recognize and honor all
7 of those workers who have sacrificed so much each
8 and every day, particularly through this pandemic
9 and especially those that have lost their lives
10 due to the pandemic, because they chose to go to
11 work to make the system run. And the thousands of
12 people that were infected and have had to alter
13 the entirety of their lives to deal with the
14 health implications, we are grateful and indebted
15 to your service to the respective communities
16 thank you for your work and sacrifice. Now, over
17 to Chairman Leroy Comrie.

18 SENATOR LEROY COMRIE, CHAIR, SENATE
19 STANDING COMMITTEE ON CORPORATIONS, AUTHORITIES
20 AND COMMISSIONS: Thank you, Chairman Kennedy,
21 thank you Co-Chair Paulin. I thank all my
22 colleagues that have joined. I see we were joined
23 by Senator Luis Sepulveda, Senator Jessica Ramos,
24 I think was mentioned and all my assembly

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2 colleagues as well. I thank the MTA for being
3 here and their leadership team, Chair Foye and
4 also to the advocates, the riders and the
5 concerned citizens. But especially the members of
6 the MTA, because to echo what Senator Kennedy
7 said, the essential workers that never stopped
8 working however they lost many members to the MTA
9 due to COVID-19, because they insisted on trying
10 to maintain the system even throughout the heart
11 of the pandemic when nobody knew how it was
12 spreading or where it was spreading, workers came
13 out and did what they had to do. So I agree with
14 Senator Kennedy, we cannot thank them enough for
15 their stalwartness and their diligence in trying
16 to maintain the system.

17 Our hearing today is at a critical time
18 in our state, and an interesting time in our
19 world, to find out what the MTA has been working
20 on over the past few months to meet the
21 challenges of this pandemic, what they have been
22 doing to make sure that the system is operating
23 properly. As we know right now, the system is not
24 operating 24 hours a day, even though for the

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2 last 100 years it has. We are concerned about the
3 when and what is the process and what are the
4 plans to see the system come back to 24-hour
5 service. But we're also primarily concerned with
6 what will be the plans to try to maintain the
7 service, in spite of the fact that we are not
8 sure what's going to happen on the federal level.

9 The changes that have been impacting the
10 system and creating a concern for both the
11 employees and the advocates and the ridership are
12 some things that we look forward to hear about
13 how the MTA is going to take on the challenges.
14 We know that everything that the average strap
15 hanger has to endure and how quickly we can get
16 back to a world class system is important to
17 people throughout the tri-state area and we need
18 to understand the MTA's position how to handle
19 that both on a state and federal level.

20 With that, we also are very concerned
21 about what the MTA can do with the existing
22 capital plan, what the MTA will be doing to
23 ensure ridership and what MTA will be able to do
24 to address safety in this particular time. We

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2 have many concerns throughout and I look forward
3 to hearing from my colleagues today and also the
4 unions and all of the other folks, the advocates
5 that are interested in where we are with the MTA
6 so that we can be able to do everything we can as
7 a community to try to make changes, improvements
8 and opportunities so that we can get back to a
9 system that can operate safely and adequately for
10 all. With that I'll turn it over. We will hear
11 now from the MTA who is here, I believe.

12 And Chairman Foye is I believe here and
13 ready to give us a statement and I believe this
14 leadership team is here as well. We will wait for
15 them to bring them online so that they can start
16 their testimony. Again, thank you all my
17 colleagues for being here. I look forward to a
18 robust hearing today.

19 MR. PATRICK J. FOYE, CHAIRMAN & CEO,
20 METROPOLITAN TRANSPORTATION AUTHORITY: Thank
21 you. Senator Comrie, can you hear me?

22 SENATOR COMRIE: Yes.

23 MR. FOYE: All right. Good morning. I
24 want to acknowledge and thank Senator Comrie,

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2 Chair Kennedy and Chair Paulin and your
3 colleagues for your leadership during these
4 challenging times. I'm joined by my colleagues
5 today, Sarah Feinberg, the interim president of
6 New York City Transit, Bob Foran, to my right,
7 who is the chief financial officer of the MTA and
8 to his right, Janno Lieber, who is the president
9 of MTA construction and development.

10 I'd like to start with two opening
11 points. First, the very survival of the MTA and
12 the existence of millions of jobs lie squarely in
13 the hands of the federal government. Continued
14 federal indifference and inertia on a relief bill
15 will exact the heavy toll on the MTA, our heroic
16 workforce and millions of hardworking New
17 Yorkers, our customers in the New York region and
18 people all over the state of New York working on
19 MTA projects, rail cars, buses signaling and
20 more.

21 Second opening point I'd like to make is
22 a word about the Great Depression. We measure
23 financial and social calamity in the United
24 States against the Great Depression, millions

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2 thrown out of work and out of their homes. You
3 May be surprised to know that the effect of the
4 COVID-19 pandemic exacerbated by federal inaction
5 has exacted a far greater toll on MTA subway
6 ridership, there was no MTA back then, of course,
7 which at its worst, was down 95 percent this
8 spring and today is down approximately 75
9 percent. Subway ridership after the October 1929
10 stock market crash peaked in 1930 at slightly
11 over two million riders and declined modestly,
12 about 12 percent by 1933 in the following years.

13 We have never, New York has never even
14 during the Great Depression of the 1930s, seen
15 ridership declines as severe and as sustained as
16 those we are experiencing right now. And we have
17 never, New York has never, even during the Great
18 Depression, seen revenue losses like today's.

19 Last time we appeared before you in
20 January, the MTA was doing remarkably well. We
21 reported six straight months of on time
22 performance above 80 percent, the highest
23 ridership since 2017. We projected a surplus for
24 this year of about \$81 million. The historic

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2 \$51.5 billion MTA capital program had just been
3 approved by the CPRB. MTA transportation revenue
4 bonds were rated AA or AA-, depending on the
5 agency.

6 Now the MTA is facing an unprecedented
7 crisis brought on by COVID-19 pandemic, which has
8 devastated our agency. It's affected our heroic
9 workforce. We mourn and grieve the loss of every
10 one of our 131 colleagues who have tragically
11 succumbed to the virus. We will never forget
12 them.

13 It's also obliterated MTA finances. We
14 are facing \$16 billion of aggregate deficits
15 through 2024. We urgently need \$12 billion from
16 the federal government to get us through the
17 remainder of 2020 and 2021.

18 Our top priority remains safety first
19 and foremost of our customers and our employees.
20 I'm proud to say that the MTA led transportation
21 agencies nationwide for aggressive response and
22 continue to set the example for agencies across
23 the country.

24 We've adapted in real time as

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2 researchers and scientists learned more about the
3 virus. We're running service to move New York
4 City through the peak. MTA operating personnel
5 were heroes moving heroes, carrying essential
6 workers such as first responders, healthcare
7 workers, fellow transit workers, those working in
8 grocery stores, pharmacies, police officers,
9 firefighters, et cetera.

10 Now as we run near normal service
11 ridership is depressed. As of last week, subway,
12 about 1.3 million riders daily, down 75 percent.
13 On buses 1.2 million riders, down 40 percent,
14 Long Island Rail Road ridership, down 76 percent,
15 Metro-North down 83 percent. Revenues have
16 declined dramatically.

17 We're focused on protecting customers
18 and employees. There's no evidence to date that
19 public transportation any place in the nation or
20 around the world has contributed to any virus
21 clusters, whether here in New York, around the
22 nation or around the world. We've worked closely
23 throughout the entire pandemic with federal,
24 state and local health officials and taken their

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2 guidance. We've instituted comprehensive cleaning
3 and disinfecting programs, which have been
4 implemented system wide.

5 In the beginning, we started with high-
6 touch surfaces in each station once a day and
7 every single train car. Bus and transit
8 paratransit vehicles at least one every 72 hours.
9 Shortly after that, we increased to disinfecting
10 each station at least twice a day with rolling
11 stock disinfected at least once a day but often
12 more. Surveys of our customers show that 70
13 percent of customers say the system, the subway
14 system, stations and subway cars are cleaner than
15 ever.

16 And we've gone above and beyond to keep
17 mass transit safe. We implemented on May 6, the
18 first overnight closure in the subway's 116-year
19 history. We did that to allow every subway
20 station and car to be disinfected on the regime
21 that I just described.

22 To serve those traveling during these
23 periods, we've added bus routes and added more
24 bus routes. We have been piloting with our chief

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2 innovation officer innovative new technology and
3 cleaning materials, from ultraviolet C light to
4 antimicrobials to electrostatic sprayers and are
5 now doing a proof of concept on far ultraviolet
6 light.

7 Masks, masks, masks. The most important
8 thing that our customers can do to protect
9 themselves and protect their fellow commuters and
10 our employees is to wear a mask. Wearing a mask
11 is law of the state of New York as a result of
12 Governor Cuomo's executive order. It's right
13 thing to do also to protect yourself, fellow
14 commuters and employees and no one is welcome on
15 public transit without a mask.

16 We've been going beyond that. We're
17 offering free masks, hand sanitizers in stations,
18 we've installed dozens of PPE, personal
19 protective equipment vending machines in subway
20 stations, Long Island Rail Road stations and
21 Metro-North. In addition, we're piloting mask
22 dispenser boxes on buses. We have a mask force,
23 volunteers who have gone out in the system, I've
24 done it myself on the 7 line, E, 4, 5, and 6 and

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2 bus lines in Queens, to hand out masks to those
3 few who don't have them and to give them to other
4 customers who may need them tomorrow or the next
5 trip.

6 And we've been robustly communicating
7 through PSAs and messaging in stations, on subway
8 cars, on buses, on commuter rails, et cetera. The
9 Long Island Rail Road developed a new app and
10 we're piloting on buses, to share real time
11 information about crowding conditions to help
12 riders make informed choices. We're looking to
13 expand that.

14 In terms of protecting our heroic
15 employees, since March 1st, we've distributed
16 over 6.4 million masks, 8.4 million pairs of
17 gloves, nearly 60,000 gallons of hand sanitizer,
18 about 5.6 million sanitizing wipes and nearly
19 160,000 gallons of cleaning solution. We've
20 created the first in the nation temperature
21 brigade to check employees as they arrive to
22 work. We implemented rear door boarding in
23 cooperation with our unions on buses on March
24 20th to protect operators. We plan on resuming

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2 fare collection on August 31 with new protections
3 in place to minimize health risks to bus
4 operators. We've installed Plexiglas and vinyl
5 barriers on buses, van share rides and Access-A-
6 Ride and required new training for Access-A-Ride
7 drivers and operators.

8 We established the first in the nation
9 generous family benefit programs for the families
10 of fallen transit workers, a \$500,000 payment to
11 the family members and up to three years in
12 health benefits. To date, payments to 14 families
13 have been processed, working with others to make
14 sure they get what they need. Sarah Feinberg has
15 appointed ambassadors to work with each of the
16 families. We've extended special line of duty
17 pension benefits to the survivors of fallen
18 employees in accordance with the law passed by
19 the legislature earlier this year.

20 But let me talk about the budget impact.
21 The impact of the COVID-19 pandemic is worse than
22 any crisis we've faced in the past, worse than
23 the financial situation in the '70s and early
24 '80s, worse than the aftermath of 9/11, worse

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2 than Hurricane Sandy and the Great Recession of
3 2008-2009. There was no MTA back then but worse,
4 too, than the Great Depression.

5 We project aggregate budget deficits of
6 \$16 billion through 2024. 2020 losses are greater
7 than that of 37 of 39 states surveyed in a survey
8 for 2020. And 35 of 39 surveyed states in 2021.
9 Today, the MTA is losing about \$200 million a
10 week in revenues from losses in fares, toll
11 subsidies and COVID related expenses.

12 Our sole focus now is on survival. How
13 to reduce costs, maintain service and minimize
14 reductions in force while protecting the capital
15 program. We're doing everything we can to cut
16 down on nonessential spending, we are on track to
17 achieve annual recurring savings of \$3.5 billion
18 by 2020. And we've renewed the need for
19 transformation. We are already started
20 streamlining operations through consolidation and
21 reduction of primarily 1,000 administrative
22 positions, mostly through attrition.

23 Outside of federal funding none of our
24 options are good. We'll be discussing the

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2 following options with our board tomorrow, as we
3 have in the past two months. No resolution will
4 be tabled tomorrow nor will any vote be taken.
5 Fiscal calamity may force us to take draconian
6 actions. First wage freezes, second fare and toll
7 hikes above those planned, third, reductions in
8 service and reductions in workforce as a last
9 resort. The capital plan, as most of you know, is
10 already on pause. Gutting it completely might
11 provide short-term relief but with a devastating
12 long-term impact perpetuating cycles of
13 disinvestment and inequity in communities not
14 served by the existing system.

15 We will be forced to sacrifice if we
16 don't get federal funding projects, large and
17 small, that each of you have advocated on behalf
18 of your constituents. That includes re-signaling
19 subways, ADA accessibility projects, vital state
20 of good repair work and mega projects like Second
21 Avenue subway phase two, which would extend the
22 Second Avenue subway into 125th Street in Harlem
23 and Penn Station access, which would include the
24 building of four new stations in the Bronx.

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2 The impact of gutting the capital plan
3 would be felt not only in the New York City
4 region, but statewide. As you all know, and I
5 know this is important to each of you, including
6 Senator Kennedy, the MTA works with vendors all
7 over the state, Kawasaki in Yonkers, Provost in
8 Plattsburgh, Cubic in Buffalo, J-Track in Senator
9 Comrie's district in Queens.

10 Borrowing to pay operating expenses
11 might keep the lights on at a high cost but
12 brings no tangible benefit. As you know, our
13 credit rating has been downgraded four times
14 since the pandemic, making it more expensive to
15 borrow.

16 Last week, the MTA sold \$450 million in
17 notes through the Federal Reserve, only the
18 second public entity to do so after the state of
19 Illinois. The MTA accessed the municipal
20 liquidity facility when public market demanded
21 substantially higher rate of interest.

22 But let me conclude by saying,
23 underlining the desperate need for federal
24 assistance. The U.S. Senate must act now and

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2 allocate and additional \$12 billion to the MTA
3 immediately for operating expenses this year, the
4 remainder of 2020, and next year. The latest
5 Republican proposal shamefully ignored the needs
6 of mass transit nationwide. CARES Act funding for
7 the MTA was exhausted on July 24th, and frankly,
8 we can't wait any longer for additional help.

9 You all know that the MTA is the
10 lifeblood of New York. No economic recovery and
11 job recovery without a strong MTA is possible.
12 The next round of COVID relief bill must include
13 \$12 billion for the MTA to help us get through
14 the remainder of this year and 2021. I'll end
15 where I began.

16 The survival of public transportation in
17 New York and millions of jobs is squarely in the
18 hands of the federal government. Continued
19 federal indifference and inertia will exact a
20 heavy toll in human terms. The decline in
21 ridership on subways and beyond caused by COVID-
22 19 dwarfs the damage done by the Great
23 Depression. It is past time for the federal
24 government to act on an emergency basis to keep

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2 the subways, buses, paratransit vehicles,
3 commuter rails and bridges and tunnels running.
4 Thank you and we welcome your questions.

5 ASSEMBLY MEMBER PAULIN: Thank you very
6 much. It certainly sounds as worse as we had
7 anticipated. I have several questions but I know
8 there's two senators and me. So why don't I turn
9 it back over to the senate for their questions
10 and then I will go since I went first. Each chair
11 has five minutes for their questions and then
12 members have three minutes each, for those
13 members who were not on the pre-call. And I know
14 that since I made the first announcement, Rebecca
15 Seawright and Bobby Carroll joined us. So with
16 that, Senator Kennedy, Senator Comrie, who wants
17 to go first.

18 SENATOR COMRIE: I traditionally wait
19 until after the members ask questions to ask
20 mine. I was going to say that we've been joined
21 by Senator Luis Sepulveda and I believe that was
22 it that just joined us. So, I will defer to the
23 members to ask their questions first. Or Senator
24 Kennedy do you want to ask questions first?

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2 SENATOR KENNEDY: Sure, look, I'll get
3 the conversation started here. I want to talk a
4 little bit about, and first of all thank you
5 Chairman Foye and your team for being here today
6 for participating and for your leadership
7 throughout this entire crisis and beyond.

8 Overnight subway service was suspended
9 from 1:00 a.m. to 5:00 a.m. for system cleaning.
10 That seems to be a major point of contention
11 among the ridership. Can you talk a little bit
12 about your process moving forward? I know some of
13 my colleagues even have legislation to rectify
14 that timing to make sure that the system
15 continues to function into the future for our
16 24/7 as it always has, if you could speak to
17 that, please.

18 MR. FOYE: Sure, Chairman Kennedy happy
19 to do that. I don't accept the premise of the
20 advocates actually for a couple of reasons,
21 right. We're carrying on the subways, a million
22 three, a million four riders a day. The number
23 and every customer is important and deserves
24 first class service. The number of customers

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2 carried in the 1:00 a.m. to 5:00 a.m. period is
3 about one percent number, it varies in a ten to
4 15,000 number, but approximately one percent of
5 our riders.

6 And we're inconveniencing those riders,
7 we recognize but we have dramatically increased
8 the bus service available to those customers. The
9 reason we are inconveniencing those customers is
10 really twofold. One is in order for New York City
11 transit teams led by Sarah Feinberg to be able to
12 disinfect every station and every subway car
13 multiple times a day. And that is a public health
14 essential action. It also reassures our
15 customers, and I've reported the statistics in my
16 opening remarks, that 70 percent of those
17 customers have reported that they've never seen
18 the subways or stations or cars as clean as they
19 are today. That is important.

20 And obviously, going forward given our
21 financial situation, we're focused on the
22 financial side. So I don't accept the premise of
23 the riders and I think the 1:00 a.m. to 5:00 a.m.
24 closure, by enabling New York City transit teams

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2 and TWU personnel to disinfect the stations
3 benefits every customer.

4 SENATOR KENNEDY: Thank you. Do you
5 expect that overnight service to return? And
6 when?

7 MR. FOYE: Chair Kennedy, as we've said
8 many times, we will continue disinfecting while
9 the pandemic continues. I'll also say that we are
10 preparing and have been for some months for a
11 second wave that we hope does not come. And we're
12 rooting for an early end to the pandemic and
13 we'll rely on public health officials for that
14 determination.

15 SENATOR KENNEDY: Thank you. We've heard
16 some concerns about, from particularly from the
17 Metro-North employees about the level of service
18 being a little over 60 percent, which has caused
19 a decrease in the ability for them to properly
20 social distance. Can you speak to that? And what
21 equation is used for that service and what we can
22 do to make sure that number one, the proper
23 service is provided and number two, those that do
24 use the service are able to maintain social

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2 distancing and other precautions?

3 MR. FOYE: Senator Kennedy, Chair
4 Kennedy, I'm going to disagree with the premise
5 question again, with all due respect, and I
6 realize it's a question coming from Metro-North
7 union officials and we're respectful of that.

8 The thing we have to take into account
9 is Metro-North is carrying 17 percent of pre-
10 pandemic passenger volumes. At 65, percent one
11 could argue we're providing more service than is
12 necessary A, and B, more service than we can
13 provide.

14 As I mentioned, one of the alternatives
15 that, and it's not just the commuter rails, but
16 we're going to have to look at the entire agency
17 if we don't get the federal funding, \$12 billion
18 for the remainder of the year 2020 and through
19 2021, we're going to have to look at service
20 reductions and reductions in workforce. That is
21 not something that we want to do. Those are last
22 resort actions. But I think given the ridership
23 on Metro-North, which has been stubbornly stuck
24 at 17 percent for days and weeks now, I think

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2 we're providing sufficient service.

3 The other thing I will say is President
4 Cathy Rinaldi, the president of Metro-North has
5 been vigilant in looking for overcrowding
6 situations. The service has been tweaked in
7 cases, but given 17 percent ridership levels
8 compared to pre-pandemic levels, we believe we're
9 providing sufficient service on both the Long
10 Island Rail Road and Metro-North.

11 I ride the Long Island Rail Road daily
12 and I can report, as Cathy and her team have
13 reported with respect to Metro-North, there is, I
14 haven't seen frankly crowding on any Long Island
15 Rail Road train. I don't ride every branch. I
16 ride the Port Washington branch, as I did this
17 morning, took the 6:45 out of Port Washington and
18 I believe we're providing an appropriate level of
19 service.

20 SENATOR KENNEDY: Thank you. I see my
21 time is up. I just want two things, one clarify
22 that was a concern from the Metro-North employees
23 not LIRR. But aside from that, I also want to
24 reiterate what you said at the top of your

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2 comments, and again, thank you and your team for
3 your leadership. But the federal government has
4 to come through and help us here. And without
5 that, we're going to be in a world of pain that
6 none of us want to see and we just have to keep
7 our eye on the ball and continue to focus and
8 pressure the federal government to do the right
9 thing by the people of New York and quite
10 frankly, the nation. Again, thank you.

11 MR. FOYE: Thank you, Chairman.

12 ASSEMBLY MEMBER PAULIN: Thank you. I
13 think I will follow the lead of my fellow corps
14 chair and let the members speak first and then
15 I'll speak at the end of that, on the Assembly
16 side. The first Assembly speaker is Bobby
17 Carroll.

18 ASSEMBLY MEMBER ROBERT CARROLL: Thank
19 you, Chair Paulin and good morning Chair Foye.
20 You know we've been waiting a long time for the
21 federal government. We've been playing this game
22 since March, asking desperately for the federal
23 government to help New York in all of its dire
24 financial needs and there have been some

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2 successes early on, but very few recently.

3 Are there any other avenues that you've
4 discussed with the MTA board or others about
5 raising the requisite revenue so that we do not
6 have an operating death spiral? My fear is that
7 you know if we are trying to revive New York's
8 economy or get people back to school, if suddenly
9 the MTA again reduces service further on subway
10 or bus lines like you suggested, it will become
11 so, so much harder to pull ourselves out of this
12 rut.

13 MR. FOYE: So, assembly member, the
14 COVID-19 pandemic is an international issue. It's
15 a national issue. It requires a national
16 solution. The federal government, as you
17 suggested, did provide \$3.9 billion in the CARES
18 Act. That was important funding we exhausted that
19 in the middle of July. We were the first public
20 transit agency in the country to exhaust its
21 funding, because our revenue declines, tolls and
22 fares and subsidy payments have been so, so
23 depressed.

24 Given the financial situation of the

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2 state and I will defer to all of you as
3 legislators and policymakers at the state level,
4 but given the financial situation of the state
5 and the city, both of which are appropriately
6 asking for help from the federal government too,
7 it would be -- first, we welcome any revenue from
8 any source.

9 But it would be inappropriate and I
10 believe under the circumstances to expect the
11 state or the city to come to the MTA's rescue and
12 the only level of government that has the
13 capacity to do that is the federal government as
14 it did on the first round of CARES funding. And
15 it is absolutely essential that we get \$12
16 billion of funding.

17 I want to also just briefly echo Chair
18 Kennedy's remark, which is that the reason to do
19 this is obviously to save the New York City, to
20 save the MTA. But it's also in the national
21 interest to do this given so much of the nation's
22 gross domestic product is generated here in the
23 region, nearly not quite ten percent of that.

24 ASSEMBLY MEMBER CARROLL: Before my time

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2 runs out, Chair Foye, I want to make the point
3 that you know, that there is a federal election
4 happening in November. There may be big changes
5 in D.C. come January. But that's a long time for
6 New Yorkers who are holding on to their
7 businesses, their homes, their schools to be
8 waiting.

9 What can we do now either by looking at
10 the capital budget, looking at new revenue
11 sources, so that we can get ourselves past this
12 period? Because I don't think you are going to
13 see political changes or choices being made
14 between August 25th and November 4th. And that's
15 a long time.

16 ASSEMBLY MEMBER PAULIN: Thank you
17 assembly member. Thank you.

18 MR. FOYE: So, assembly member, here is
19 what I suggest first. You all are in a better
20 position to predict the national election than I.
21 I defer to you on that. Here's what the MTA is
22 doing. First, the capital plan regrettably, the
23 new capital plan, \$51.5 billion is on pause.
24 We're not happy about that. The capital plan

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2 includes projects that every one of you advocated
3 for on behalf of your constituents. And if you're
4 outside the MTA region, it includes projects that
5 will benefit manufacturing and fabrication plants
6 literally in every region of the state.

7 What the MTA is doing is reducing costs.
8 In 2021 our financial plan includes a reduction
9 of \$800 million. Working with the agency
10 presidents, we've identified well over \$500
11 million of non-personnel, non-service reduction
12 costs in 2021. And that's thank to Sarah Feinberg
13 and Phil Eng and Cathy Rinaldi and Dannie
14 DeCrescenzo and Craig Cipriano.

15 I believe there's more to come. But
16 there is a limit to how much expense we can take
17 out. And the only way that we can bridge this gap
18 is with \$12 billion of aid from the federal
19 government period.

20 ASSEMBLY MEMBER PAULIN: Thank you.

21 Senate.

22 SENATOR COMRIE: We've been joined by
23 Senator Brad Hoylman and Senator Shelly Ramos. I
24 believe the first questioner on the list,

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2 Stanley, take it away, please.

3 SENATE COUNSEL: Senator Todd Kaminsky
4 for three minutes.

5 SENATOR COMRIE: Thank you.

6 SENATOR TODD KAMINSKY: Hi, thank you so
7 much chairs and thank you so much, Chairman Foye.
8 Can you please tell us how we are doing on the
9 timetables for the third, excuse me, for East
10 Side access and the Belmont station?

11 MR. FOYE: Sure, let me call on my
12 colleague, Janno Lieber, senator.

13 SENATOR KAMINSKY: Thank you.

14 MR. JANNO LIEBER, CHIEF DEVELOPMENT
15 OFFICER, PRESIDENT, METROPOLITAN TRANSPORTATION
16 AUTHORITY CONSTRUCTION & DEVELOPMENT: Hi,
17 Senator Kaminsky. We are on schedule for both
18 projects and we're on schedule for a third track
19 which I know is something that you have been
20 involved with over the years, the Long Island
21 Rail Road expansion project, yesterday we opened
22 early the grade crossing at New Hyde Park Road.
23 So we continue to remain on schedule for all of
24 those major projects at this time.

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2 SENATOR KAMINSKY: Okay. Thank you.

3 Chairman Foye, I hear anecdotally from my
4 constituents that they've had some unpleasant
5 experiences at rush hour, taking the train back
6 and forth with non-mask compliance and it's made
7 them not want to take the train again. Can you
8 talk about any stepped up efforts you have to
9 make sure that people are wearing masks and that
10 it's properly enforced.

11 MR. FOYE: Senator, great issue. As I
12 mentioned before, the single most important thing
13 that any of us can do is wearing a mask and
14 that's especially true on public transit and it's
15 the law of the State of New York. Here's what
16 we've been doing. We've been handing out masks on
17 subways, buses, Long Island Rail Road and Metro-
18 North. We're going to continue to do that. We,
19 Long Island Rail Road personnel and MTA police
20 have masks and will hand them out.

21 We are going to do everything we can and
22 senator, I will tell you, as I mentioned before
23 I'm riding the, in my case, the Port Washington
24 branch every day. And I will report and this is

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2 not scientific but every Long Island Rail Road
3 employee I encounter has got a mask on without
4 exception. And my anecdotal count is about 95
5 percent of the customers that I see riding the
6 Port Washington line in the morning and the
7 evening have masks.

8 Our goal is universal mask compliance,
9 that's the law because of the executive order
10 that the governor required. We've also, senator,
11 as you know, been robustly and systemically and
12 repetitively communicating the importance of
13 wearing a mask on Long Island Rail Road cars as
14 an announcement on every train. There's signage,
15 there's signage in Penn Station, there's signage
16 at Jamaica, there's signage at Atlantic terminal.
17 We're going to keep it up and try to get mask
18 compliance to a universal level, which I realize
19 is probably unrealistic, but I think we're at a
20 very high level and we want to continue that.

21 SENATOR KAMINSKY: Thank you. And I'll
22 just end by saying that I don't have any
23 illusions as to the financial predicament that
24 your agency's in but I think raising the fares on

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2 hard-working Long Islanders who already find it
3 very unaffordable to live here will have the
4 opposite impact in terms of driving up ridership.
5 So I just want to leave you with that and thank
6 you for the work you've done.

7 MR. FOYE: Thank you, senator and I will
8 say no one wants to raise fares on anybody. We
9 may not have a choice and we're acutely aware
10 that many of our customers are experiencing real
11 financial challenges and difficulties and no one
12 looks forward to that. Thank you, senator.

13 ASSEMBLY MEMBER PAULIN: Thank you on
14 the assembly side, Assembly Member Steve Otis.

15 ASSEMBLY MEMBER STEVEN OTIS: Hi,
16 Chairman Foye. Thank you and thank you for your
17 team and your hard work in this crisis. In your
18 opening testimony, you rightly said that the
19 survival of mass transit in New York State is at
20 stake here. But I think survival of mass transit
21 around the country is also at stake. And I'm
22 curious as to what information you have from your
23 colleagues in this industry running public
24 systems around the country are having and how are

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2 they communicating with their representatives in
3 Washington to try and get us to a mass transit
4 solution out of the federal government and that
5 funding that we so desperately need?

6 MR. FOYE: So, Assembly Member Otis,
7 that's an excellent question. We've been in
8 regular contact with our colleagues across the
9 country. As a matter of fact, we organized two or
10 three webinars with colleagues from east and west
11 and north and south, red states and blue states.
12 We did one of those webinars together with
13 Senator Schumer and John Samuelson, the
14 international president of the TWU. We organized
15 others with leaders from Los Angeles, New
16 Orleans, Philadelphia, Austin, agencies all over
17 the country, again red states and blue states. We
18 work with APTA, which is the American Public
19 Transit Association, the trade association, if
20 you will.

21 And we have been comparing notes with
22 our colleagues across the country in terms of the
23 latest in cleaning and disinfecting, customer
24 behavior, et cetera. And that input I think has

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2 been helpful to us. And without being
3 institutionally modest, I think the MTA has led
4 the way on cleaning and disinfecting and frankly
5 advocacy. And I think each of us around the table
6 here, the MTA senior team has been involved in
7 that advocacy and working with our colleagues all
8 over the country.

9 We've also enlisted the help of the
10 business community here in New York, the real
11 estate community here in New York. Obviously, our
12 labor partners, chambers of commerce of each of
13 the five boroughs and done calls, webinars et
14 cetera with business groups throughout the state.

15 ASSEMBLY MEMBER OTIS: Thank you. And
16 you know, everyone in state government and
17 legislature and the governor, we're all pushing
18 as well. We need to get that federal money. There
19 really is no other solution.

20 MR. FOYE: Amen.

21 ASSEMBLY MEMBER PAULIN: Senate.

22 SENATE COUNSEL: Senator Anna Kaplan for
23 three minutes.

24 SENATOR ANNA KAPLAN: Good morning,

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2 chairman, and good morning, Chairman Foye. Thank
3 you so much for coming in today and testifying.
4 I'm sure you've seen the Citizens Budget
5 Commission Report, and yesterday's Newsday cover
6 story that was very critical of the MTA's plan to
7 add 776 positions and \$50 million in overtime
8 during what perhaps is the worst fiscal crisis in
9 the agency's history, as you have mentioned this
10 morning. I share the same sentiment concerning
11 about the increase of payroll costs at a time
12 when we need to be delivering more for less.

13 I'm certainly also very cautious and
14 very concerned about supporting any increase in
15 spending right now if it means we need to raise
16 fares on Long Island commuters. That is simply
17 not something we can bear right now. We need to
18 exhaust every alternative path before resorting
19 to fare hikes.

20 So my question is can you explain why
21 this is a good decision right now and can you
22 explain to me why this is a good decision right
23 now, and can you explain to me the net impact of
24 the management headcount and the labor headcount

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2 at the MTA as a result of this hiring?

3 MR. FOYE: Yeah, the short answer
4 senator, is that the newspaper report was wrong.
5 We are not planning to hire that number of
6 people. There's a hiring freeze in effect. The
7 MTA head count is over 2,000 people fewer than it
8 was a year or so ago. We are engaged in an effort
9 right now to eliminate a 1,000 management,
10 primarily management positions.

11 With respect to the Long Island Rail
12 Road, we have deferred hiring for East Side
13 access. We had in the financial plan and in the
14 Long Island Rail Road budget, there were hires in
15 2020 and 2021, we have delayed those. So the
16 report of the CBC and the newspaper report were
17 inaccurate and we are very focused on reducing
18 headcount further.

19 With respect to a fare increase, I agree
20 with you. Obviously, you know, Port Washington
21 and the area as well as I do. A lot of our
22 neighbors and friends in that area, including the
23 rest of Long Island and the rest of the MTA
24 region are suffering financially. A fare increase

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2 is the last thing they need. It's also the last
3 thing that we want to do.

4 SENATOR KAPLAN: Thank you. I also share
5 the same sentiment that Senator Kaminsky talked
6 about. I have been still receiving a lot of e-
7 mails and calls from my constituents who take the
8 ride and are telling me that they feel
9 uncomfortable, because there are people who are
10 in the trains and not wearing masks and no one is
11 telling them anything.

12 MR. FOYE: Senator, I understand. Our
13 goal is to get to 100 percent mask compliance.
14 We're clearly not there. You know, as someone who
15 rides the Long Island Rail Road every weekday and
16 I'm in Penn Station in the morning and in the
17 evening. Mask compliance is high. It is not
18 universal and we're going to do everything we can
19 on the Long Island Rail Road and Metro-North and
20 subways and buses to get it as high as we can.
21 And that is an ongoing effort. But right, now
22 we're at a very high level.

23 Public health officials report that at a
24 50 or 60 percent mask compliance level and we're

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2 way above that on everyone of our agencies. There
3 are substantial public health benefits and the
4 mask message is one we will continue to drive
5 forward.

6 SENATOR KAPLAN: Thank you.

7 ASSEMBLY MEMBER PAULIN: Thank you. Our
8 next assembly speaker is Ron Kim.

9 ASSEMBLY MEMBER RON KIM: Thank you,
10 Chairwoman Paulin and thank you Chair Foye and
11 your team for your testimony today. How many MTA
12 workers died from COVID-19?

13 MR. FOYE: One hundred and thirty-one.

14 ASSEMBLY MEMBER KIM: One hundred and
15 thirty-one. And do you know how many workers were
16 infected from COVID?

17 MR. FOYE: Assembly member give me a
18 second and I'll come back to you with that. I
19 don't have it at my fingertips.

20 ASSEMBLY MEMBER KIM: Okay. That's fine.
21 Even a rough ballpark of infection rate among the
22 workers would be helpful. Did the MTA conduct any
23 kind of contact tracing for those workers at the
24 time?

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2 MR. FOYE: Well, the answer is we're not
3 a public health agency or a hospital. Our office
4 of health services worked with hospitals and the
5 city and New York on contact tracing. Where
6 clusters were identified, employees were directed
7 to go home, to see their physician and to call
8 into OHS and that was the practice from the
9 earliest days of the pandemic.

10 ASSEMBLY MEMBER KIM: Understood. Do we
11 have a better sense of what caused the spread and
12 infection rate? And the ultimate question is, are
13 we in a better place to provide PPE and prevent
14 the spread among the workers?

15 MR. FOYE: Well, assembly member, we
16 never had a shortage of PPE. I recited the
17 numbers in terms of millions of masks, millions
18 of pairs of gloves and hundreds of thousands of
19 gallons of disinfectant and hand sanitizer. We
20 are hoping there isn't a second wave, but if
21 there is a second wave we have sufficient
22 inventories of PPE for the present and for going
23 forward and orders from reputable suppliers for
24 all the PPE that we need including, being able to

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2 provide it to customers. I ought to note that the
3 city and the state of New York have donated a
4 couple million masks to the MTA, both the city
5 and state for distribution to customers.

6 ASSEMBLY MEMBER KIM: Thank you. Thank
7 you. Just to transition to the finances briefly,
8 I appreciate the external pressures that you're
9 putting on the federal government and rightfully,
10 you should be doing that until we get every cent
11 that we deserve from federal government.

12 Have you looked into borrowing from the
13 Federal Reserve directly? And have you interacted
14 or had discussion within the Federal Reserve in
15 exploring the municipal liquidity facility which
16 was created for the first time this year to for
17 localities in the states to engage directly with
18 the fed?

19 MR. FOYE: So, assembly member, that's
20 an excellent question and I will ask our CFO to
21 tell you what we did last week.

22 MR. BOB FORAN, CHIEF FINANCIAL OFFICER,
23 METROPOLITAN TRANSPORTATION AUTHORITY: Yes, last
24 week we borrowed \$451 million from the municipal

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2 liquidity facility at the Federal Reserve. We
3 received an attractive rate for a three-year
4 obligation of 1.92 percent. We did this in
5 conjunction with a competitive offering to the
6 bond market. Rates there came in significantly
7 higher and as we had arranged ahead of time with
8 the bidders and with the Federal Reserve, we
9 reserved the right to reject higher bids and go
10 directly to the Federal Reserve.

11 So, again, we did borrow last week a
12 three-year obligation at 1.92 percent and saved
13 85 basis points, which over the three-year life
14 translates into almost \$12 million of lower debt
15 service.

16 ASSEMBLY MEMBER KIM: Thank you.

17 MR. FORAN: You're welcome.

18 MR. FOYE: Assembly member, I'll report
19 that 4,224 MTA employees across the agency tested
20 positive and more than 10,500 who were out in
21 quarantine have returned to work, which is great
22 news.

23 ASSEMBLY MEMBER PAULIN: Thank you very
24 much. Senate.

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2 SENATE COUNSEL: Senator Tom O'Mara for
3 three minutes.

4 SENATOR TOM O'MARA: There we go. Good
5 morning Mr. Foye, thank you for testifying here
6 with us today. I do also want to commend you on
7 keeping the train on the track, so to speak,
8 during this pandemic and the amazing efforts that
9 have gone into making that happen from the
10 disinfecting the cars and providing PPE to
11 everybody. I do applaud your efforts. And I
12 certainly, as an upstate member of the
13 legislature, fully understand the importance of
14 the MTA to the New York City metropolitan region
15 as well as the economy of New York State as a
16 whole. In addition to the great jobs that we
17 generate from MTA contracts.

18 And so I am supportive of and in urging
19 the federal congress to come together and provide
20 needed relief. I think we all need to keep in
21 mind that this money is not just sitting in the
22 bank any money that is going to come is borrowed
23 money. It adds to our debt, our national debt.
24 And we need to move forward as wisely as we can.

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2 But I fully understand the need for assistance to
3 New York City MTA as well as I'm sure every
4 metropolitan transportation organization
5 throughout the country.

6 With regards to the capital plan and
7 specifically the upstate manufacturers that
8 provide equipment services to the MTA, there has
9 been a pending MTA contract entitled R262 for
10 more rail cars, of which manufacturers in my
11 district are in play for, namely Alstom in
12 Hornell, who does great work. But also we have a
13 small Bombardier plant in Steuben County and CAF
14 in Chemung County. So these provide tremendous
15 jobs for these contracts.

16 Can you tell me where your priorities
17 are in the capital plan right now as it's on
18 pause? What your priorities will be when you're
19 able to come out of the pause and where R262
20 stands in that process?

21 MR. FOYE: So, senator, let me start and
22 then I'll turn it over to Janno Lieber in a
23 second. First, thank you on behalf of the MTA
24 workforce for your kind words about the work

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2 being done during the pandemic. We're very aware
3 of the importance of the MTA capital plan to the
4 entire State of New York, especially upstate
5 including senator in your district and Senator
6 Kennedy's district and obviously the North
7 Country et cetera. And we're very aware of the
8 concentration of rail car manufacturing or
9 fabrication in your district in particular.

10 Obviously we're not going to talk about
11 pending procurement, but given that the fact that
12 the \$51.5 billion capital plan is on pause right
13 now, that is not good for any manufacturer in the
14 State of New York or that does business for the
15 MTA, and is another critical reason why the
16 federal funding that I described is essential.
17 Janno.

18 MR. LIEBER: Just briefly, in response,
19 the capital program, the 2024 program which
20 includes those rail cars is on pause right now
21 because of the financial issues you have been
22 hearing about. That represents, the model that
23 you referred to, is about half of the rail car
24 procurement projected for subway car procurement

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2 projected for the 2020-24 capital program. So, if
3 we are able to resume it at some time, and it all
4 depends on federal funding, as we have said again
5 and again, but obviously that would be a
6 significant consideration if the capital program
7 is able ever to resume, if the problems are
8 worked out.

9 In the meantime we are meeting with
10 Alstom, to get a sense of their plans for all of
11 their manufacturing facilities and their
12 manufacturing capacity, both the Alstom plants
13 you referred to, but also the Bombardier plants
14 that they're taking over as part of their
15 absorption of the Bombardier rail operation. So
16 we're using the time to become more educated on
17 that partnership, sir.

18 SENATOR O'MARA: Thank you.

19 ASSEMBLY MEMBER PAULIN: Senate? Oh,
20 Assembly, sorry. The next speaker on the Assembly
21 side is Phil Palmesano.

22 ASSEMBLY MEMBER PHIL PALMESANO: Yes,
23 good morning. Good morning Mr. Chairman. Thank
24 you and Senator O'Mara covered some of the things

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2 I might have talked about, given we're from the
3 same region in upstate New York and the
4 background we have with our upstate rail
5 manufacturers. So, a couple questions on a
6 different area though, if I could.

7 One was more specific, if I could ask
8 this question, just out of curiosity. I know on
9 August 18th, the MTA announced that they're going
10 to be resuming front door entry to the buses
11 after five months of only having rear entry. And
12 I know you touched on this a little bit, but how
13 are you going to keep the bus drivers safe once
14 you start charging the fare and the passengers
15 who are currently entering in the back will be
16 entering in the front, where they don't have
17 interaction with the passengers. What steps will
18 be taken to make sure the bus drivers are safe?

19 MR. FOYE: I'm going to ask my colleague
20 Sarah Feinberg, president of the New York City
21 Transit.

22 MS. SARAH FEINBERG, INTERIM PRESIDENT,
23 NEW YORK CITY TRANSIT: Good morning, thank you
24 for the question. So, to answer your question,

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2 I'm actually very proud of the New York City
3 transit bus team. They have come up with an
4 innovative barrier that is being installed on our
5 buses now. It is a hard plastic barrier that
6 basically separates the operator from riders who
7 will be boarding in the front of the bus. And
8 obviously those barriers take some time to
9 install. And so, in the meantime we have
10 temporary barriers that are in place between the
11 operator and the riders.

12 And we've also taken a couple of
13 additional steps. We've moved the white line that
14 you may be familiar with that separates riders
15 from the operator back a bit as well, and
16 obviously continuing our disinfection program.

17 ASSEMBLY MEMBER PALMESANO: Thank you. I
18 have one other question I wanted to ask. Does the
19 MTA currently have emergency preparedness plan
20 for natural disasters, pandemics, right now? Are
21 you required to have one or do you have one in
22 place?

23 MR. FOYE: Short answer, yes.

24 ASSEMBLY MEMBER PALMESANO: And as far

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2 as the protocols that went on with this pandemic,
3 so those plans that you implemented and followed
4 throughout this situation?

5 MR. FOYE: I would say we've followed,
6 implemented and supplemented them and changed and
7 ramped up as we went forward, especially as the
8 science changed. But there was a pandemic plan
9 that was done in 2017, if I recall correctly. The
10 other thing that we are doing as the infection
11 rate has declined in New York State, we're taking
12 advantage of the situation to put in place a plan
13 for a second wave, which we hope and pray does
14 not happen here in New York. But the answer is
15 yes. We have detailed plans on each of those
16 scenarios.

17 ASSEMBLY MEMBER PALMESANO: Thank you.
18 And then one quick question, if I may, I know in
19 the capital plan --

20 MODERATOR: I'm sorry assembly member
21 your time is up.

22 ASSEMBLY MEMBER PAULIN: Senate.

23 SENATE COUNSEL: Senator John Liu for
24 three minutes.

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2 SENATOR KENNEDY: Senator Liu, we can't
3 hear you.

4 SENATOR JOHN LIU: All right thank you
5 very much to our co-chairs for holding this
6 hearing. Pat, thank you for the work you have
7 been doing. It certainly has not been easy. And
8 we faced severe deficits in city government and
9 state government and certainly looking for the
10 federal government to step up. Now, Pat, I'm just
11 trying to, I understand that the MTA needs help.
12 We all need the federal government to understand
13 that this pandemic is a national emergency that
14 requires a national response as we stated.

15 But I'm trying to understand what you're
16 asking for, right. Because you've gotten already
17 \$4 billion, not you the MTA has already gotten
18 \$3.9 billion from the federal government in the
19 first act of CARES Act. And you're saying that
20 the MTA needs another \$12 billion on top of that?
21 I mean the entire State of New York is facing a
22 revenue shortfall of 14 billion, the City of New
23 York depending who you're asking and when you're
24 asking, it ranges anywhere from three to \$9

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2 billion but the MTA needs another \$12 billion?

3 MR. FOYE: Senator, short answer is yes.
4 To be clear, that's for the remainder of 2020 and
5 for the remainder of '21, and for the full year
6 21. The decline in tolls and fares, which is
7 about 50 percent of our revenue and the decline
8 in subsidies that the legislature has put in
9 place have been so dramatic and so precipitous,
10 but that's the amount that we need and Bob would
11 you add anything?

12 MR. FORAN: It's just that. That again,
13 because we're so heavily dependent here at the
14 MTA on fares and tolls, more so than any other
15 transit property, when you have such a
16 precipitous drop in ridership, it hits hard.

17 SENATOR LIU: This is a two-year -- so
18 the \$12 billion is basically a two-year shortfall
19 is what you are saying?

20 MR. FORAN: That's right. And it --

21 SENATOR LIU: You're saying for the rest
22 of 2020 and 2021?

23 MR. FORAN: That is correct, sir.

24 SENATOR LIU: Are you saying that we're

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2 not going to get back to normal before December
3 2021 or January 2022?

4 MR. FORAN: The projections --

5 SENATOR LIU: I mean that's what the \$12
6 million will be on.

7 MR. FORAN: -- the projections that we
8 have, and these are based on studies that were
9 done by McKenzie in the springtime, updated in
10 June, that we are continuing to monitor, because
11 again, nobody knows what the projections really
12 will be. But they are projecting that toll
13 revenues will not get back to close to pre-
14 pandemic until the end of '22 and that fares will
15 not get back to close to pre-pandemic levels
16 until beyond the first quarter of 2023. And it's
17 projecting, and we're looking at it, that the
18 subsidies, dedicated taxes and such, will be weak
19 and below prior levels going into '23 and '24.
20 This is just an extended period.

21 SENATOR LIU: Okay. Well, I mean, I
22 don't know if McKenzie --

23 MODERATOR: Sorry, senator your time is
24 up.

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2 SENATOR LIU: -- [unintelligible]

3 [01:05:53] down also, but the MTA's estimates
4 seem a little bit --

5 MODERATOR: Senator, I'm sorry, your
6 question time is up.

7 SENATOR LIU: Thank you, Ashley.

8 MODERATOR: You're welcome.

9 ASSEMBLY MEMBER PAULIN: So I just want
10 to also announce that we've been joined by Yuh-
11 Line Niou. And we have no other assembly
12 speakers, so I will take the liberty to ask my
13 questions. The first question I have is the
14 payroll mobility tax obligation resolution to
15 establish a new bond credit, the PMT was
16 submitted to the CPRB earlier this year and
17 subsequently withdrawn. Would approval of this
18 resolution be helpful and how much money are we
19 talking about?

20 MR. FORAN: The Payroll Mobility Tax
21 Resolution, we believe will be a high quality
22 credit in the marketplace, a AA perhaps a very
23 strong AA, versus the transportation revenue bond
24 that we have now, which has been the workhorse

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2 for years. It's what we call the fare box bonds.
3 That is what has been downgraded recently, now to
4 the Triple B plus level. Having a high quality
5 credit would be helpful for us and would reduce
6 costs significantly. We believe that it would
7 easily save us well over 1.5 percentage points.

8 ASSEMBLY MEMBER PAULIN: Thank you. The
9 capital projects I know we spent time talking
10 about them. Is there any anticipation of moving
11 some of the 2024 capital projects into the
12 earlier plan and moving the others out, as we did
13 see for cars to LIRR, just for projects that are
14 safety oriented?

15 MR. LIEBER: Well, right now, what we
16 are doing is we have the capital, all of the
17 projects that are ongoing right now are moving
18 forward. And I want to convey to the committees
19 that we kept 500 projects going right through
20 COVID and many have been able to be delivered
21 early because of the additional access to track
22 and outages and so on. So we took advantage of
23 the time. Oh, yeah, very low infection rate of
24 our workforce, so that is a success story that we

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2 can build on.

3 But right now, what we're doing is we're
4 moving forward with the existing projects and the
5 only projects, chair that are going forward in
6 the '20 to '24 program is in-house work and
7 federally funded work, use it or lose it money
8 that comes from the feds. Otherwise, the
9 evaluation of how to re-jigger things and what
10 might be capital program amendments awaits the
11 resolution of our urgent ask for \$12 billion.
12 That's really what we need to know before we
13 start to evaluate how we're going to delay or
14 adjust or retime projects. But the emphasis that
15 we're starting to focus on is making sure that we
16 maintain state of good repair and safety, to your
17 original point.

18 ASSEMBLY MEMBER PAULIN: Thank you. Next
19 question, the MTA's July financial plan doesn't
20 assume any reduction in subsidies from New York
21 City. How much revenue do we get from New York
22 City? And what's our risk there?

23 MR. FORAN: We received what we have in
24 the financial plan is \$1.465 billion, so almost a

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2 billion-and-a-half coming from the city. About
3 560 million of that is subsidies for MTA bus,
4 SIRTOA, and then also station maintenance. We
5 received a little over 500 million in 18B money,
6 the new internet marketplace sales tax and
7 paratransit subsidies. We receive about \$385
8 million of urban tax, and then there's the school
9 aid and things like that, elderly subsidies.
10 Right now, we have no indication that the city is
11 not going to be providing the funds that we are
12 looking for.

13 ASSEMBLY MEMBER PAULIN: Do we
14 anticipate the lower estimate from some of the
15 tax based revenue?

16 MR. FORAN: Yes. We went through and
17 looked at our taxes, and so both taxes coming
18 from the state and taxes coming from the city
19 were part of our reduction through the McKenzie
20 report in lower revenues coming in.

21 ASSEMBLY MEMBER PAULIN: And I do have
22 one last question. Judy griffin, who could not be
23 at the hearing, asked me to ask a question on her
24 behalf, so I'm going to do that. She has two and

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2 I will -- the other, the first question that I
3 won't ask pertains to the 2012 or as you say now,
4 the 2017 former pandemic plans, I wonder if we
5 can get a copy of that, so she can see what that
6 look like. Her question relates to workers acting
7 as a guide to less populated cars. As some of the
8 other members indicate, I'm sure this is true on
9 the subways too. I'm more familiar with Metro-
10 North but the LIRR Metro-North, clearly from this
11 hearing and from my own experience are we have a
12 lot of riders concerned with masks and also
13 populated cars. So could there be an effort on
14 the part of the workers to help riders to move
15 and indicate where they might move to less
16 populated and perhaps more obliging mask wearing
17 ridership?

18 MR. FOYE: So, Chair Paulin, we will get
19 that document that your colleague requested. The
20 answer to her question is yes, and is actually an
21 app developed by the Long Island Rail Road which
22 indicates how crowded train cars are. It works
23 effectively. I check it most mornings. Metro-
24 North is working to develop one as well. And

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2 Sarah, do you want to talk about buses for a
3 second?

4 MS. FEINBERG: Sure, we are, we have an
5 app that I'm blanking on the name of the tool
6 right now, but it's on, it replies to 40 percent
7 of our buses and for those riders who are
8 standing at a bus stop waiting for a bus and
9 trying to make a determination about which bus to
10 choose, we are providing information how busy and
11 how many riders are on that bus at what capacity
12 it's functioning at. So it's not everywhere yet.
13 We would love for it to be everywhere. And I
14 think it will be in the coming years if we can
15 get the money, and if the capital program can get
16 restarted. But eventually, that will give riders
17 all the information they need about the capacity
18 of the approaching, all of the approaching buses.

19 ASSEMBLY MEMBER PAULIN: Thank you. I
20 [unintelligible] [01:13:08].

21 MR. FOYE: And Chair Paulin, for your
22 colleague from Long Island, from the South Shore
23 of Long Island, the Long Island Rail Road app is
24 called Long Island Rail Road train time,

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2 developed by Phil Eng and his talented team at
3 the Long Island Rail Road and that should be
4 helpful to her and her constituents.

5 ASSEMBLY MEMBER PAULIN: Thank you. I
6 now turn it back over to the Senate for the
7 remainder of their questioners.

8 SENATOR O'MARA: If I could interrupt?
9 This is Senator O'Mara. If I could interrupt for
10 one moment, my understanding is that Senator Mike
11 Razz Ranzenhofer is in the waiting room trying to
12 get in for some time now. As the ranker on
13 corporations, I'd like some effort to be made to
14 get him into our group, please.

15 SENATE COUNSEL: Yes, Senator O'Mara,
16 our tech team is working with him, now. Thank
17 you. Senator Sepulveda for three minutes.

18 SENATOR SEPULVEDA: Hi everyone. Can you
19 hear me?

20 SENATOR KENNEDY: Yes, senator.

21 SENATOR SEPULVEDA: I'm sorry about the
22 virtual [unintelligible] [01:14:05] and I am on
23 my way to do a PPE and a food drive, so forgive
24 me for not being in a better location. But I have

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2 two questions and firstly, thank you commissioner
3 and all your staff that are participating in
4 today's hearing.

5 Two questions, I have one of the busiest
6 train stations in the entire city of New York,
7 the Parkchester Train Station I believe is the
8 second busiest station after Yankee Stadium. I
9 have a large disabled population. And my first
10 question is I know we have some disability
11 funding and elevators and so forth making the
12 system more ADA accessible for a plan that goes
13 up to 2034, but I want to make sure whether that
14 plan is going to continue, what we're doing today
15 for people that are disabled to get access and be
16 able to enjoy the system. And then my second
17 question is what are the metrics established to
18 restart service after 1:00 o'clock in the morning
19 for the city?

20 MR. LIEBER: Janno Lieber of MTA
21 construction and development, senator. The 2020-
22 '24 program, which was approved at the beginning
23 of the year contains a historic commitment to
24 make 70 stations ADA accessible and with \$5

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2 billion for that purpose, it's literally double
3 all the money that has been spent to create ADA
4 accessibility in the MTA system since ADA was
5 passed, so it was a huge commitment.

6 Unfortunately like everything we are
7 talking about in the new capital program, it's
8 being paused because of the uncertainty about
9 federal funding, the need for \$12 billion in
10 federal funding to help solve our fiscal crisis.
11 That said, we have advanced aggressively, ADA
12 projects wherever possible. I've opened four new
13 stations just in the last month, completing work
14 there. We have 10 ADA stations in our
15 acceleration program. So we're really
16 prioritizing ADA within the constraints created
17 by this incredible fiscal crisis.

18 MR. FOYE: Senator, with respect to the
19 1:00 a.m. to 5:00 a.m. closures, those were put
20 in place on May 6th, the closure was put in place
21 on May 6th to allow every subway station and
22 subway car to be disinfected. The closure has
23 played a key role in achieving those goals, and
24 as long as the pandemic continues the closure

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2 will continue as well. And I believe you're all
3 aware that we've added a substantial, New York
4 City Transit has added a substantial amount of
5 additional bus service new routes included to
6 serve customers during that time period.

7 SENATOR SEPULVEDA: All right, thank you
8 so much.

9 SENATE COUNSEL: Senator Brad Hoylman
10 for three minutes.

11 SENATOR HOYLMAN: Thank you. Thank you
12 very much. Good to see you, chairman and your
13 colleagues. I completely appreciate the enormous
14 deficit that you're grappling with. I did want to
15 ask about should we have a change in a federal
16 administration in January, how quickly will
17 congestion pricing be online to help alleviate
18 some of that deficit? And how does it change your
19 forecast? I don't know if your \$16 billion
20 deficit includes a plan for congestion pricing?

21 MR. FOYE: So, senator that's an
22 excellent question. I have to start with the
23 following obligation, right, which is that under
24 state law, the proceeds of central business

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2 district tolling are dedicated to the capital
3 plan, Not only are they dedicated to the capital
4 plan, they comprise 30 percent of the funding in
5 \$52 and-a-half billion capital plan.

6 With respect to the question as to how
7 quickly could central business district tolling
8 be liberated from the hold in Washington, I
9 believe that could happen in a fairly short
10 period of time. The paradoxical observation I
11 would make is that congestion pricing is being
12 held purportedly for reasons having to do with an
13 environmental review process. And the reason it's
14 paradoxical to me is central business district
15 tolling congestion pricing, whichever term you
16 like, is a massive environmental good. It funds
17 mass transit. It reduces congestion, it improves
18 air quality. And it achieves goals that I think
19 it's fair to say everybody on this hearing today
20 believes in.

21 SENATOR HOYLMAN: So, could it be in
22 place next year?

23 MR. FOYE: I think next year is a
24 possibility, but certainly the hold that has

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2 existed, senator, since April of 2019 when the
3 legislature passed it, we had our first meeting
4 some of you are aware, 10 or 14-days later, us
5 being me and a team from the MTA and Commissioner
6 Trottenberg and a team from New York City DOT and
7 certainly a new look at it would, I believe
8 accelerate the process greatly.

9 SENATOR HOYLMAN: Thank you. Second
10 quick question, which is your deep cleaning that
11 happens in your off hours. Are you changing your
12 strategy, given CDC guidance or perhaps your own
13 epidemiologists who are saying that transmission
14 on surfaces is less of a concern than as you say,
15 folks wearing masks? And will there be a cost
16 savings if you did not engage in deep cleaning
17 every night?

18 MS. FEINBERG: Hi, senator, it's Sarah
19 Feinberg. Good to see you.

20 SENATOR HOYLMAN: Nice to see you.

21 MS. FEINBERG: So, to answer your
22 question we have taken an all of the above
23 approach to cleaning. So we've certainly focused
24 on disinfecting the cars and stations multiple

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2 times a day. But we've also, for months now,
3 taken this approach that we should be focused on
4 anything that could spread the virus. And so
5 we've been doing work with a pilot program with
6 UV technology that kills the virus. We've made
7 sure that we are focused on air filtration
8 systems and our air filters. So I am slightly
9 hesitant to suddenly take the CDC's word on the
10 fact that the virus is spread by aerosol as
11 opposed to touch points, because there's a lack
12 of trust at the moment. But that's why we've
13 focused on all of the above. So we want to make
14 sure that however the advice and the science
15 changes in the coming weeks and months, we've
16 been on it every way that we possibly can be.

17 SENATOR HOYLMAN: Thank you.

18 SENATE COUNSEL: Senator Jessica Ramos
19 for three minutes.

20 SENATOR JESSICA RAMOS: Hi. Good
21 morning.

22 MR. FOYE: Good morning, senator.

23 SENATOR RAMOS: So I have several
24 questions, the first being I filed a FOIL request

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2 on May 7th about the contracts awarded to private
3 contractors who are hiring more younger immigrant
4 workers to clean the MTA subways late at night.

5 Is the information available as to who these
6 private contracts are and what the contracts look
7 like?

8 MR. FOYE: So, senator I wasn't aware
9 you filed a FOIL. I don't think there's any
10 reason that we couldn't come back to you promptly
11 with the names of the contractors. I don't have
12 them at my fingertips and I don't think anybody
13 here in the room does.

14 SENATOR RAMOS: Okay. Thank you. Bridge
15 and tunnel workers, I understand that over 150 of
16 them were reassigned to offer masks and escort
17 people off the subway for not wearing masks. Are
18 they being used? How is that working out?

19 MR. FOYE: Yeah, senator, bridge and
20 tunnel officers have been redeployed to the
21 subways to help with this distribution of masks.
22 I'm not aware that bridge and tunnel officers
23 have been escorting anybody off the subway. And
24 they have been supplementing the -- Sarah.

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2 MS. FEINBERG: I didn't mean to
3 interrupt. I'm sorry.

4 MR. FOYE: Please.

5 MS. FEINBERG: I just meant I'll go
6 next. They're actually on our buses. I think they
7 have been in our subway system but they are on
8 our buses as well.

9 SENATOR RAMOS: Have any NYPD officers
10 been instructed to carry out the same task?

11 MS. FEINBERG: Well, we don't instruct
12 NYPD officers, so I would have to send you to the
13 city for that.

14 SENATOR RAMOS: Any other law
15 enforcement?

16 MS. FEINBERG: Well, we have MTA police
17 who are in the system and we also have security
18 contractors who are in the system. They're
19 generally offering masks to anyone who doesn't
20 have a mask available and suggesting that they go
21 to a booth or take a mask from the mask
22 dispensary that's on the bus.

23 SENATOR RAMOS: Okay. Thank you. Janno,
24 the last time we saw each other, you said you'd

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2 take some steps to get rid of the premiums on
3 contracts, and like the most troublesome we have
4 heard from contractors being the one-sided
5 conflict resolutions. Have you taken steps to
6 remedy this issue?

7 MR. LIBER: Yes. Actually, the conflict
8 resolution provision that you are referring to
9 has actually been changed. And the standard forms
10 of contract have a third party resolution process
11 that doesn't keep, make the MTA the sole decision
12 maker which was something that created both
13 frustration and also cost escalation for
14 contracts. And we're doing a lot of things that I
15 am I've talked about to improve competition.

16 SENATOR RAMOS: All right, I need to
17 stop you because I have only a few seconds and I
18 have a question for Ms. Feinberg, which is what
19 are you doing to fix the broken machines to
20 refill the MTA cards? Are we going to fix them or
21 ask people to walk to the next station forever?

22 MS. FEINBERG: So, if you are referring
23 to the system wide outage that we had, I think
24 two weekends ago now, we've continued to

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2 investigate why that happened. It seemed to have
3 happened after we did a software update and the
4 MVM machines across the system were out.

5 More typically we have an outage because
6 we have a machine that's been vandalized that
7 happens dozens of times everyday but that's a one
8 off. Sometimes we have a machine that's down.
9 Again, it's a one off because it's a mechanical
10 failure. So this is a constant issue that we're
11 dealing with.

12 SENATOR ROMAS: Thank you.

13 SENATE COUNSEL: We have Senator
14 Gounardes does he wish to be recognized, please
15 raise your hand. Next is Senator John Liu for
16 three minutes.

17 ASSEMBLY MEMBER PAULIN: I'm going to
18 say, we're not allowing second rounds.

19 SENATOR COMRIE: Yes, we are. Yes, we
20 are. And Senator, Ranzenhofer did he have any
21 questions, he's a ranker? Did he get in?

22 SENATE COUNSEL: Yes, he is in. senator.

23 SENATOR COMRIE: Okay. Well, let's let,
24 if he wants to ask a question he can ask. Senator

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2 Ranzenhofer are you there? No? All right, Senator
3 Liu?

4 SENATOR LIU: I'm here. Thank you Mr.
5 Chairman.

6 SENATOR COMRIE: Senator Ranzenhofer,
7 okay, you there, do you have questions, senator?

8 SENATOR MICHAEL RANZENHOFER: I do.

9 SENATOR COMRIE: You can go ahead now,
10 sir.

11 SENATOR RANZENHOFER: Okay. Well, thank
12 you. Well, Mr. Foye listening to your testimony
13 and riding from Port Washington, you talk about
14 the rate of compliance with masks. I am very far
15 away from the MTA system but do talk to quite a
16 few people that live down there, and the constant
17 complaint that I have, as was talked about
18 Senator Kaminsky, is people that you want to ride
19 the mass transit system are simply not doing it
20 because they don't feel that the mask compliance
21 is adequate and they're not going to put
22 themselves at risk. So unless something is done
23 along those lines, you're going to continue to
24 have the problems that you have now. And that is

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2 that people want to ride the system, or willing
3 to ride the system are not going to do it because
4 you're very lax in the way that the enforcement
5 of the mask policy is taking place.

6 MR. FOYE: So, senator, empirically, the
7 Long Island Rail Road team reports that mask
8 compliance among employees is universal and mask
9 compliance among customers is very high. Having
10 said that, because masks are so important, all
11 public health officials agree on that, A and B,
12 because it's the law of the State of New York as
13 a result of Governor Cuomo's executive order, we
14 are focused on increasing mask compliance.

15 On the Long Island Rail Road, as at the
16 other agencies, masks are being distributed.
17 There are PPE vending machines in Penn Station,
18 for instance. And the Long Island Rail Road crews
19 have masks available to customers that don't have
20 them.

21 And not empirically but anecdotally, my
22 experience on the Long Island Rail Road talking
23 to friends and colleagues, but more importantly,
24 talking to Phil Eng and his team at Long Island

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2 Rail Road, is that mask compliance, as it is on
3 subways and buses is very high.

4 We are robustly and systemically and
5 repetitively messaging that on train
6 announcements, materials in stations, materials
7 on Long Island Rail Road trains and our goal is
8 to drive already high mask compliance to higher
9 levels.

10 SENATOR RANZENHODER: I understand that
11 but, simply trying to do it and then successfully
12 doing it are two different things. I mean we also
13 know that you're not allowed to have large
14 gatherings and you hear reports from time to
15 time, of young people especially, getting
16 together in groups of 100, 200, 300, the law of
17 the state is not you are not allowed to do it,
18 you're not allowed to have mass gatherings, you
19 have to be wearing masks and people don't.

20 The same applies to the mass transit
21 system. Simply because it's the law, and the
22 issue is really not with employees. The issue is
23 with fellow passengers just not abiding by it and
24 it makes people uncomfortable. So until you solve

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2 that problem, notwithstanding the fact you may
3 have a high compliance rate, until it's better,
4 you're not going to increase the number of people
5 that feel comfortable riding your system.

6 MR. FOYE: Well, senator, our goal is to
7 drive it 100 percent. I would suggest that when
8 you talk to your friends and colleagues on Long
9 Island, one thing you may want to refer them to
10 is the Long Island train time app, which does
11 provide information on the number of passengers
12 on a particular car, which I think may be useful
13 information and obviously, there's
14 [unintelligible] [01:29:49] of self-help that can
15 be exercised here, which if you see a passenger
16 with a mask on the first train car it's possible
17 to move to the second and the Long Island Rail
18 Road train app gives our customers the data and
19 the power to do that.

20 SENATOR RANZENHOFER: No, I understand
21 that and the people that I do talk to are using
22 that and they're moving again and they're moving
23 again and they're moving again and they're moving
24 again. And they don't like it. But, you know,

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2 just reporting an observation of what I'm seeing
3 and hopefully you will take that under advisement
4 and hope to improve it even more than where you
5 right now. So, thank you very much.

6 MR. FOYE: Senator, thank you for the
7 comments. I can assure you that mask compliance
8 is a focus at every one of the agencies including
9 the Long Island Rail Road. They were already
10 high, we want to drive it higher and I thank you
11 for the comments.

12 SENATOR RANZENHOFER: Thank you.

13 SENATE COUNSEL: Senator Gustavo Rivera
14 for three minutes.

15 SENATOR COMRIE: Can you go to Liu and
16 O'Mara first. Rivera is on a call.

17 SENATE COUNSEL: Yes, senator. Senator
18 John Liu.

19 SENATOR LIU: Yeah, I'm trying to get
20 on.

21 SENATOR COMRIE: We can hear you.

22 SENATOR LIU: We can hear you.

23 SENATE COUNSEL: Three minutes.

24 SENATOR LIU: All right. There we go.

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2 All right, just continuing on my questioning from
3 the first round. This \$12 billion request from
4 the federal government, again that's on top of
5 the \$4 billion that the MTA has already gotten.
6 Still trying to understand where that number
7 comes from. There's been cites of 16 billion of
8 12 billion and also where the \$2.7 billion in
9 extraordinary expenditures have gone to?

10 MR. FORAN: Well, first, in terms of the
11 \$16 billion deficits that the chairman mentioned,
12 this year we're still projecting a \$3.2 billion
13 deficit. Next year it is a \$5.2 billion deficit.
14 It is a \$3.8 billion deficit in 2022. The
15 projection is \$1.8 billion deficit in 2023 and \$2
16 billion deficit in 2024. That is over the period
17 between '20 and 2024.

18 SENATOR LIU: Bob, and that is after the
19 \$3.9 billion have covered the current shortfall?

20 MR. FORAN: Yes, that's it. The \$3.2
21 billion deficit is after we got the \$3.9 billion
22 from the CARES Act. So, the 12 billion that we
23 now made the request for, that is the loss that
24 we suffered from the COVID pandemic from 2020-

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2 2021. And it also includes the billion dollars
3 that we have not received that we expected to
4 receive in 2021 from congestion pricing.

5 Remember that was supposed to go into
6 effect, beginning of 2021 and we are not
7 receiving that because of the inaction of
8 Washington in approving it.

9 SENATOR LIU: Look, I mean, I want the
10 MTA to get the full funding, I think we all do.
11 We also need the federal government again, for
12 city and state funding. But we also have to be
13 realistic about the MTA's numbers here, right.
14 You're basically saying the MTA has gotten \$3.9
15 billion and is expecting another \$3.5 billion of
16 deficit just on top of that just in 2020. That's
17 almost \$8 billion of deficit, \$7.5 billion of
18 deficit. And it's largely because people have
19 stopped riding the subways and buses. They
20 haven't been paying fares for months now, but the
21 total fare revenue for the entire year is only
22 about a little more than \$6 billion.

23 So I'm just not sure where the MTA's
24 coming up with the numbers. You also state that

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2 there hasn't been a whole lot of hiring on top of
3 current workforce, there has been overtime, but
4 the overtime is in the tens of millions not
5 hundreds or even billions. So where do you get
6 the numbers from? And we need that. And
7 ultimately, the federal government needs to be
8 able to believe the numbers as well.

9 MR. FORAN: The numbers are the numbers.
10 They are in our financial plan.

11 SENATOR LIU: The numbers don't seem to
12 be the numbers.

13 MR. FORAN: Well, I'm sorry senator but
14 the numbers are the numbers. And again, we've
15 been discussing --

16 SENATOR LIU: How does the MTA get into
17 a \$7.5 billion operating deficit just for this
18 year, when the total payroll costs, I'm sorry,
19 the total fare revenue is only \$6 billion. Even
20 if you lost all of the revenue for this year,
21 which you haven't, it doesn't add up to \$7.5
22 billion.

23 MR. FORAN: The amount of money that we
24 lost in terms of fares and tolls from the

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2 pandemic \$5.3 billion in 2020. That is the
3 projected loss this year. The subsidies that we
4 are projecting to lose of \$1.7 billion, an
5 additional \$750 million of costs we were
6 projecting. That's a total this year of \$7.8
7 billion, 45 percent of our budget that we had in
8 February has either been lost or increased costs.
9 So that is striking. The \$4 billion that we
10 received, 3.9 plus a little bit of change that
11 came in from another source, still left us with a
12 \$3.8 billion hole created by the pandemic for
13 this year.

14 We found some other money that we think
15 can reduce our deficit this year down to 3.2, but
16 when you look at next year we are still
17 projecting \$3.9 billion in fare and toll losses,
18 almost \$2 billion in subsidies, again, high
19 operating costs because of the pandemic, so about
20 \$6.6 billion because of the pandemic.

21 So, if you take the total losses caused
22 by this pandemic over just the two years, it was
23 \$14.3 billion. That is 41 percent of the combined
24 two-year budget. That's staggering. So even with

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2 the \$3.94 billion that we received from CARES,
3 we're still in the hole because of this pandemic
4 \$10.3 billion between '20 and '21. And that is
5 just for these two years. It doesn't include the
6 losses projected going out. So yes, they are
7 staggering, staggering numbers.

8 SENATOR LIU: Thank you. No one
9 questions that.

10 SENATE COUNSEL: Senator Tom O'Mara.

11 SENATOR COMRIE: Senator O'Mara I
12 believe is next.

13 STATE COUNSEL: For the final round.
14 This is the last senator.

15 SENATOR COMRIE: Senator O'Mara and then
16 Senator Rivera.

17 SENATOR O'MARA: Yeah, just turning on.
18 Thank you. Again, just following up on Senator
19 Liu's questioning, because that does raise a lot
20 of issues with me. I was under the impression
21 that the \$12 billion was for this year. But
22 you're saying that goes out through 2021. The
23 numbers and the years you're talking about, is
24 that based on a calendar year? Or a fiscal year?

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2 MR. FOYE: Senator, calendar year. We're
3 a calendar year company.

4 SENATOR O'MARA: With the pending
5 presidential election, and what could come with
6 significant changes both in the presidency, but
7 also in Congress, wouldn't it be making more
8 sense to making a request to get you through
9 January of 2021 and what would that number be?

10 MR. FORAN: We are losing about \$200
11 million a week, okay. So we've got 17 weeks left
12 in this year. That roughly is about \$3.4 billion
13 that we would need just to get us through the end
14 of this year. We don't have unlimited reserves.
15 We cannot continue to spend money unless we have
16 assurance that we're going to receive this
17 federal support. So that is why we are asking for
18 the \$12 billion for this year and for next year
19 so that we don't run off a cliff beginning in
20 January.

21 MR. FOYE: Senator, additionally, our
22 board has to act at the November board meeting
23 with respect to the November financial plan,
24 which is in effect the budget for 2021 and

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2 beyond. Our board is going to have to make
3 decisions based on the data available to them at
4 the time would be point one. Point two, given the
5 size and scale of the MTA and the fact that we're
6 losing \$200 million a week, doing this on a month
7 by month basis I believe is unwise, and would put
8 a critical state agency at risk. I have no
9 visibility into the outcome of the Washington
10 elections at a national level or on a state by
11 state level, but that is not a risk it seems is
12 prudent for the MTA to take.

13 SENATOR O'MAAR: Well, I would, you
14 know, we have not seen anything from the federal
15 government that's been more than three or four
16 months at maximum. So I think it's unrealistic to
17 be thinking you're going to get you a figure that
18 is going to get you through 2021, certainly with
19 a lot of unknowns. We just simply don't know.
20 We're working on projections, and as we've all
21 seen projections around this pandemic have varied
22 widely and changed frequently.

23 So you know, I think we should be making
24 more reasonable requests of the federal

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2 government, since again, I'll say all this
3 funding is going to be added debt to the federal
4 government. They're not pulling it out of their
5 pocket, just as New York State doesn't have the
6 resources.

7 The only benefit the federal government
8 has is frankly they can print money. But that
9 doesn't do our nation any good in the long run.
10 But I would just ask you to be a little more
11 finite in the requests you have for what we're
12 looking for. Maybe a little more realistic on
13 what we can hope to get. Thank you.

14 Mr. FOYE: Senator, I would make two
15 comments in response. One is, you're right the
16 pandemic has been unpredictable and has surprised
17 the nation and the world. I would note that most
18 of those unpredictable outcomes have been
19 negative and the virus is an unpredictable enemy.

20 The other thing is being candid with
21 state legislators and policymakers, such as
22 yourselves, with elected officials, with our
23 customers and the federal government, we believe
24 the right thing to do is to ask for \$12 billion

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2 to get us through the remainder of the year and
3 into 2021. And I'm not aware of any state or
4 other agency that is making an ask on a month-by-
5 month basis and I don't think it would be wise. I
6 think it would be unwise for the MTA to do that.
7 But thank you for your comments.

8 ASSEMBLY MEMBER PAULIN: Does the senate
9 have any other questioners.

10 SENATE COUNSEL: Senator Gustavo Rivera
11 for three minutes.

12 SENATOR RIVERA: Thank you, it will be
13 much quicker than that. This is actually for Ms.
14 Feinberg. Thank you all for your testimony today.
15 I just have two quick questions. First, what is
16 the name of the app that is being used to track
17 how many people are on buses? Could you tell us
18 that again please.

19 MS. FEINBERG: It's the bus time tool in
20 our appl.

21 SENATOR RIVERA: The bus time tool. And
22 as far as the Bronx is concerned, were there
23 particular bus routes where that were assigned to
24 particular -- are there routes where this was

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2 assigned specifically for in the Bronx? Or how
3 does it work as far as routes?

4 MS. FEINBERG: It's actually bus by bus,
5 not route by route but I'm happy to share
6 relevant information to you for your district.

7 SENATOR RIVERA: Got you. So don't have
8 them right now, what -- so it's regards, so buses
9 can go from route to route?

10 MS. FEINBERG: So the way we track this
11 information is through APPs which are on about 40
12 percent of our buses. And so I can't tell you off
13 the top of my head which buses they're on.

14 SENATOR RIVERA: Got you.

15 MS. FEINBERG: But we're happy to share
16 it with you and we're trying to put them on more
17 buses at all times.

18 SENATOR RIVERA: Okay. Just hoping that
19 is for high traffic areas, like Fordham Road,
20 places like that that have a lot of people in
21 them, obviously, it would be most useful in those
22 areas. Thank you Mr. Chairman. Thank you, Ms.
23 Feinberg.

24 SENATE COUNSEL: That concludes the list

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2 Senator Kennedy, Senator Comrie?

3 ASSEMBLY MEMBER PAULIN: That's it.

4 Thank you so much, I see no other hands raised,
5 for testifying today. We really appreciate your -
6 -

7 SENATOR COMRIE: Chairman, I haven't
8 asked my questions yet.

9 ASSEMBLY MEMBER PAULIN: Oh, sorry,
10 senator. Yeah.

11 SENATOR COMRIE: I appreciate that. But
12 I do want to thank the MTA for being here today.
13 And I appreciate you taking the questions from
14 the members, and we still have a lot of other
15 questions to ask you. Number one, just following
16 up on the question that Senator Kaplan asked
17 regarding the hiring in effect. Can you explain
18 how they got it wrong since in the July plan,
19 there was July financial plan, it still says that
20 you're hiring 776 people. And can you break that
21 down and explain to us exactly what that means?

22 MR. FOYE: Yeah, senator, the July
23 financial plan won't be formally amended until
24 November and we have hired fewer people than were

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2 budgeted for and we are down 2,000 people,
3 compared to beginning of the year.

4 SENATOR COMRIE: So, in other words
5 you're saying that the hiring is not going to
6 happen and you don't need to fill any positions
7 at all at this particular time?

8 MR. FOYE: No, I'm not saying that,
9 senator. There are certain, for instance,
10 positions for bus operators that need to be
11 filled but we have a hiring freeze in effect,
12 except with respect to operating positions or
13 positions involving safety or public health. And
14 one of the disciplines that we have put in place
15 is to be rigorous in not hiring unless absolutely
16 necessary and that's why the number of actual
17 people on the payroll is down 2,000. And that
18 discipline is going to continue, and for example,
19 the assumption was that we'd be hiring for East
20 Side Access which will be completed in 2020 and
21 we have deferred that hiring and will continue to
22 defer it. To be clear, these are not construction
23 positions. These are Long Island Rail Road
24 positions that would be staffing the East Side

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2 Access terminal when it opens.

3 SENATOR COMRIE: Okay. Thank you. And I
4 just want to continue to highlight the hiring and
5 actually the transparency piece. I want to
6 congratulate Sarah Feinberg on her realization
7 that there was not enough transparency, as far as
8 who has been working at the MTA and can you kind
9 of expound where we are on that? Have you been
10 able to discern and get the transparency, to
11 understand who is actually working there?

12 MS. FEINBERG: Good morning, senator. We
13 are well into our project of trying to develop a
14 tool that allows us to see all employees and all
15 of their contact information and their reporting
16 structure in real time. And the focus for this, I
17 think is, as we head into what could potentially
18 be another surge or a second wave of the
19 pandemic, the most important thing in my mind is
20 making sure that I can reach employees at,
21 whether it's their cell phone or their home to
22 let them know that they've been quarantined or
23 possibly exposed or be able to reach their family
24 members or ask them to get, you know, suggest

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2 they get tested as quickly as possible. So we're
3 well into that.

4 SENATOR COMRIE: I was bringing that
5 actually around to the point of what their total
6 staff is and whether there can be redundancies
7 that are eliminated. You talked about saving \$3.5
8 billion in internal savings. Can you go into
9 detail as to what that would be and where you
10 think that \$3.5 billion will be coming from?

11 MS. FEINBERG: I'm happy to take the
12 question. I think you may also want to hear from
13 Chairman Foye, but I'm happy to start.

14 SENATOR COMRIE: Yes, this to everybody,
15 I'm sorry.

16 MS. FEINBERG: Okay. Got it. I don't
17 know how many savings we will be able to realize
18 just from the process of compiling all the
19 employee information, but undoubtedly there'll be
20 some savings there I'm sure. But inevitably, the
21 savings that we've compiled in our efforts to
22 bring savings to the table as every agency has
23 done, it mostly involves wear can we make
24 internal cuts, are there places where we were

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2 getting by with something and we're going to have
3 to get by on less. So, overtime certainly is
4 something that we're looking at, real estate is
5 something we are looking at, office space.
6 Obviously, the last thing that we want to do is
7 get to a point where we are impacting service or
8 impacting our workforce.

9 And so, I mean of the 3.5 billion in
10 internal cuts, I'm sure we're willing to share
11 more, but it's basically, as you can imagine,
12 cutting everywhere that you possibly can before
13 you get to layoffs, furloughs and service cuts.

14 SENATOR COMRIE: Well, we'd like to see
15 the details on that as soon as possible. I'm
16 going to just be respectful of time and ask a few
17 other questions in a bundle. I do want to get a
18 list of all the emergency contracts that have
19 been put out with COVID as the earlier senator
20 had asked, Senator Ramos, we wanted to find out
21 how these contracts were let and who they were
22 let to. I wanted to get an understanding if
23 there's been an update on the debarment issue
24 that a lot of contractors were concerned about as

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2 well. The issues of dealing with and how we ask
3 the federal government for money, Senator Liu and
4 Senator O'Mara brought up salient points about
5 what we actually need and now how we can be most
6 effective in getting that money. We would really
7 need to want to help you on that, but we need to
8 be clearer on that. It did not come out -- it was
9 very muddy today as to trying to figure that out.

10 But my final question is and we have
11 other questions that we have to send you, the
12 capital plan, the current capital plan right now,
13 what are the, what's going to, you talked about
14 making sure the third track and other work is
15 being done. Can you give us the status where you
16 are with your current capital plan that has
17 already been funded and do you have all the money
18 to complete that plan?

19 MR. LIEBER: The projects that are
20 underway, the projects underway where there is --
21 there are contracts that have been committed to
22 and projects that have been committed to are
23 continuing with no slow down or hiccups. So the
24 key is if there is, and the vast majority of the

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2 '15 to '19 program was committed to and was
3 underway before COVID hit.

4 But there are some '15 to '19 capital
5 plan projects that were not committed to before
6 the COVID crisis hit and we have placed those
7 predominantly on pause, as well as the '20 to '24
8 program. The exception, as I said earlier is in-
9 house work where we use our own forces and we
10 have to pay them one way or the other, so we
11 should move that work forward. And federally
12 funded projects, which are we call use it or lose
13 it funds. Otherwise, everything is on hold that
14 hasn't been committed to.

15 SENATOR COMRIE: Thank you. And then
16 just an employee question, we've gotten
17 complaints from employees that they haven't been
18 able to get masks or PPE when they have asked for
19 it. Is there a process in place to ensure that
20 every person across the MTA system can get PPE
21 when they need it.

22 MR. FOYE: Yeah, senator, as I
23 mentioned, we have distributed since March 1st,
24 millions and millions of masks, well over eight

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2 million pairs of gloves, disinfectant, hand
3 sanitizer.

4 SENATOR COMRIE: I heard that part, but
5 the question is if a person that shows up to work
6 and they don't have their equipment, can they get
7 equipment that day? Or is there a limit how much
8 equipment a person can get each week? Or how is
9 that breaking down?

10 MS. FEINBERG: Senator, I can take the
11 question as it pertains to transit. I mean we
12 have directed and asked of our employees anytime
13 that you show up at work and you feel like you do
14 not have adequate PPE, raise your hand, tell your
15 manager and you will get it.

16 SENATOR COMRIE: Will that work for the
17 Metro-North and Long Island Rail Road too?
18 Because we've gotten complaints from members, I'm
19 looking at, there's letters and testimony from
20 Metro-North and Long Island Rail Road. Is that
21 the same policy?

22 MR. FOYE: Yes, senator.

23 SENATOR COMRIE: Okay. Thank you. I know
24 I'm over time. I want to thank you all. We have

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2 plenty of other questions that we want to submit.
3 We hope to hear more from you. I know that you
4 have a special hearing tomorrow before your
5 board, can you give us some kind of idea what you
6 are going to talk about tomorrow?

7 MR. FOYE: Yes, senator, I expect we'll
8 explore a lot of issues of these same issues as I
9 mentioned. No resolution will be put to the board
10 for action, no vote will be taken. It is a
11 further discussion of the A, the desperate need
12 for federal funding, \$12 billion to cover losses
13 through the remainder of 2020 and the full year
14 2021 and actions that may have to be taken, which
15 I outlined earlier. No decision will be made. And
16 we'll be reporting, as Bob did today, on the
17 financial situation of the MTA.

18 SENATOR COMRIE: Thank you. To the
19 members or anybody watching, my cell phone died,
20 so if you're trying to text me right now, you
21 can't get through. But I just want to thank the
22 MTA for being here. And we still have a lot of
23 questions. I do have some concerns and some
24 disagreements with some of the statements

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2 regarding the accessibility and I hope that we
3 can get all of that resolved, as far as we have
4 constituents that are complaining from the Long
5 Island Rail Road and the Metro-North that the
6 sanitizers are not available at the stations and
7 when you hit the machine a lot. I understand
8 there's a lot of challenges to making all this
9 happen and I hope that we can all work together
10 in the spirit of cooperation and outreach to make
11 that happen.

12 I want to thank my co-chairs for this.
13 We do have other folks to hear from today, but I
14 wanted to just close out my end of the MTA, and
15 say I look forward to working with you to try to
16 get whatever we can from the federal government.
17 Hopefully there will be a federal government
18 that's more favorable next year, but we still to
19 have fight this year to get whatever we can
20 because the need is just that real. Thank you
21 very much. And I'll turn it over to my co-chairs
22 for final statements on the MTA. Thank you.

23 SENATOR KENNEDY: Yeah, thank you,
24 Chairman Comrie. And again, thank you to you,

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2 Chairman Foye and to Bob Foran, Janno Lieber and
3 of course, Sarah Feinberg. We appreciate you
4 being here and answering these questions
5 extensively. We look forward to our continued
6 work together. We all have a lot of work to do,
7 we are just warming up. Thank you.

8 MR. FOYE: Thank you all very much for
9 the opportunity.

10 ASSEMBLY MEMBER PAULIN: Thank you. Our
11 next panel --

12 SENATOR COMRIE: You muted yourself.

13 ASSEMBLY MEMBER PAULIN: Yeah, I know.
14 Our next panel, oops, that's why I did it, our
15 next panel is panel two. We have Anthony Utano,
16 Robert Kelley, Anthony Simon, Jose DeJesus, Mark
17 Henry and Ed Valenti. And do they have an order
18 of preference? I understand that Mark Henry had a
19 family emergency. We hope he's okay. So he will
20 not be participating.

21 MR. ANTHONY UTANO, PRESIDENT, TRANSPORT
22 WORKERS LOCAL 100: I guess I'll go first.
23 They're all muted so I get first shot. It doesn't
24 matter.

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2 SENATOR KENNEDY: Go ahead, tony.

3 MR. UTANO: Good.

4 SENATOR KENNEDY: Good morning.

5 MR. UTANO: Good morning. Different
6 screen here now. Can I start? You guys can hear
7 me okay?

8 SENATOR KENNEDY: We sure can.

9 SENATOR COMRIE: Yes, we can hear you.

10 SENATOR KENNEDY: You sound great, you
11 look great. Go for it.

12 SENATOR COMRIE: Yes.

13 Mr. UTANO: Okay. So my name is Tony
14 Utano. I'm the president of Transport Workers
15 Union Local 100, the union that moves New York.
16 We represent more than 46,000 workers in the
17 transport patient section, nearly 40,000 of these
18 workers operate, maintain and clean the city's
19 subway and bus systems for the MTA. We also
20 represent workers at private bus companies,
21 including Liberty Line Transit in Westchester
22 County, also at New York Waterway, the school bus
23 and tour bus industries.

24 I want to thank the members of these

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2 important committees for bringing the worker's
3 perspective to the issue at hand, the impact of
4 the pandemic on the MTA, including its workforce,
5 infrastructures and finances.

6 Before I go any further, I would also
7 like to thank the members of these committees for
8 enacting the accidental death benefit legislation
9 for the beneficiaries of the essential public
10 sectors workers who lost their lives to COVID-19.
11 This sent a powerful message to those who are
12 carrying the fight against this disease that you
13 have their backs.

14 As I stated in official announcement of
15 this hearing at this time, as I state, 131 MTA
16 workers have died of the virus. The majority of
17 them were members of the TW local 100, the
18 remainder were members of the Amalgamated Transit
19 Union and other unions. No one at New York City
20 transit was immune. But these are just numbers
21 and they don't tell the story of who these
22 wonderful people were, the vital jobs they did in
23 the fight against this pandemic and, of course,
24 the important lives they lived outside of their

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2 jobs as transit workers.

3 Some were relatively new to the job and
4 some had more than 35 years of service. They were
5 from every department and transit, buses,
6 subways, stations, car equipment, bus
7 maintenance, cleaners, track workers, single
8 structures and power, almost all were loving
9 parents and heads of household.

10 One was an immigrant from the Dominican
11 Republic who served his adoptive country in the
12 United States army. He was just 41 years old and
13 left a grieving wife and young son. Another was
14 an Egyptian, an immigrant from Egypt who had
15 worked in the oilfields of Saudi Arabia. After
16 his expenses, he sent every dime he made back to
17 his wife and three children in Egypt. It was his
18 dream to bring them all to America. One was an
19 author of popular fast-paced fiction novels,
20 another was a deep sea diver, another a beloved
21 pastor of an AME church in Brooklyn. And yet
22 another was so beloved by his passengers in the
23 Bronx that some burst into tears when they were
24 told their favorite bus operator had died of

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2 coronavirus.

3 Three of our lost brothers were elected
4 officers of local 100, who got sick while
5 representing their coworkers in the subways. Many
6 other union officers got sick as well, but were
7 lucky enough to survive. One of them is here with
8 me today. He's elected chair of a major division
9 within local 100. He's Robert Kelley, the chair
10 of station division, which represents thousands
11 of station agents, collectors, railroad stock
12 workers, way finders and cleaners. I would ask
13 that he be given the opportunity to say a few
14 words after I'm done with this testimony.

15 It is truly hard to describe the loss
16 felt by the families and by the coworkers left
17 behind in the depots, in the shops, in the barns
18 and in the crew quarters. Yet transit workers did
19 their jobs every day, 24 hours a day, seven days
20 a week during the darkest hours of the pandemic.
21 They continue to do it today as the dangers have
22 subsided, but still remain ever present.

23 There is much blame to go around for
24 what has happened to us here in New York and

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2 across the country. We see the blame game playing
3 out every day in the media. It is the central
4 debate of the presidential race. It is my opinion
5 that no one was ready for this crisis, not
6 Washington, not Albany, not city hall, and
7 certainly not the MTA.

8 The MTA's response in the first days of
9 the crisis was to dust off an eight-year-old
10 pandemic operating plan written after the Ebola
11 scare of 2012. And by the way, I just want to
12 make a note that I now just learned they have a
13 2017 pandemic plan that I have never seen and was
14 never involved in putting together.

15 However, the fact that this union had to
16 threaten service unless bus operators and
17 conductors who wanted to wear their own masks
18 were allowed to do so reveals the depth of the
19 lack of understanding of what was happening in
20 our country. We fought for every change possible
21 in operating safety to mitigate transmission of
22 the disease in those first critical weeks,
23 including indefinite suspension of the Kronos
24 fingerprint time keeping system, rear door

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2 boarding and restricting rider areas for buses,
3 cashless transactions in stations, daily
4 disinfection of work areas and rolling stock,
5 sufficient supplies of masks and hand sanitizer
6 and optional face masks for conductors, a system
7 wide policy that riders be required to wear masks
8 to get on a bus or train.

9 We also fought hard for the surviving
10 family members. We were successful in negotiating
11 benefits for families of our fallen heroes. This
12 is a \$500,000 benefit. It will not bring back
13 their loved ones, but hopefully it will allow
14 them to rebuild their shattered lives.

15 I believe that our efforts in the media
16 outreach forced the MTA and the City and State to
17 take notice of the crisis of the homeless and
18 mentally ill inhabiting the subways on the
19 overnights, making it difficult to do our jobs
20 and increasing the risk of assaults and virus
21 transmissions.

22 When the MTA ends its temporary
23 suspension of overnight subway service for
24 cleaning, strong enforcement is needed to prevent

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2 the homeless from squatting in the system again.
3 The threat to transit workers and passengers from
4 the pandemic is far from over. A second outbreak
5 is a serious risk, as schools are set to reopen
6 and the city continues to expand its reopening
7 plans.

8 We want the MTA and the state
9 legislature to commit to the following. No
10 layoffs, regardless of the financial concerns,
11 layoffs are front of frontline workers cannot be
12 tolerated. Transit workers are essential
13 workforce. We face the dangers and paid dearly in
14 death and illness for that responsibility. To now
15 be told that our jobs may be expendable because
16 of a financial shortfall is unacceptable. And,
17 quite frankly, a break in a vital trust that
18 keeps us coming back to work no matter what the
19 risks. There is no talk of police layoffs,
20 firefighter or healthcare. We ask this committee
21 to adopt a statement underscoring our position on
22 this matter, no layoffs no matter what.

23 Enforcement of mask policy, the MTA, the
24 MTA police, and the transit police must strictly

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2 enforce the mask requirement policy. This issue
3 has led to disputes on buses and trains and has
4 caused new concerns of assaults on the workforce
5 and passengers.

6 The MTA claims the mask requirement is
7 being honored by as many as 90 percent of the
8 riders. However, our Local 100 safety teams have
9 monitored a number of bus routes in Brooklyn and
10 Manhattan where as much as 40 percent of the
11 passengers boarded without masks. This is
12 unacceptable. The MTA needs to expand its pilot
13 program of mask dispensing machines to buses and
14 stations across the system. We want the MTA to
15 produce regular reports on the mask mandate,
16 including the effectiveness or the lack of
17 effectiveness of their enforcement policy.
18 Workers and riders must feel the system is safe.
19 Everyone wearing a mask is a vital part of that
20 equation.

21 Bus shields and safe space in the
22 subway. Bus operators, train operators and
23 conductors are the most vulnerable of the transit
24 workforce. Their exposure to the public is

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2 constant. Bus operators encounter hundreds of
3 riders every day. The subway, a single train, is
4 capable of holding more than 1,000 passengers. On
5 the buses the shower curtains are unpopular
6 amongst operators and viewed as ineffective. We
7 are seeking the full compartment approach for the
8 operators that some agencies in Europe and in a
9 few American cities have already adopted. A
10 permanent solution of the bus shield issue must
11 be accelerated.

12 In the subway, we want a free space or
13 no entry zone established around the crew cabs to
14 improve social distancing for our train operators
15 and conductor.

16 Testing, we ask for regular and rolling
17 testing of percentage of workforce to weed out
18 infected workers without symptoms to quarantine
19 for the proper time. The military academies,
20 including West Point, Air Force, [unintelligible]
21 [02:07:30] testing students like this. We are at
22 war against this disease. We must use every
23 weapon at our disposal.

24 MODERATOR: Mr. Utano, can you please

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2 wrap up? Your time has passed.

3 MR. UTANO: Okay. I'm almost done. The
4 depth of the loss among the workforce demands
5 that the MTA adopt the strictest and most
6 comprehensive testing measures to avoid a second
7 pandemic.

8 Research, Local 100 has entered into a
9 partnership with the New York University School
10 of Public Health in a comprehensive study on why
11 transit workforce was the hardest hit segment of
12 all essential workers. We launched the study
13 earlier this month. We ask that these committee
14 go on the record in supportive this study and to
15 urge the MTA to cooperate fully with all New York
16 NYU requests including medical records. I'm
17 almost done, one more.

18 Hazard pay, Local 100 and the ATU have
19 launched a multi-tier campaign to win hazard pay
20 for transit workers. Maybe you have heard one of
21 our video commercials. We believe that essential
22 workers have earned this pay. We believe that in
23 the event of a second outbreak, workers will be
24 far less ready to risk their health and family's

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2 health without an incentive like hazard pay.

3 We seek commitment from the MTA that
4 when they receive new funding from federal
5 government, a portion that of money be set aside
6 for the workers in the form of hazard pay. Thank
7 you. I now would ask if Robert Kelley could be
8 given an opportunity to speak, and then we'll be
9 available for questions.

10 MR. ROBERT KELLEY, CHAIRMAN, STATIONS
11 DEPARTMENT TRANSPORT WORKERS LOCAL 100: Thank
12 you, President Utano, thank you very much. Thank
13 you, senators. Thank you, assemblyman,
14 assemblywomen and all others. My name is Robert
15 Kelley. I'm the division chairman for stations
16 department. Quite frankly, I'm mad as hell and I
17 have to express that.

18 SENATOR COMRIE: Sir, we can't hear and
19 you we're going to have to ask you to stay to it
20 one minute, so you've got to get closer to the
21 mic. We can't hear you and you're already on
22 overtime, so can you get straight to the point.

23 MR. KELLEY: Can you hear me now?

24 MR. KELLEY: Yes. Our members was

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2 misinformed about wearing masks, refused PPE
3 prior to the many deaths. To sit up here today
4 and to listen to Chairman Foye say that all along
5 we've had this PPE in storage somewhere and not
6 afford us the opportunity to use them, well,
7 quite frankly, is appalling, to say the very
8 least.

9 I myself was plagued with this virus. I
10 spent three weeks in the hospital. I was out
11 there on the frontline trying to make sure that I
12 could secure the safety my members. In doing so,
13 I took ill. While I was on my bed with two feet
14 in the mud, thank God for family and friends and
15 my brothers and sisters from the union that gave
16 me that will to continue to fight and fight
17 through it, I was one of the few that survived in
18 that respect, that was in my condition, but I'm
19 here today to testify and to make sure we have a
20 clear, concise understanding that the MTA cannot
21 continue to act in the manner in which they did
22 in the past and to try to sweep things under the
23 rug like it doesn't matter.

24 We was definitely not treated fairly.

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2 Going forward, I hope and pray that you guys see
3 what's been happening to us and why we have so
4 many lawsuits that could have been prevented had
5 the MTA done their due diligence, which was to
6 keep their works force safe, and they failed to
7 do so.

8 In reference to the shutdown from 1:00
9 to 5:00, we have more than enough adequate
10 clearance that can fulfill the obligation. We do
11 it on a daily basis. We clean, high pressure
12 hoses all day long around the ridership and we do
13 it very well. We've been doing it for years, so
14 we can continue to do that. So the 1:00 to 5:00
15 shutdown is ridiculous, we're losing money there,
16 we need the money.

17 As far as our booths go, we can't assist
18 the ridership because we don't have money in the
19 booth. Now, we know we want to safeguard our
20 members and that is the first thing. First of
21 all, I want safety first, but there are ways and
22 methods that we can use to bring money back into
23 the booth. We understand Omni is coming, but it's
24 not here yet. We do have an agreement that we are

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2 supposed to continue to act the way we have in
3 the past so that we can move forward with the
4 Omni. The Omni is coming before its time and I
5 feel it's being forced upon us, and I feel like
6 it's doing a terrible injustice to the ridership,
7 and especially our pockets. We're losing millions
8 of dollars by not having money in these booths.

9 ASSEMBLY MEMBER PAULIN: Thank you so
10 much.

11 MR. KELLEY: Thank you.

12 ASSEMBLY MEMBER PAULIN: The next
13 speaker is Anthony Simon.

14 MR. ANTHONY SIMON, CHAIRMAN, SHEET
15 METAL, AIR, RAIL AND TRANSPORTATION UNION (SMART)
16 TRANSPORTATION DIVISION: Thank you. Can
17 everybody hear me?

18 ASSEMBLY MEMBER PAULIN: Yes, we can.

19 MR. SIMON: Thank you. My name is
20 Anthony Simon. I'm the chairman of SMART
21 transportation division on the Long Island Rail
22 Road. Thank you, Senator Kennedy, Senator Comrie
23 and Assemblywoman Paulin and the entire
24 delegation for planning and participating in this

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2 hearing. This COVID-19 pandemic has posed
3 challenges and risk that are clearly
4 unprecedented. I'd like to pay my deepest
5 respects to hundreds of MTA families who have
6 lost loved ones to this vicious virus and convey
7 my sincere appreciation to the thousands of
8 frontline workers who came to work and continue
9 to work each and every day, putting themselves
10 and their families at risk of contracting COVID-
11 19.

12 I would like to start by saying that I
13 am not attempting to place any blame, but I am
14 obligated to raise issues where there were
15 inconsistencies and flawed practices that
16 continued throughout the pandemic and in some
17 cases remain today.

18 For example, there were inconsistencies
19 with using masks and the ability to stock and
20 issue PPE and the proper sanitizing cleaners and
21 wipes was a tremendous challenge, which
22 inevitably caused tremendous trust issues for our
23 frontline workers. The agency would publically
24 announce the issuance of PPE and cleaning

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2 supplies when these products were not making it
3 to our employees until days or weeks after the
4 announcements. That should never have happened.

5 MTA leadership repeatedly referred to
6 our workforce as heroes moving heroes, but I am
7 not sure those words will cut it as we continue
8 to battle this virus and attempt to rebound from
9 the financial burdens we face. Our workforce has
10 been challenged, but they have answered the call
11 by delivering on essential service and projects
12 while prioritizing the safety of our riders.

13 I would like to speak about what our
14 organization perceives to be a disconnect between
15 the MTA headquarters and the agencies. As you
16 should know, I represent Long Island Rail Road
17 workers and can only speak on our experiences.
18 The safety and occupational health services
19 policies and procedures made at headquarters were
20 not properly and consistently communicated to
21 management connected to the work force on Long
22 Island. Blanket procedures in dealing with COVID
23 did not address all of the individual crafts
24 properly. Creating policy for office workers in

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2 shared spaces and trying to put it to use for
3 frontline field workers created constant
4 confusion and impossible distancing scenarios for
5 our unions to navigate. Precautions and
6 procedures need to be craft specifics.

7 Additionally, those who create the
8 policies need to be much more aware of what the
9 craft positions do if they want realistic
10 measures to be taken. The unions need to be much
11 more involved.

12 Next, would I like to recognize the
13 efforts of the medical and HR staff on the Long
14 Island Rail Road who assisted in dealing with the
15 tracking and quarantining of our employees.
16 Unfortunately, to no clear fault of these
17 individuals, there were mistakes and
18 inconsistencies. Workers were calling to ask if
19 they should go to work or not due to potential
20 exposure, only to be told someone would get back
21 to them in a day or so. People came to work that
22 should not have. It was difficult to navigate
23 with limited resources that I know. But we need
24 to do better. Workers pay status is relative to

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2 quarantine and how revised rules required
3 additional paperwork were and remain difficult to
4 navigate. Medical clearance requirements and
5 follow-up testing locations varied and changed
6 throughout the last several months.

7 The bottom line is nothing seemed to be
8 clear to provide the needed support to our
9 frontline workers and constantly changed. Again,
10 messages from headquarters were not in the sync
11 and consistent with the company. It just seemed
12 that everything was generated from the
13 headquarters, yet the Long Island Rail Road was
14 either unaware or unable to communicate where the
15 challenges were. There needs to be more controls
16 implemented within the individual agencies and
17 more awareness of what is happening on the
18 property, and that will lead to my next concern.

19 Managers cannot be aware of what our
20 employees need on the frontlines if they are not
21 there. Every member of our organization was a
22 true essential worker, and I add the word true in
23 front of the essential worker for a reason. They
24 were mandated to come to work and physically were

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2 on the property to perform their services. They
3 moved trains. They cleaned, they sanitized,
4 repaired, built infrastructure and more while on
5 the property and at risk each and every day. This
6 is true essential work.

7 The large amount the management
8 positions however, were or still are working from
9 home remotely or working alternating days and in
10 safe distance locations. I understand the
11 principles behind this decision, but in my
12 opinion, more managers should be out supporting
13 our rank and file workers in the field, not at
14 home. They should have been out supporting our
15 workers, issuing PPE and checking worker
16 wellness.

17 At a time when the MTA has some very
18 difficult decisions ahead of them to reduce
19 expenses, I can assure you that I and other union
20 leaders will take great exception to any true
21 essential worker positions being cut. They were
22 needed and put to risk throughout this entire
23 pandemic and should be secure into the future. By
24 establishing remote working alternating days and

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2 varying safe options for the managers, it has
3 clearly identified where the future savings can
4 be found. Labor is advocating for funding as
5 well. We know how much we need the financial
6 support, but the money needs to be prioritized
7 properly and spent on essential workers. We
8 cannot spend federal money on consultants,
9 studies and unnecessary senior management
10 positions.

11 In closing, I would like to say I
12 appreciate the efforts of every MTA employee
13 through this COVID crisis, while prioritizing a
14 well-deserved appreciation to the true essential
15 workers on the frontlines. We have all learned a
16 great deal and need the work together at doing
17 better. I thank this committee and for all those
18 who will take active steps in improving on the
19 challenges we have and are facing. I wish nothing
20 but good health and progress to all of us in a
21 society that has certainly been through a great
22 deal. Thank you for this opportunity, and I will
23 await any questions.

24 ASSEMBLY MEMBER PAULIN: Thank you. Our

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2 next speaker, I think Jose.

3 MR. ED VALENTE, GENERAL CHAIRMAN, ACRE:

4 Hello. Can you hear me?

5 ASSEMBLY MEMBER PAULIN: sure. Ed, go.

6 MR. VALENTE: Oh, sorry.

7 ASSEMBLY MEMBER PAULIN: No, no, it's
8 fine. You're unmuted and we want to hear from
9 both of you, so sure.

10 MR. VALENTE: Okay. Good afternoon,
11 Chairs Kennedy, Comrie and Paulin and
12 distinguished members of the New York State
13 Senate Standing Committee on Transportation, The
14 Senate Standing Committee on Corporations,
15 Authorities And Commissions and The Assembly
16 Spanned Standing Committee on Corporations,
17 Authorities and Commissions. I am Edward Valente
18 and as general chairman, I'm here today on behalf
19 of approximately 1,600 members of the Association
20 of Commuter Rail Employees.

21 Created in January 2000, ACRE represents
22 essential operating craft employees at the MTA
23 Metro-North Rail Road, uniting conductors,
24 engineers, power directors, rail traffic

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2 controllers, signalmen, yardmasters and
3 stationmasters under one labor organization.

4 ACRE works with the MTA and Metro-North
5 management to build and operate what is
6 universally recognized as the premiere commuter
7 railroad in America. Our members are essential
8 workers. Throughout even the worse weeks of the
9 pandemic ACRE members continued to heed the call
10 at great personal risk in order to ensure that
11 first responders and healthcare professionals had
12 the transportation required to fight back against
13 the pandemic.

14 We thank your committees for the
15 opportunity to testify at this important hearing
16 on the impacts of COVID-19 and our work. ACRE is
17 highly concerned for the safety of both our
18 members and passengers who are facing increased
19 exposure to COVID-19 in correlation to an
20 increase in Metro-North ridership as the regional
21 economy moves further and further into reopening.

22 And despite similar claims from Metro-
23 North, the railroad has taken few measures to
24 match their words. To that end, it is our

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2 priority that Metro-North restores full service
3 as already implemented at New York City Transit
4 and LIRR. This is only way to provide the right
5 balance of services to allow passengers and
6 workers alike to socially distance. And failure
7 to do so can arguably result in greater
8 difficulty for passengers to socially spread.

9 Despite the fact that it is no longer
10 possible to socially distance once the train cars
11 start filling up, while Metro-North is increasing
12 peak hours service commencing August 31st, the
13 agency has consistently refused to acknowledge
14 the need to go to a full service schedule for off
15 peak and weekends.

16 And within individual trains themselves,
17 more steps should be taken to mitigate the risk
18 factors that contribute to the spread of the
19 virus. For example, Long Island Rail Road has
20 introduced a smart phone app that indicates to
21 passengers, which cars have more available space
22 to spread out. Metro-North has not. And Metro-
23 North has yet to make hand sanitizer widely
24 available on trains. What sanitizer stations are

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2 available are rarely filled. And what sanitizer
3 is available the in bathrooms isn't alcohol-
4 based, making it a much less effective disinfect.

5 While having worked hard and sacrificed
6 to overcome the spread of COVID-19, our region
7 can ultimately only control the virus so much. By
8 not providing an adequate environment for
9 passengers to socially distance, risk will remain
10 exacerbated and potential passengers will opt not
11 to ride on Metro-North.

12 Thus it is critical that Metro-North
13 cease with the distractions and accept its
14 responsibility to create the best safety scenario
15 possible to protect workers and passengers alike.
16 On August 1st, a female conductor was brutal
17 assaulted by a male passenger while working her
18 train. She was punched approximately 30 times and
19 suffered a concussion, bruised jaw, lacerations
20 inside of her mouth, bruises on her head, arm and
21 shoulders, swollen eye that may include further
22 damage and extensive emotional trauma.

23 Such violence against ACRE members is
24 both alarming and now unsurprising. There is

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2 almost no police on Metro-North trains. In
3 addition to exposure to COVID-19, many of our
4 members remain persistently at risk of assault by
5 members of the public while on the job.

6 On this front, ACRE has engaged with
7 Metro-North for months in pursuit of securing a
8 proper police presence on the trains and adequate
9 benefits for victims of on duty assaults. Now, to
10 make matters worse our members are at a
11 heightened risk of assault for simply trying to
12 enforce social distancing and mask wearing
13 requirements on the trains during this pandemic.

14 Metro-North needs to maintain a regular
15 police presence on our trains. It would deter
16 violent crime as well as verbal abuse,
17 [unintelligible] [02:23:04], terrorist activity
18 and theft. A police officer is better situated,
19 unlike our conductors, to enforce compliance with
20 the mask requirement. With such a force, we are
21 confident that passengers and crew members will
22 feel greater security in their commute, as
23 criminals will think twice before engaging in
24 violence or theft.

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2 In addition, Metro-North must adequately
3 compensate workers who are the victims these on
4 duty assaults. As it is stands, the railroad
5 requires to use their own accrued sick leave to
6 recover from on-duty assaults. Rather than
7 penalizing the worker for the railroad's lack of
8 security, Metro-North should be liable for the
9 medical costs and leave that is attributable to
10 the on duty assault. ACRE strongly supports
11 legislation introduced by Chairman Comrie, which
12 would codify such an obligation into statute.

13 Finally, it is important to mention the
14 lack of accommodations for pregnancy at the MTA
15 and Metro-North. In addition to the immediate
16 viral threats the of the COVID-19 pandemic, the
17 duties of ACRE members are strenuous, carrying
18 heavy equipment, climbing up and down equipment,
19 throwing hand switches, locking down pantographs,
20 and all while these workers are constantly on
21 their feet. New York has has long recognized
22 disability caused by or in connection with
23 pregnancy for receiving workman's comp.

24 Though we do not participate in

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2 workman's compensation, as a a matter of
3 principle pregnant workers need to be treated
4 fairly on the railroad too. Anything short is
5 discrimination. The MTA Metro-North must
6 implement a functional system where an expecting
7 Metro-North worker is not forced to risk life or
8 injury to themselves or their baby as a condition
9 of employment. This includes providing adequate
10 PPE and enforcing social distancing and mask
11 requirements to the best of the railroad's
12 abilities, as well as accommodations, light duty
13 or time off if determined medically necessary by
14 the worker's doctor.

15 The MTA announced the task force in July
16 to review poor accommodations for pregnant New
17 York City transit workers after a tragic and
18 entirely avoidable miscarriage. There have been
19 no updates since. ACRE requests that the
20 committees here use your oversight authority to
21 ensure the MTA does not let this important
22 obligation to its workers fall by the wayside.

23 ACRE is committed to protecting the
24 rights of all its members working in their

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2 respective crafts. Each craft maintains its own
3 identity while working together for the common
4 good. Together, we continue to strive and fight
5 to improve both working conditions and the
6 quality of service our members provide to a
7 growing number of riders. We believe that in this
8 time of need, the future of public commuter rail
9 transportation requires an alliance between
10 elected officials, employees, and the public we
11 serve.

12 With your assistance and oversight, we
13 are committed to working with all railway
14 stakeholders to continue to improve the safe,
15 efficient service that taxpayers and riding
16 public expect and deserve. I thank you for your
17 time and consideration and I look forward to
18 answering any questions the panel may have.

19 ASSEMBLY MEMBER PAULIN: And our final
20 speaker on this panel, Jose.

21 MR. JOSE DEJESUS, PRESIDENT, AMALGAMATED
22 TRANSIT UNION LOCAL 1179: Good afternoon and
23 thank you, Chairman Comrie, Kennedy and Paulin
24 for the opportunity to present on behalf of

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2 Amalgamated Transit Union, Local 1179. I'm Jose
3 DeJesus, president and business agent of the
4 local. While these hearings focus on the MTA,
5 what I highlight applies to all transit workers
6 on the frontlines fighting against COVID-19. This
7 includes the members of ATU Local 1179 in Queens,
8 Local 726 in Staten Island, Local 1056 in Queens
9 and also Local 1181 in Brooklyn and the riding
10 public.

11 Local 1179 members operate and maintain
12 MTA bus routes serving Queens, some routes
13 extending into Brooklyn and Manhattan. ATU
14 members are working under an expired contract
15 that the MTA refuses to update. The MTA already
16 settled a new contract, including new wages for
17 the workers represented by TW Local 100. This
18 creates two classes of workers paid differently
19 to perform the same work.

20 Many of the legislators present today and
21 others flagged this inequity to the MTA, and we
22 thank you. The MTA recognizes -- excuse me. The
23 ATU recognizes, as do most experts, that without
24 a fully functioning transit system, we cannot

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2 expect New York City and other, and thus our
3 state and national economy to fully recover and
4 achieve growth beyond. That includes treating all
5 workers fairly and equitably and all that perform
6 the same work must receive the same pay and not
7 be treated as part of some caste. ATU workers
8 deserve a contract for the same work as the MTA
9 already settled and refuses to discuss with ATU.

10 Our members are classified as essential
11 employees and continue to work in order to make
12 sure our essential workers, including doctors,
13 nurses, police, grocery store clerks and others
14 can get to their jobs and return home to their
15 families. The work of our members has put them at
16 increased risk of exposure of the coronavirus.

17 This exposure has not been without
18 consequences. In New York, ATU has lost 33 of our
19 brothers and sisters to COVID. They put their
20 lives on the line as essential workers during
21 this crisis, and our membership performed their
22 jobs in exemplary manner, despite the MTA
23 treating them as a second class worker without
24 the same compensation afforded to our brothers

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2 and sisters at Local 100, working at the MTA
3 under a new contract. Transit workers are unable
4 to shelter in place. We are required in a
5 workplace that requires the minimum at home
6 shelter or better shelter as the workplace.

7 Transit workers are exposed to all
8 dangers and still have shown great resiliency
9 mentally and physically under certain conditions
10 despite the MTA treating them as a second class
11 worker without the same compensation afforded today
12 our brothers and sisters at Local 100 and working
13 at the MTA under a new contract.

14 The priority of the ATU has been to
15 protect the health and safety of our members who
16 are essential workers on the frontlines of this
17 crisis. And at the start of this crisis, our
18 members were put in harm's way without the proper
19 protection. Our workers were not given the
20 personal protection equipment, PPE such as masks,
21 gloves and cleaning supplies necessary to prevent
22 transmission of this virus. It was their union
23 that supplied those basic mandatory items, while
24 other members better but limited access to PPE

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2 now, delay in getting equipment was too
3 insufficient.

4 We must ensure that the MTA has access
5 to supplies and PPE equipment to its workers on
6 the frontlines. We must also ensure that is MTA
7 sets mandatory standards for PPE for transit
8 workers and for the cleaning of buses and transit
9 stations. These standards need not to only apply
10 to the situation today, but also apply going
11 forward, so we are not ill prepared for the
12 situation like this in the future.

13 Our members continue to put themselves
14 at risk while the MTA treats them as a second
15 class worker without the same compensation
16 afforded to our brothers and sisters at local
17 100, working at the MTA under a new contract. In
18 addition to the PPE, the MTA must put in place
19 protections to guarantee the safety of our
20 members.

21 The MTA needs to equip buses with
22 functional sheeting or Plexiglas barriers to
23 reflect the spread of the virus and must ensure
24 proper ventilation on its equipment, including

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2 buses and all work spaces. We need the highest
3 available MERV filters. We need protections from
4 our drivers, explore offsite fare boxes to
5 minimize drivers' contact with passengers and
6 speed up the time line on implementing the Omni
7 system.

8 Our depots, some built in the early
9 1900s, need upgrading, including eight track
10 systems to improve the social distancing, explore
11 a remote clock-in and clock-out system for our
12 workers as they report to work. We must also
13 closely explore the airflow on buses and adjust
14 design of current upcoming fleets needed. Air in
15 buses recycles in the cabin and then flows to the
16 front, potentially carrying bacteria and viruses
17 with it. We must work to ensure updated
18 ventilation and air control systems on our buses
19 that meet the appropriate air standards to ensure
20 the health and safety our drivers and passengers.
21 Our transit workers suffer from pulmonary
22 diseases at the rate of 70 percent or higher than
23 the general public.

24 This remains all the more important as

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2 fare collections of all MTA buses resumes next
3 week on the 31st. And the MTA still refuses to
4 treat our members as anything but second class
5 workers, without the same compensation afforded
6 to all our brothers and sisters at Local 100
7 working under the MTA new contract.

8 Cleaning protocol are needed. The ATU
9 supports a recently mandated 24-hour cleaning
10 schedule of all transit equipment and the
11 overnight subway closures. The MTA Authority
12 already enjoys shuttle bus replacements with
13 parts on system that's shut down and should rely
14 solely on MTA bus operators and replace public
15 employees operators for non-union drivers. ATU
16 supports the cessation of private operations
17 doing the overnight hours and [unintelligible]
18 [02:32:39] our buses to serve workers in the wee
19 hours while the subways remain closed for
20 cleaning.

21 And still the MTA refuses to treat our
22 members as a second class citizen without the
23 same compensation afforded to our brothers and
24 sisters at Local 100. Our members continue to

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2 show up to work despite these real threats to
3 their health and safety. We believe that our
4 members should be compensated for their work
5 through the implementation of hazard pay, which
6 would be 1.5 times their normal wage or rate,
7 funding provide by the general government should
8 be allocated to the membership. The hard working
9 men and women came to work and ensure that other
10 essential workers to get to where needed to go.
11 Their dedication and hard work must be recognized
12 and never marginalized.

13 The MTA requires our members to work as
14 second class public servants without the same
15 compensation afforded to our brothers and sisters
16 at Local 100, working under the MTA's new
17 contract.

18 We know all of these initiatives require
19 more funding, and we know financial situation
20 facing the state right now is dire, but ATU
21 International, we strongly support the inclusion
22 of \$32 million in emergency operating aid for the
23 public transportation in the next round of
24 federal virus relief funding. That these funds

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2 will be used to maintain essential service, avoid
3 layoffs, and provide PPE to keep our members
4 safe. We're also supporting funding for the state
5 and because in addition to the emergency aid. We
6 need to fund, we need to shore up the support we
7 receive from the state and the city. They must
8 avert simple devastating cuts to public
9 transportation being complicated absent
10 additional funding. We cannot cut public
11 transportation services through an economic
12 turndown or this epidemic.

13 ASSEMBLY MEMBER PAULIN: Can you please
14 wrap up? your time is past.

15 MR. DEJESUS: I'm almost done. Thank
16 you.

17 ASSEMBLY MEMBER PAULIN: Okay.

18 MR. DEJESUS: I lost my place. I'm
19 sorry. Too many people rely on our service to get
20 to and from work and from doctor's appointments
21 and the grocery store and other essential
22 workers. COVID-19 has shown all economic
23 pitfalls, [unintelligible] [02:34:54] impacts and
24 cost cutting passed over the years on programs

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2 that never should have been reduced or eliminated
3 in a city this size. But does it not shine
4 attention to public service, delivering public
5 transit as a second class worker at the same
6 conversation afforded.

7 The lack of financial support from the
8 federal government also impacts the ability to
9 finalize the contract for our members with the
10 MTA. For decades, [unintelligible] [02:35:18]
11 bargaining at the MTA resulted in the members of
12 ATU receiving the same benefit negotiated between
13 TW 100 and MTA. This year the MTA refuses to
14 honor this pattern of bargaining, settling our
15 contracts collectively involves very little
16 impact on the MTA's overall operating budget. We
17 need to ensure the MTA receives adequate funding
18 so we can honor this contractual obligations. I'm
19 happy to answer any questions that you may have.

20 SENATOR KENNEDY: Thank you to you,
21 President Dejesus, to Chairman Valente, to
22 Chairman Simon, to President Utano and to
23 Chairman Kelley. We thank you each and every one
24 of you for being here, for your testimony, and

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2 for your service and for your leadership. And I
3 mentioned in my opening remarks earlier, but I
4 want to mention it again. Our hearts go out to
5 the families that have lost loved ones during
6 this very difficult time.

7 Chairman Foye mentioned earlier today
8 that 131 individuals have lost their lives across
9 the system. Those are individuals that sacrificed
10 everything for the betterment of our community.
11 And we can never forget them and we have to honor
12 them and their sacrifice, a real sacrifice, by
13 get up and going to work every day to make sure
14 that the system functions so that, as many of you
15 testified today, the essential workers on the
16 frontlines that are fighting back this horrific
17 virus can get to their places of employment, and
18 so that our communities can function. So once
19 again, thank you to each and every one of you.

20 I can take pieces of each of your
21 testimonies and tie them up because they were
22 consistent, that there's been concern about
23 having enough PPE, enough sanitizer, enough
24 safety materials, the concern about security and

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2 enforcement of the precautions and the
3 requirements of wearing a mask, simply wearing a
4 mask. You know, 90 percent, the 90 percent number
5 I think, Tony, you brought that up. Chairman Foye
6 said 95 percent earlier, although he was just
7 putting a number out there. You know, any time
8 it's not universal, we're putting people at risk,
9 and because of that, it's essential that we have
10 the enforcement mechanism in place. Each of you
11 testified to this effect.

12 I'd like to ask Chairman Simon a little
13 bit about this. The enforcement mechanisms that
14 are in place, can you talk about what's
15 happening. I know that there's been attacks and
16 some aggressive acts against conductors and other
17 members of your workforce, and harassment. Can
18 you talk about the policing of the requirements
19 that are in place and the need for more as well
20 as the essential workforce, the potential for
21 cuts, and what that could possibly do as well?

22 MR. SIMON: Thank you, senator, for that
23 except. I can absolutely talk about how the
24 assaults and the harassment on frontline

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2 conductors has gone up so much and we've been
3 begging for more police. It seems like the
4 commuter routes are being shortchanged for
5 policing on the trains and we need more of that.

6 To try to ask somebody to put a mask on
7 is a very difficult situation for a frontline
8 conductor. He or she either gets spit on,
9 harassed with threatened. As you might have seen
10 there's a wanted poster now out for somebody
11 pulling out a knife on a conductor then jumping
12 out the window before he can get caught, kicking
13 out the emergency window.

14 Our members continue to come in and face
15 this ever day, yet we are begging for more police
16 on the trains. We shouldn't have to be begging.
17 It should be something that should be done
18 automatically. The funds that they use for safety
19 and security, we should have all the safety and
20 security experts at the MTA saying our
21 organization, to the TWU to ACRE, to all of us,
22 what can we do to better protect your members?
23 They delivered during the pandemic. They continue
24 to deliver.

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2 But that's not happening. We have phone
3 calls. We have messages. And we just keep getting
4 pushed to the side. That has to stop. If you care
5 about us, then show it with your actions, not
6 with words, and that is what's so frustrating.
7 When we talk about reduction of forces, how could
8 you discuss reducing or laying off, like my
9 brothers have said, any essential worker when we
10 came in and some gave their lives? It just is
11 mind-blowing that you could even talk about that.
12 They talked about their hiring is not happening.
13 If you just look at their posts, their posting
14 for \$200,000 a year jobs. How could you do that?
15 How could you hire -- I ran out of abbreviations
16 for who they hire COO, CEO, CFO, CWO, CRO, it's
17 just gotten out of control, and I'm not trying to
18 be disrespectful to the senior management but
19 enough is enough. Stop looking to cut on the
20 backs of the people who delivered. When we were
21 here, you were home.

22 When the transformation team sat at home
23 the whole time, the 2,000 people that they talked
24 about that they cut, that was before the

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2 transformation team. Yes, we're spending millions
3 of dollars trines formation team. We know how to
4 do it. We have been doing it as labor leaders.
5 We're not standing here as pigs saying we want
6 all the money. We're working with them. When are
7 they going to work with us? When we talked about
8 Brother Utano and the TWU, they all deserve that
9 money, they all deserve those raises. So do all
10 of us. But we are being put back, when in the
11 height of this pandemic they gave out millions of
12 dollars, millions in contract, and they deserve
13 it.

14 So I've spoken to all the brothers and
15 sisters over at the TWU and ACRE and ALIGN and
16 ATU. They divert it, senators. They deserve it.
17 But, please don't slap us in the face on the
18 commuter rails. Don't tell us now, I'm sorry,
19 we're broke, but we're going to hire a \$250,000 a
20 have a year senior management. That's being done.

21 If you notice, Mr. Foye's statement was,
22 no, we're not going to. He basically said when
23 asked, well we have, I can't say we're not going
24 to, we're going to look at those places. We're

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2 going to look to cut essential workers. I just
3 cannot see how you can do that. We have to stop
4 and really consider. Why not every senior manager
5 that makes over 200,000? Why don't they take a
6 cut? Why don't they take a cut in their salary?
7 That would be a good way to show leadership, but
8 that's not happening. So, thank you, senator, for
9 your question.

10 SENATOR KENNEY: Thank you, Chairman
11 Simon. And again thank you for your leadership.
12 Recognizing, I'm short on time here. I want to
13 ask one other question and again, President
14 Utano, you alluded to this in your testimony
15 about the pandemic response plan. Obviously this
16 virus upended everything as we know it both here
17 in our country and across the globe and took
18 everyone by surprise.

19 That being said, there was a pandemic
20 response plan. Can you talk about the
21 implementation of that? Obviously you were not
22 pleased with how it was implemented. But can you
23 talk about recommendations on moving forward and
24 what we can do better in preparing for the

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2 future. Look, we are not out of the woods yet
3 with this first wave. We may see a second wave
4 coming this fall. We need to be prepared. What
5 can we do, in your mind, to get ahead of it at
6 this moment?

7 MR. UTANO: So right now in my own mind
8 I just learned that they updated a 2012 pandemic
9 plan to 2017. And what they do is they update
10 these policies, they don't include us. We need to
11 be included. We need to be able to tell them what
12 went wrong because we were all on the frontline.
13 We were there with the members. We know what went
14 wrong. They weren't getting the PPE out in the
15 beginning as quickly as we needed it. They were
16 following CDC guidelines, we told them they were
17 wrong. And they said, and that pandemic that they
18 talked about in 2012, they never even mentioned
19 it. It was like they found it, they dusted it
20 off, and that pandemic plan says they're supposed
21 to store masks in case of a pandemic.

22 So what I'm concerned about, and I guess
23 what everybody should be concerned about, is a
24 second wave coming. If a second wave is coming,

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2 we cannot operate the same way that this first
3 wave came here. We can't. We have to have a mask.
4 If we don't have masks, then we're not going to
5 work because we've got families too. We have
6 families. We go home and we've got, we're going
7 to get exposed to this and we're going to expose
8 our family to this, we need the PPE. That's one
9 of the biggest pieces of the pandemic plan that
10 was not implemented.

11 They had some masks. They said well,
12 these masks were for PPE, for when you do your
13 job. Yeah, but you're supposed to have masks in
14 case this happens. When Ebola happened, they had
15 a plan, apparently. I don't know where those
16 masks went. Maybe they had a budget cut and they
17 stopped buying masks and were using that masks
18 that they had. You can't keep putting pandemic
19 plans in place without including all the unions.
20 We are the voice of the people. We know what went
21 wrong out there.

22 SENATOR KENNEDY: Thank you, President
23 Utano. And I'll tell you I hit the nail on the
24 head and I think that's something we will all

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2 advocate for. We know we're in the middle of this
3 have pandemic. We know we're not out of woods. We
4 need labor at the table. We need the people on
5 the frontlines that are understanding the
6 implications at the very grassroots level, and so
7 we will advocate for that.

8 MR. UTANO: Thank you.

9 SENATOR KENNEDY: And without further
10 ado I will yield over to Assemblywoman Paulin.
11 Thank you.

12 ASSEMBLY MEMBER PAULIN: Thank you,
13 senator. Our first speaker is Bobby Carroll.

14 ASSEMBLY MEMBER CARROLL: Thank you,
15 Chair Paulin, and gentlemen, thank you so much
16 for testifying today. And, you know, the words
17 above and beyond don't go, don't explain the kind
18 of work that all of your members did over the
19 last five months. My grandfather was a TWU Local
20 100 mechanic in the Coney Island yards. The work
21 all your members do is so essential to making New
22 York run and work. So I would love to get some
23 insight from all of you about 24/7 service in the
24 New York City subways, especially President

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2 Utano. Is it possible, is it safe, should we do
3 it? Because I know it's very concerning for many
4 of my constituents that feel we've lost an aspect
5 of city life and we may not get it back.

6 MR. UTANO: I didn't hear the beginning
7 of that question, I'm sorry.

8 ASSEMBLY MEMBER CARROLL: 24-hour
9 service of the subways, is it possible to get
10 back? Is it safe to get back to doing that?
11 Because I know lots of my constituents want to
12 see 24-hour service of the subways continue, or
13 be reinstated.

14 MR. UTANO: I believe, I believe that if
15 we could sit down with a plan together, we can do
16 it. We have lots of people working here. We have
17 lots of cleaners able to do it. We don't need to
18 bring the private contractors in and spend money.
19 We need to start using the resources that we have
20 in-house. We can't keep going outside, getting
21 consultants and getting everybody to tell us what
22 to do. I think we could sit at the table, and I
23 think we could come up with a plan, yes.

24 ASSEMBLY MEMBER CARROLL: And can you

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2 tell me more about those private contractors
3 because I've heard of that. I've heard that the
4 MTA is using them. How many are they using? And
5 why are they not using your members to clean
6 subway stations?

7 MR. UTANO: Okay. They are using our
8 members to clean. They are using our members to
9 clean. When the pandemic first hit, and they
10 changed the regulations to cleaning every 24
11 hours, it was a little difficult because of a lot
12 of our members were sick from the virus. Okay, so
13 they brought the contractors in because we didn't
14 have the manpower. But now we're in pretty much
15 full force. We know now what we need to do to
16 protect ourselves, we know we need to wear masks,
17 we need to know, we have to social distance. We
18 know the rules, and if we sit down, I think we
19 can come up with a plan. I think together we can
20 come up with a plan to clean the trains. They
21 have other stuff that they're investigating right
22 now, right, they're doing the UV lights. They're
23 doing the spraying. They now, I believe they're
24 purchasing these sprayers. Our cleaners can go in

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2 and spray the trains just as quickly instead of
3 standing there and wiping it down, you can get
4 those sprays and spray them. And there are other
5 things that they're looking at that can expedite
6 the process.

7 ASSEMBLY MEMBER CARROLL: President
8 Utano or anyone else, because this goes the same
9 for the commuter rails, in your opinion, how
10 much capacity could the system handle as more
11 people maybe go back to work or school? How many
12 more trains do we need to run? How safe is it for
13 folks to be on subway cars or in buses and at
14 what capacity? Because that's obviously the thing
15 that so many folks are grappling with is, are kid
16 going to start going back to school, are more
17 people going back to work, people moving around.
18 What do we need to do to make sure that your
19 members are safe, but that also commuters are
20 safe and that we have the capacity in the system
21 to make sure they stay safe?

22 MR. VALENTE: Yeah, I'll touch on that
23 for Metro-North. It's mask, mask adherence. So a
24 conductor can only do so much, tell a passenger,

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2 hey, please wear your mask. The conductor walks
3 away. Same issue five minutes later or ten
4 minutes later. So a police presence on the trains
5 is really needed. They could definitely do things
6 we can't. We've asked for it in numerous letters.
7 It's been pretty much ignored by the officials at
8 Metro-North, even at the MTA. They don't address
9 it.

10 And the other thing we can do, since
11 mask adherence is difficult and the MTA seems not
12 to want to put the MTA police on the trains is
13 run the most service that you can. And that's
14 something that ACRE has been pushing for, and I
15 know the other commuter rail, Long Island I'm
16 sure would like the same, and I'm sure the TW
17 would also. If you can't put police on the trains
18 to make people and oversee them wearing masks,
19 spread people out as much as you can.

20 MR. DEJESUS: The problem being is that
21 even though with social distancing, like Ed said,
22 about masks, wearing masks, and the areas that my
23 membership work and drive their bus, a lot of
24 people will fight you on the mask, and the

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2 problem being is the social distancing is hard to
3 keep on a bus, and we're losing part of that bus.
4 And when they start opening that front door, our
5 operators is that the operators will start
6 getting sick again, because when they had that
7 divider, the numbers started going down. The
8 pandemic with this started going down and less
9 operators were getting sick.

10 But the thing about it is they cannot
11 put this flimsy things, and the last thing use a
12 curtain, we can't move the curtain, you can't see
13 driving at night. But all these provisions
14 they're making, and like Tony said, there's other
15 companies, other bus companies that run in Vegas
16 and they're completely closed off from the public
17 and it protects the operator altogether. So we
18 have to invest in new equipment.

19 But they're trying all these steps to
20 change something but you're not going after the
21 real problem. The problem is that the operator
22 will close that curtain when they're loading and
23 unloading but what happens when a passenger comes
24 and asks a question and coughs or whatever.

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2 There's no reaction time. There's no way to keep
3 the operators safe. And the thing is, is about
4 the mask.

5 And the MTA tells you we're trying to
6 have people out there police it. We don't know
7 how. We can't enforce it. We really can't tell
8 them how. And the comments Foye said that we have
9 people wearing masks, I don't think that's fully
10 truthful. Not all communities wear their masks,
11 really.

12 ASSEMBLY MEMBER PAULIN: Thank you.

13 MR. DEJESUS: And when school starts
14 these buses are getting more crowded. They really
15 are.

16 MR. UTANO: It has to be enforced. It
17 has to be enforced by the police, not our
18 members, because our members are always the
19 target. We don't carry guns. We transport people
20 to where they got to go safely to get to their
21 job. When we become the targets, they have TBTA
22 people, they have police, MTA cops, they have
23 transit cops. They need to do some kind of hit
24 and continuous hit to show people that

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2 sporadically they're going to pop on buses,
3 they're going to pop on the trains, and then
4 people are going to say, I better wear my mask,
5 and they've got to enforce and it maybe give you
6 a person a ticket for not wearing a mask. You
7 know what? Give them a \$100 ticket. And I know
8 it's hard for people to pay the ticket, but you
9 know what, it's a lot harder to go to a funeral
10 for somebody who passed away because you didn't
11 wear your mask.

12 ASSEMBLY MEMBER PAULIN: Thank you.

13 Thank you all. Does the senate have anybody who
14 wants to ask questions?

15 SENATOR COUNSEL: Senator John Liu for
16 five minutes.

17 SENATOR LIU: All right. Thank you very
18 much, Madame Chair. I want to thank Tony and
19 Jose, Mark, I know he's taking care of other
20 matters, and all the other leaders for your work,
21 your advocacy not only for your members but for
22 the riding public and for warning that transit
23 workers were being infected at very high rates,
24 much higher than the rest of the population early

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2 on in the pandemic. And I'm very glad that the
3 MTA finally came to providing the unfortunately,
4 the death benefits for the large number of
5 transit workers who have succumbed.

6 When we get the MTA leadership or
7 management in front of these hearings, I often
8 ask them about financial matters just because
9 over the years it's not always easy to believe
10 what they say when it comes to operating matters
11 because you ask them operating questions, they
12 tell you one thing, and then we get the people
13 who actually do the work in the tunnels and on
14 the streets, which is all of you guys, and we get
15 a totally different answer.

16 And so I just want to be clear that what
17 I'm hearing in your initial responses and in your
18 response to some of these questions so far is
19 that you think the system can, can go back to a
20 24-hour system. Is my understanding correct or
21 there's some provisos to that?

22 MR. UTANO: I think, I mean, you guys
23 want to answer? But I'll answer. I believe yeah,
24 we could and we should go back to a 24-hour

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2 system and figure out a plan to disinfect those
3 trains. We have the cleaners. We have the people,
4 and disinfect those trains and buses.

5 SENATOR LIU: Because the MTA is
6 basically, they basically say that they can't go
7 back to 24 hours because they need time to clean
8 the system, and meanwhile your members are doing
9 the cleaning and the maintenance. It's kind of
10 relatively new to me that they're hiring a lot of
11 outside people to come in to do the cleaning, but
12 operationally you think it can be done with TWU
13 and the current workforce.

14 MR. DEJESUS: The thing about it,
15 senator, we're not asking to reinvent the wheel
16 and that's what MTA keeps trying to do, try to
17 reinvent the wheel. Meantime, there's a workforce
18 between Local 100 and all the other unions that
19 they have guys there. If you do the proper
20 training, they can do the job and then do the job
21 wholeheartedly because they know what's at risk,
22 and that's the difference. That MTA is looking
23 outside, looking beyond what is sitting right in
24 front of them, with these union workers that are

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2 willing to do the work. And that's our biggest
3 fight with them. You have them sitting in front
4 of you. The farm system is right in front of you.
5 Use them.

6 SENATOR LIU: Okay. That's very helpful.

7 MR. SIMON: Senator, I agree with that.
8 We're fully prepared as a union, as a membership.
9 My organization represents conductors as well as
10 cleaners, and we're fully prepared. But you've
11 got to utilize us and talk to us about what you
12 think is best, and get our opinions. Don't -- the
13 easy thing for them to do, and it seems like the
14 MTA it's always easy to just shoot a phone call
15 out to a consultant. That's just easier instead
16 of getting us in a room and figuring it out.

17 We have full service right now. We're
18 prepared. Let us do our jobs that we do best,
19 we've been doing all along instead of taking the
20 easy course and going to consultants. It's at
21 this point now, where they're throwing away
22 money. And I think in that report that came out
23 where Ms. Feinberg from the transit talked about
24 how there are so many consultants here that we

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2 don't even know where they are. Well, you know
3 where our members are. They're very easy to be
4 found. We're working.

5 MR. KELLEY: Senator Liu, Robert Kelley.
6 I'm in stations. Cleaners fall under me. Our
7 cleaners have been operating with the ridership
8 from the beginning of time, with high pressure
9 hoses and doing a phenomenal job. We don't work
10 on GOs, but some from time to time. But when the
11 contractors came on, the authority gave them GOs
12 to work with, so that they can prove they are
13 better than us. They failed. They straight up
14 failed.

15 Our workers are the best in the
16 business, sir. We clean every day with crowded
17 platforms, we rope things off. We're
18 professionals. We do this every day. We certainly
19 can. This system needs to open up 24 hours. This
20 is the moral fiber of what New York City is built
21 on, that's the bottom line. We can handle it.

22 SENATOR LIU: Thank you. You know, one
23 last quick question, which is the MTA said they
24 need all this money. I hope that they get all

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2 this money from the federal government, but
3 again, it's important to know what the numbers
4 really are. Out of the \$12 billion that Pat Foye
5 is asking for now, that includes \$2.7 billion of
6 expense basically, over expenditures over the
7 next four years, about \$2 billion of which is
8 within that \$12 billion.

9 So my question to you, Tony and the
10 other leaders, have you all gotten a huge pain
11 crease? Because the MTA seems to be spending \$2
12 billion more in operating costs.

13 MR. UTANO: No, but I wanted to let you
14 know that Anthony said they were putting jobs out
15 for \$200,000, it's more like 300,000. They hire
16 the transformation officer McCord? I don't even
17 know where he is. What are they paying him for?
18 What does he do?

19 SENATOR LIU: So what do you think --

20 MR. UTANO: [unintelligible] [02:59:15]
21 we ain't getting that money, you know. We ain't
22 getting that money. These gentlemen don't have
23 the contract. I have a contract. And they should
24 get a contract, right. But what are we asking

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2 for, two percent raises? [unintelligible]

3 [02:59:29].

4 SENATOR LIU: I think what I'm hearing
5 from you is that they're actually, they are
6 contracts, not labor contracts, but contracts
7 with these outside companies that are being
8 brought in to do work that we already have a
9 workforce at the MTA ready, willing and able to
10 do.

11 MR. UTANO: Yes, absolutely.

12 SENATOR LIU: Thank you. Thank you very
13 much for all the work that your members do.

14 ASSEMBLY MEMBER PAULIN: Thank you very
15 much. Our next assembly speaker is Phil
16 Palmesano.

17 ASSEMBLY MEMBER PALMESANO: Can you hear
18 me.

19 SENATE COUNSEL: Yes.

20 ASSEMBLY MEMBER PALMESANO: Thank you.
21 First I wanted to say thank you, gentlemen, to
22 you, and your members on the frontline for what
23 you all did, what you continue to do, and what
24 you sacrificed to keep things running and moving

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2 during this COVID pandemic, so I'll thank you
3 again to you and your members.

4 I did want to have more of a, it's not
5 so much a question, I just wanted some more input
6 from you gentlemen if I could. First, I want to
7 direct it to Mr. Simon. You guys may have covered
8 some of this in your testimony, but I think it's
9 important to go back over it and hear it. I
10 wanted to see from Mr. Simon, maybe you and
11 others afterward, if you could talk about what
12 SMART and your broad based membership you
13 represent, has done as essential workers. Maybe
14 describe some of your efforts and actions and, of
15 course, the challenges you encountered trying to
16 keep moving forward in keeping things running,
17 and probably most importantly, as Chairman
18 Kennedy mentioned, what recommendations would you
19 would you to offer to all of us, the MTA for
20 improvements, help in making things better as we
21 continue to move forward in situation for
22 everybody?

23 MR. SIMON: Thank you, assemblyman, for
24 that question. You know, our organization from

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2 day one, we were 24/7. What I did as the leader
3 of the organization, I made accessible every
4 single union official who worked around the clock
5 at what we put together on the Long Island Rail
6 Road as a command center. That command center was
7 manned 24/7. We helped with the management side
8 to facilitate either people coming to work or not
9 coming to work, because we weren't getting enough
10 information as far as whose healthy and who's not
11 healthy.

12 So the union stepped up with our smaller
13 resources that we have, because all of the
14 managers were home, working remotely. And what we
15 did was we facilitated the crew management book.
16 We facilitated getting people the proper rest
17 they needed. We actually did the job of crew
18 dispatching, what managers do because we wanted
19 to keep our members safe.

20 What I recommend to the agency and that
21 this panel holds them accountable to is start
22 tapping into the resources of the labor
23 organizations who have 30 plus years experience,
24 I know I have 30 plus, I know Tony has 30 plus,

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2 the other gentlemen. I mean, we have the
3 experience to show you how it's done. We're not
4 looking to hurt anybody. We're not always having
5 our hand out. If I remember correctly, they came
6 to us, the pandemic, they weren't prepared, and
7 it was the unions who made it work. It was us
8 that made it work. It was us that stepped up, it
9 was our members who stepped up. And at the end of
10 the day, we went three months trying to figure
11 out how to keep our members safe and how to get
12 PPE to our members.

13 I mean, on the Long Island Rail Road at
14 some point we were making our own sanitizer. We
15 were making it with getting liquid, they were
16 given have giving us cloth to fill in a bottle
17 and mixed it with cloth to -- it was absolutely
18 out of control. Mask compliance was a problem.
19 First we needed them, then we didn't. But you
20 didn't see us running to the newspapers, you
21 didn't see us beating them in. What we did was we
22 worked with them. Mr. Eng and I were in constant
23 communication and I was in communication with
24 Foye, but there was a disconnect. There was a

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2 disconnect. They should tap into us instead of
3 running to a consultant. You can negotiate a
4 contract with a consultant but the people that
5 are putting their lines on the line for you, you
6 cannot negotiate with. That makes no sense
7 whatever. That is actually throwing money out the
8 window. And I think at this point, what they can
9 do is start listening to the organizations who
10 have been there for them since day one. Thank
11 you.

12 MR. DEJESUS: Well, I remember back in
13 February, we were having meetings
14 [unintelligible] [03:03:46] about the PPE and the
15 masks, and they sat there and told us, no, it was
16 not possible, it is not receivable. We had enough
17 masks for them to work, for the guys to work on
18 the brakes and work on the buses and work on the
19 transit systems that are needed for that. In the
20 meantime, we argued just to give it to them to
21 give them a sort of comfort. And in the long run
22 what had was when they didn't have it, ATU unions
23 got together with the 726, was able to get us
24 masks, get masks from different suppliers that we

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2 gave it our members, gave them masks, as many as
3 they needed, gloves as many as they needed, get
4 as much hand sanitizers that we could. And we
5 begged and borrowed and did what we needed to do
6 to take care of our members.

7 And when MTA came to us about with
8 different proposals, we did not argue, like
9 Anthony said, we didn't argue with them. We made
10 it work. We listened to what they had to say and
11 we made it work. And when we took it on to our
12 members and some did it gratefully and some did
13 it willingly, but they did their jobs because
14 they needed move New York. People, they needed to
15 get people from place A, to work and back home to
16 their families.

17 And the thing about it that gets me is
18 like Anthony said, we're not always looking for
19 the handout, we're looking for the greater good.
20 And our members are loyal to this city and are
21 loyal. They just want their fair share. They want
22 to get a day's wage for a day's work. That's all
23 they're looking for. And don't treat them any
24 differently than our sister unions and try to

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2 divide us among each other, when we're all
3 working for the common purpose, is for making the
4 system run and doing our jobs.

5 ASSEMBLY MEMBER PALMESANO: Thank you,
6 gentlemen. Thank you to you again and all your
7 members for all you do for us. Thank you.

8 ASSEMBLY MEMBER PAULIN: Thank you.
9 Senate.

10 SENATE COUNSEL: The Senate recognizes
11 Senator Shelley Mayer for five minutes

12 SENATOR MAYER: Thank you. Thank you,
13 chairman and thank you to my friends, Tony, nice
14 to see you, and Ed, and to our other union
15 leadership. I want to echo what Senator Kennedy
16 said. I mean we really have to step back and
17 thank your members who stood up and took enormous
18 risks and really paid such great consequences
19 across the board, especially, I know the TW local
20 members and all of you. And I have one question
21 first for Tony. Is there any current format where
22 you or your leadership from TW is meeting?
23 Whoops. Is meeting with the management of the MTA
24 about how to deal with these operational programs

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2 or challenges? Are you meeting with them? Are you
3 in a regular conversation about that?

4 MR. UTANO: Operational --

5 SENATOR MAYER: I mean the issues of
6 having the trains be 24 hours, how many no
7 layoffs, what are the staffing needs.

8 MR. UTANO: I have not been called to
9 have a meeting, no.

10 SENATOR MAYER: Not a single meeting
11 with Chairman Foye?

12 MR. UTANO: Not in the past, I haven't
13 met with them in, I don't know, maybe, the past
14 two months.

15 SENATOR MAYER: You have not met with
16 Chairman Foye in the past two months?

17 MR. UTANO: No.

18 SENATOR MAYER: Is that true for your
19 other, the other union leaders who are here?

20 MR. DEJESU: My ATUs have been meeting
21 for impact bargaining and has turned away from
22 impact to basically griping on needs that we need
23 to do for our members and different things that
24 were needed. And we always get the same runaround

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2 answer from week to week, and never an answer and
3 it never goes anywhere.

4 SENATOR MAYER: Understood.

5 MR. DEJESUS: And it got to the point
6 from the last meeting to say give us somebody
7 that can give us an answer, please, because this
8 is ridiculous. We're chasing our own tail.

9 SENATOR MAYER: Yes, I understand.

10 MR. UTANO: Just so I'm clear, right.
11 What we're talking about operations, like just
12 stuff that's going on every day not related to
13 the pandemic, but related to the pandemic,
14 layoffs or anything around that area, no, I have
15 not met with them.

16 SENATOR MAYER: No, I'm not talking
17 about your usual HR kind of issues. I'm talking
18 about the big issues we are talking about here
19 that you set out, Tony, at the beginning,
20 enforcement of the mask policy, testing, these
21 kinds of issues about how this major economic
22 engine for our city and our region is going to
23 continue to work.

24 MR. UTANO: No, we sent them ten-point

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2 plan in the very beginning that we had, and we
3 didn't get a response. But some of the stuff on
4 the ten-point plan has been implemented and some
5 not. The latest is the NYU study that we sent
6 them, we wanted to do a study. They didn't
7 respondent, so we went from NYHU and said we want
8 to do a study, we want to know what happened
9 here. It's the same group that did the study for
10 the 9/11.

11 SENATOR MAYER: Right.

12 MR. UTANO: And now they're trying to
13 get into the study. And we welcome them into the
14 study. We want to see what happened here. We're
15 not trying to make this a big movie here. We're
16 trying to find out what happened, because we want
17 to prevent it from happening again.

18 SENATOR MAYER: Absolutely.

19 MR. UTANO: And in the very beginning
20 when they said they didn't need masks, I was at
21 that meeting that Jose was at, and I directly
22 told them we were told once before that we didn't
23 need masks. Remember when the trade center went
24 down and they said the air was good? Well, today

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2 3,000 trans workers showed up to that pile, and
3 today we have people dying from that because
4 somebody in the EPA said you didn't need a mask,
5 so we said, we want to wear a mask. And they said
6 it wasn't part of the uniform, and then they came
7 off it. But every single thing we had to do was
8 always a fight. It wasn't always like, okay, you
9 guys are right. It was always a fight. But we
10 haven't met. And I don't know about these
11 gentlemen but I haven't, I haven't sat down with
12 them.

13 SENATOR MAYER: Well, I was interested
14 in yours. Ed, I have a question for you. Is there
15 a markedly diminished presence of the Metro-North
16 police on these trains, on your train?

17 MR. VALENTE: Yeah, unfortunately
18 there's zero police presence on the trains.
19 Unless they're called because of an incident,
20 they're actually not, they don't ride trains in
21 their daily routine. They stay at stations. And
22 something we've been pushing for since January,
23 due to an assault and a pattern of assaults over
24 the years, was police officers that are solely

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2 responsible in their duties to ride the trains.
3 And it doesn't take that many to create a
4 presence on the trains. You know, you take two
5 police officers, start one in the front, start
6 one in the back, and they walk to meet, right,
7 and the passengers realize, wait, there's police
8 on the trains.

9 And that's something we've been pushing
10 for and even more so now with the issues with the
11 masks. It's really very difficult for our
12 conductors to enforce that. It's impossible
13 without police enforcement supporting Metro-
14 North, the Long Island Rail Road, the subways,
15 the buses, because we're not police officers,
16 like President Utano said. We don't carry a gun.
17 We don't have that authority. And I've asked in
18 multiple letters to President Rinaldi and
19 Chairman Foye for police on the trains for this
20 purpose, and I've been ignored. So, it's
21 disheartening to say the least.

22 ASSEMBLY MEMBER PAULIN: Thank you.

23 SENATOR MAYER: Thank you for your
24 comment on the pregnancy. As you know, I will

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2 intend to follow up with Metro-North about that.

3 Thank you.

4 MR. VALENTE: I appreciate that.

5 ASSEMBLY MEMBER PAULIN: Thank you very
6 much. Our next assembly speaker is Assembly
7 Member Steve Otis.

8 ASSEMBLY MEMBER OTIS: Thank you,
9 gentlemen, and thank you for what your members
10 have been doing and are going to continue to be
11 asked to do. And as ridership increases, we all
12 understand that the exposure to people that may
13 be carrying the virus is going to be out there.
14 And so your members are very brave.

15 I have a question. Just back to the mask
16 issue, as it relates to customers. And for New
17 York City Transit, subway and bus, for Long
18 Island Rail Road and for Metro-North, for each of
19 these units, what is the hard and fast rule? And
20 is there signage on buses or on cars that say you
21 can only ride with a mask? And what is the stated
22 policy? And it may vary between conveyance here,
23 so I'd like you to go down the four that I listed
24 and let us know what is being done right now.

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2 MR. DEJESUS: On the buses, there is
3 signage. There is a message set every 15 to 20
4 minutes, [unintelligible] [03:12:40] are
5 bilingual to wear a mask, but as for the
6 enforcement part, there is really no enforcement
7 that a bus driver can enforce that unless he
8 calls the command center, and the command center
9 is going to tell him keep the bus moving
10 basically.

11 And then what the problem is, it puts
12 the operator in a certain predicament because the
13 public, the riding public is going to look to the
14 operator to do something. So now we've got a
15 confrontational issue. And our drivers are not --
16 having too many operators assaulted, spat on, or
17 verbally assaulted and called names, especially
18 our female operators. And the thing about it is
19 we don't come to work to drive a bus for that
20 reason. They want to get people to where they
21 need to go, but they're subject to that, and MTA
22 is leaving that door open and not closing it or
23 trying to close it and use the people around
24 them, especially in other transit hubs, the main

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2 transit hubs and show police a presence. That we
3 can't get, we can't get them to promise that.

4 ASSEMBLY MEMBER OTIS: And what about
5 the subways?

6 MR. UTANO: On the subways, they are
7 starting to put stickers around the cabs and
8 social distancing stickers and our conductors are
9 making announcements to wear the masks. But
10 again, if there's no enforcement, I mean, we can
11 make all the announcements we want. I'm not
12 advising any of my members to go out and say
13 you've got to wear a mask. We need some police
14 presence. We need somebody on the train to walk
15 around and say, you need to put your mask on or
16 you need to leave, you know, if you don't want to
17 get the ticket, then you need to leave. If you're
18 not going to follow the rules, I go into a 99-
19 cent store, if I don't have a mask, I get thrown
20 out of that store, so why should it be any
21 different on a subway? You go in a subway. You
22 know what? You do not even have to wear a mask.
23 You can wear a face piece, right, they've
24 downgraded it that you can just put a face piece

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2 around you. So there's no excuse where people say
3 they can't get a mask. They could wear a face
4 piece. It's just about enforcement. That's the
5 problem.

6 ASSEMBLY MEMBER OTIS: I mean, in a
7 store people can be in and out of a store in two
8 minutes. You're on a conveyance, it's an extended
9 period of time, so it heightens the risk. How
10 about the commuter rails?

11 MR. SIMON: As far as the Long Island
12 Rail Road, I think public affairs and public
13 relationships in my opinion have been doing a
14 good job getting the message out there and the
15 conductors putting the message out there. But it
16 still goes back to what Tony and everybody says.
17 Compliance, we get into confrontations. You can't
18 put our frontline employees in that predicament,
19 you just can't put them. Safety is supposed to be
20 the number one concern, and at this point, as Ed
21 said and we've all been echoing, they have what
22 they -- years ago, they used to have train
23 patrols. They have none now, for police. Train
24 patrols were police. We're begging them to put

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2 train patrols back on. Like Ed had said, they
3 start from the front and the back and work their
4 way to the middle.

5 When you see a police officer, I
6 remember back in the day, when we had state
7 troopers our trains. Well, nobody did anything.
8 The state trooper walked through that train, just
9 the presence that of state trooper. All we want
10 is the MTA police to start focusing on the
11 commuter rails and start putting train patrol
12 back on the trains so that we can feel safe
13 again.

14 So as far as the information that's
15 going out there, we can't force them to do it,
16 like Tony said, we can't say oh by the way -- we
17 all have heard horror stories about somebody
18 telling somebody to put a mask on and it becomes
19 violent. So get the train patrols back on the
20 trains where they should be with the MTA police
21 and maybe that would help.

22 ASSEMBLY MEMBER OTIS: Metro-North?

23 MR. VALENTE: Yeah, I mean Anthony said
24 it perfectly. So did Tony. I mean, that's the

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2 issues we have. We do have signs. The conductors
3 make the announcement. But we can't enforce it. I
4 actually asked if this was enforceable by law
5 enforcement beginning early on, and I didn't get
6 a response, so there's really no clear cut policy
7 from the railroad on what's enforceable, what the
8 police will do, and zero police presence on the
9 train, is a recipe for disaster.

10 ASSEMBLY MEMBER OTIS: Thank you all.

11 Thank you.

12 MR. DEJESUS: Thank you.

13 ASSEMBLY MEMBER PAULIN: Thank you.

14 Thank you very much. Senate?

15 SENATE COUNSEL: Chair Leroy Comrie for
16 five minutes.

17 SENATOR COMRIE: Thank you. I want to
18 thank all of you, the union presidents for
19 speaking up today and talking during the hearing,
20 listening to the MTA and giving us the feedback.
21 I just wanted to follow up on the line of
22 questioning that Shelly Mayer started regarding
23 how much consultation have you been getting from
24 or talking to the MTA about the pandemic work and

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2 your challenges working with the pandemic. So I
3 think all of you said that you haven't had any
4 real feedback or opportunity for confrontation
5 with them in the last three months or so. Is that
6 correct?

7 MR. SIMON: I can speak on behalf of
8 Long Island Rail Road. The only thing we're
9 getting is they're letting us know how broke they
10 are and how bad it is and we can't sit down at
11 the table with you. You know, that's again
12 another slap in the face. And going back to the
13 relationships that all these unions have built,
14 that in itself, we have built relationships with
15 not only the Senate and Congress, you know, and
16 they've asked us to help with the funding and
17 we've done that.

18 So why are you not talking to us yet?
19 You want us out speaking to Congress and Senate
20 for the funding, which we think is proper, but
21 yet you're not having a conversation with the
22 union leaders about what our members are worth,
23 what they deserve and the safety of them. I mean
24 at this point, we're getting tired of hearing of

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2 how broke you are when you're not cutting from
3 the fat at the top and you're talking and you're
4 sending messages out to our employees who were
5 here for the pandemic. The messages you're
6 sending them, oh, by the way, we might to have
7 lay you of you off.

8 That's an absolute disgrace and I think
9 they should be ashamed of themselves for saying
10 that or even thing along the lines of looking at
11 essential workers to be furloughed or to be laid
12 off. It just doesn't make any sense when Tony and
13 I and I both said it, \$200,000, \$300,000. I was
14 being generous. If one of those jobs you want to
15 look for, they're online, they're two or \$300,000
16 jobs. It's insane.

17 SENATOR COMRIE: I brought it up, as you
18 know, from the hearings that we first had of the
19 issue of all of the jobs that are on the books
20 but off the books at the MTA. Sarah Feinberg
21 mentioned it, but from her sounding today, they
22 already got to her, so she's already spun what
23 her original focus was. I was very sorry to hear
24 her reaction. I didn't want to call her on it at

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2 the time, because I was short, but clearly, she
3 is starting to drink the water unfortunately.

4 So, we need to do everything we can to
5 work with you, all of the unions, and I know that
6 while we can't do direct contract negotiation,
7 that there needs to be an understanding that the
8 essential workers need to be maintained ahead of
9 the management. And I did ask her whether or not
10 she would get a real chart on and a real update
11 on what their employee status is and who is there
12 at the MTA. They've never provided that type of
13 transparency as to all of those people that are
14 working in management there.

15 And to hear that management was too
16 chicken to even come out during a pandemic to
17 support you guys out in the frontlines and they
18 were doing it from their offices is very
19 disappointing, also. So I want to say that I'm
20 just so proud of all of the work that you guys
21 are doing. Ed, I've gotten your request regarding
22 the assaults. I don't understand why you're
23 getting so many assaults up there and it has not
24 been addressed. We will work to make sure that

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2 the MTA is making sure that they're working with
3 PD up that way to do more.

4 For whatever reason your people are
5 being assaulted and is that's something that we
6 should not tolerate. Anyone who is assaulting an
7 essential worker during this time needs to be
8 punished to the full extent of the law allowed.

9 I can't thank all of you gentlemen
10 enough for what you're doing. Please keep in
11 constant contact with our offices so that we can
12 help advocate for you so that we're not doing it
13 after they testify but before they come to the
14 table, so that they can know that it's part of
15 the process. I hope that also tomorrow at their
16 board meeting, you're submitting your testimony
17 as well, so that the board can know the
18 frustration of the unions as well.

19 They should not have to balance their
20 budget on the backs of the essential workers.
21 While we know that this is a difficult time and
22 an uncertain time with federal funding, there is
23 no need to eliminate the people that are actually
24 providing the service. You guys are the tip of

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2 the spear. You've lost a lot of people that
3 wanted to work because you had a desire to keep
4 the system running.

5 That has to be commended, but it has to
6 be respected, and it also has to be understood by
7 the MTA that they should provide opportunities
8 for the essential workers to keep their jobs
9 ahead of management and consultants. So I want to
10 thank you for your service. I want to thank you
11 for your continued efforts to fight. And you can
12 count on us in the legislature to back you up as
13 much as possible. Thank you all for being here
14 today.

15 MR. UTANO: Thank you. Thank you so
16 much.

17 ASSEMBLY MEMBER PAULIN: Thank you. I
18 have no more assembly speakers. I just want to
19 also mention, like the assembly members who did
20 speak and the senators who just spoke, we just
21 really want to be here to support you. We want to
22 keep you safe, your families safe. We've heard
23 today so much about that concern above all else,
24 as we all feel during this horrible pandemic, and

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2 so I was wondering, I think Tony you mentioned
3 you had a list of 12 items. Were they all related
4 to safety?

5 MR. UTANO: Ten-point plan.

6 ASSEMBLY MEMBER PAULIN: I'm sorry, ten-
7 point plan?

8 MR. UTANO: Ten-point plan, we can send
9 it over to you.

10 ASSEMBLY MEMBER PAULIN: That would be
11 great. I would love to see a copy of that and to
12 know from you which ones were implemented and
13 which ones weren't. I also wondered along those
14 same lines and same questioning that I've heard,
15 has there been any conversations about cost
16 savings or cost cutting, or for your input across
17 the board, Metro-North, LIRR, subways, transit
18 system? Because we're hearing that there could be
19 dire consequences if there's no federal money.
20 Has there been anything in advance so that, you
21 know, we and you have some sense of what might
22 happen?

23 MR. SIMON: Can I just make a quick
24 comment on that? It's kind of hard coming to the

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2 unions when they've been delivering all along and
3 saving them even during a pandemic, showing them
4 how to cut costs so that we can get through this
5 pandemic, and to ask the unions to keep cutting
6 and ask for savings to the unions while they're
7 not showing it themselves, I mean, put yourselves
8 in our shoes as leaders. How do we go to our
9 members and say to them, oh, by the way we've got
10 to cut a little bit more, we've got to take away
11 from this, we've got to knock away your crew book
12 and we've got to take away from the size of the
13 crews, or the amount of the hours you work when
14 we have upper management making the astronomical
15 salaries that they're making while sitting on a
16 zoom meeting at home.

17 I can tell you we have 11 branches on
18 the Long Island Rail Road. I traveled all 11
19 branches during this pandemic to check mask
20 compliance myself personally, to talk to my
21 crews, to talk to the men and women, what they
22 were feeling. I have been out there to the track
23 department. Janno Lieber mentioned about 500
24 projects being done. Well, who did that? Who did

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2 that? It was our members, my track workers. We
3 were out there. They were on Zoom. They were
4 home. And I'm sorry, but I'm passionate about the
5 fact that I had Senator Kennedy come out and see
6 the work that our men and women did on the track
7 department and he was amazed at the work that
8 they do and that all the other unions do on the
9 track, and yet those 500 projects that we
10 accomplished, they cut the ribbons yesterday.

11 Wow, that's wonderful, wonderful ribbon
12 cutting. Did you see anybody there? Did you see
13 any workers there? Social distancing, I
14 understand, but you could have social distanced
15 and thanked the employees that were there during
16 the pandemic. I'm upset about that. I'm upset
17 about a lot of things that when you come down to
18 it, you're asking to us to cut. You don't want to
19 give us a contract, which understandably we may
20 not have money. But you have money to pay these
21 salaries and get these consultants in.

22 So, no disrespect to Tony and his great
23 workforce, but during the heart of the pandemic,
24 the heart of the pandemic, they got back pay and

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2 they got their raises. God bless you, Tony, and
3 your membership who deserves it, but what are we?
4 Are we second class people that we don't deserve
5 that? Where did you find that money from? That's
6 the question that should be asked. Where did that
7 money come from? Thank you.

8 ASSEMBLY MEMBER PAULIN: No, I hear what
9 you're saying you and you make excellent points
10 and there has to be more of a dialogue clearly
11 going forward or we're not going to get through
12 this whole thing, so the lack of a dialogue is
13 very concerning.

14 SENATOR COMRIE: I hear what you're
15 saying also. I put in a transparency bill to look
16 at management at the MTA. I hope that we can get
17 that bill passed, because I'm sick and tired of
18 them dodging that question about transparency in
19 their upper management. There are a lot of people
20 that are there that even, as I said earlier,
21 Feinberg realized she doesn't know who the hell
22 is there and getting all this money in upper
23 management.

24 And it's time the MTA comes clean,

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2 especially now. So we hope to help you and we
3 understand clearly what you're going through and
4 we want to do whatever we can to call the MTA on
5 that so that they can be totally transparent
6 about where they're spending their money in
7 management and in contract.

8 MR. DEJESUS: The thing about it,
9 senators and assembly, Tony's contract at 100
10 wasn't done last week or last month. It was done
11 last year, before the pandemic took effect.

12 ASSEMBLY MEMBER PAULIN: Right.

13 MR. DEJESUS: So, they understand that
14 their pattern of bargaining happens. What
15 happened to that? What happened to that money?
16 What happened to -- I just don't understand how
17 you could be so shortsighted, and yet during
18 these meetings they're talking about money
19 happening three years from now, but when it comes
20 to labor, they're very shortsighted with us.

21 ASSEMBLY MEMBER PAULIN: No, I
22 understand.

23 MR. DEJESUS: And they expect to put the
24 brunt on our backs.

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2 ASSEMBLY MEMBER PAULIN: Got it.

3 MR. VALENTE: And just to add one more
4 thing, I think everyone said it really well, but
5 during the pandemic, the essential workers showed
6 up every day, came in, ran the trains, cleaned
7 the trains, were there for the mechanical issues,
8 and management was at home. So if you look at
9 those two things, right, it just shows who is
10 really needed.

11 So to look at the essential workers and
12 say, hey, you know you guys need to take a cut.
13 Well, you want to sacrifice service to take a
14 cut? That doesn't seem like the right way to go,
15 especially when we should be spreading people
16 out, running more service. It didn't work in the
17 great recession reducing service. That actually
18 hurt us coming back. So it's not the right way to
19 go about it.

20 ASSEMBLY MEMBER PAULIN: No, I
21 understand what you're saying. All right, well,
22 thank you very much. That concludes this panel.
23 We have --

24 SENATOR COMRIE: Thank you all.

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2 ASSEMBLY MEMBER PAULIN: Yes, thank you.

3 We have our panel three. However, my
4 understanding is that panel four, neither of the
5 two people who were going to testify are able to,
6 but one of them has a substitute, so in texting
7 with Senator Comrie back and forth, we agreed to
8 just merge that one speaker. Maybe she could even
9 go first or he. And then we could go on to panel
10 three.

11 MR. JUSTIN WOOD, DIRECTOR OF ORGANIZING
12 AND STRATEGIC RESOURCE, NY LAWYERS FOR THE PUBLIC
13 INTEREST: Hello. Good afternoon. Hi. This is
14 Justin Wood. Eman Rimawi, from New York Lawyers
15 of the Public Interest is unfortunately out sick
16 today, so I am able to read her testimony. And I
17 can go now or after the other panelists, whatever
18 is best.

19 ASSEMBLY MEMBER PAULIN: Why don't you
20 go now?

21 MR. WOOD: Great. Thank you very much.
22 So this is the testimony of Eman Rimawi, who is
23 the Access-A-Ride campaign coordinator at New
24 York Lawyers for the Public Interest. Thank you

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2 very much for the opportunity to speak with you
3 about the effects that COVID-19 has had on
4 Access-A-Ride customers, who are also New Yorkers
5 with disabilities. Thank you to Senator Kennedy,
6 Senator Comrie and Assembly Member Paulin. The
7 work you're doing in your committees is vitally
8 important.

9 Needless to say, we find ourselves in
10 troubling times under COVID-19. As an Access-A-
11 Ride user, I am grateful that the MTA has
12 implemented several safety measures to keep its
13 customers and drivers safe. However communication
14 need to be improved. So far, it has been left up
15 to the community to let each other know what is
16 going on, rather than announcing these changes in
17 the citywide MTA newsletter which goes out
18 monthly. To [unintelligible] [03:30:42] other of
19 the customers who use access-a-ride would be
20 against the Americans with Disabilities Act and
21 it sets a dangerous precedent, the discrimination
22 of any kind against people with disabilities is
23 okay.

24 As a double amputee with lupus, I can

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2 tell you it's never okay. I have been a customer
3 with Access-A-Ride for 11 years now. I have
4 experienced everything under the sun, from
5 accidents to screaming matches with rude drivers
6 to sexual harassment to six-hour rides. I've gone
7 through it all simply because I'm disabled.

8 Before COVID-19, I used Access-A-Ride
9 six days a week. Most days I'd be out of the
10 house around 7:00 a.m. and wouldn't return until
11 7:00 or 8:00 in the evening. Why? Because I had
12 an extremely packed schedule with early morning
13 meetings or classes, meetings scattered
14 throughout the city, work to do in the office,
15 workshops at various elected offices, and
16 outreach all over the city in places that
17 serviced people with disabilities. I often would
18 say as long as my above knee leg was charged, I'd
19 be good to go.

20 I was relieved that Access-A-Ride
21 implemented several new rules that drivers and
22 independent contractors within the MTA should
23 abide by. I also want to particularly thank all
24 of you state legislators and your colleagues who

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2 co-sponsored and voted to memorialize these rules
3 in law in the spring legislative session, despite
4 the bill ultimately being vetoed.

5 The rules are that all drivers must wear
6 masks and gloves, that shared rides are
7 discontinued to allow as much social distancing
8 as possible within the vehicle, that all vehicles
9 are disinfected at least daily and the dedicated
10 blue and white vehicles are regularly treated
11 with antimicrobial shields. That rides have been
12 free, which avoids having to exchange cash
13 between drivers and riders. That recertification
14 is automatically extended to avoid in-person
15 assessments, many of which we viewed as onerous
16 and inefficient even before the pandemic.

17 And for the time being, the on-demand
18 Access-A-Ride pilot has continued without caps on
19 rides or fees. However, we remain deeply
20 concerned that not enough riders have access to
21 on-demand dispatch technology, which should be
22 widely available and that restrictive caps and
23 fees may very well be implemented by the MTA in
24 the future. And finally, extensive wait times

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2 between consecutive rides on Access-A-Ride have
3 been eliminated or reduced.

4 However, my experience is that Access-A-
5 Ride is still often making customers wait an hour
6 or more for rides, and during a pandemic that
7 feels particularly unsafe, as we often have to
8 wait in lobbies, entry ways to buildings and
9 other places where social distancing isn't
10 possible.

11 I experienced it myself when I had
12 several doctors' appointments in multiple
13 boroughs last week and needed safe and fast rides
14 to get me where I needed to go. Everything else
15 seemed to be in place, which made for a safe,
16 reliable and affordable ride all day.

17 This may surprise some people who have
18 heard me testify at the monthly MTA board
19 meetings, but it made a huge difference to my day
20 to make it all work better. Because some of my
21 appointments changed, I used a combination of
22 broker service and on-demand service which made
23 it easier, faster, safer and quicker. I wouldn't
24 be able to do that if the MTA were to go ahead

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2 with a plan to reduce the on-demand service,
3 especially once it's safe to start going to
4 offices again.

5 The Access-A-Ride program, the MTA and
6 the City and the state have a responsibility to
7 make sure people with disabilities aren't
8 forgotten or ignored during this crisis. And
9 because of the ADA, this is also the law. The
10 communities that are most in need, it's our job
11 to make sure that these communities' needs are
12 met.

13 We also want to recognize that many
14 elected officials, and thank you again, as well
15 as transit riders and workers around the city,
16 state and country are now begging Washington
17 literally for the federal funding needed to save
18 transit, and we share this sense of urgency and
19 thank all of you for your efforts to save the
20 MTA.

21 We know the transit agency desperately
22 needs that money, including Access-A-Ride. For
23 these services to be cut or discontinued would be
24 devastating for people with disabilities who rely

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2 on accessible transit and paratransit to get to
3 healthcare appointments, jobs and to live our
4 lives. I don't want to think about what would
5 happen if people are cut off from transit. I've
6 experienced enough death in my life and that is
7 ramped up during COVID-19 among my close friends.
8 We need to take all of this seriously. Our lives
9 depend on it, including mine. Thank you very
10 much.

11 ASSEMBLY MEMBER PAULIN: Thank you very
12 much. Now going ahead with panel three, does
13 anyone want to go first? Rachel, Lisa, Danny,
14 Colin? Should we pick? You want to pick? Someone
15 unmute them. Colin is unmuted. There you go.

16 MR. COLIN WRIGHT, SENIOR ADVOCACY
17 ASSOCIATE, TRANSIT CENTER: Thank you so much.
18 Chair Comrie, Chair Kennedy, Chair Paulin and
19 members of the Senate and Assembly Committees on
20 Transportation and Corporations, Authorities and
21 Commissions, I'm Colin Wright, senior associate
22 at Transit Center. We're a national foundation
23 dedicated to improving U.S. public
24 transportation.

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2 Thank you for to your service to New
3 York State during the COVID-19 pandemic. I
4 appreciate the opportunity to testify before you
5 today on the unprecedented challenges facing New
6 York's MTA. Though overall ridership is down, New
7 York City has depended on buses and subways
8 throughout the pandemic. Essential workers
9 continue to rely on transit as they provide
10 medical care, stock grocery shelves and keep
11 basic services like utilities running.

12 Bus service should be distributed to
13 meet the needs of these workers and prevent
14 crowding onboard. However, new data from transit
15 app shows crowding is more concentrated on bus
16 lines in lower-income and black and brown
17 communities, where large numbers of essential
18 workers live. The BX3 route, which travels
19 through the Bronx and Upper Manhattan and the B35
20 route between Brooklyn's Brownsville and Sunset
21 Park neighborhoods, for instance, appear to be
22 more crowded than lines serving more affluent
23 areas of the city.

24 Transit Center has urged the MTA to

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2 address the inequities of bus crowding by
3 reallocating service from low ridership routes to
4 high ridership routes. Members of the legislature
5 can help by pressing the MTA to revise schedules
6 each month and reallocate services to meet the
7 needs of black, brown and low-income New Yorkers.

8 Transit Center also has called on the
9 MTA to set objective benchmarks that will trigger
10 a return of late night subway service. For
11 instance, the number of consecutive weeks with
12 the positivity rate below one percent.

13 Now I'd like to discuss the n MTA's
14 five-year capital program, a historic and hard-
15 fought investment in our region's transit system.
16 While New York rightly focuses on the short-term
17 dangers posed by the virus, we must also remember
18 the serious long-term problems plaguing our
19 transit infrastructure. The signal system is
20 ancient and failure prone. Hundreds of stations
21 lack access for people with disabilities. Subway
22 cars that should have been retired long ago are
23 still pressed into service.

24 Failure to address these problems will

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2 have devastating long-term impacts on the region
3 and will exacerbate inequities among our
4 neighborhoods. The consequences of unreliable,
5 inaccessible subways are felt most acutely by New
6 Yorkers who do not have the means to live close
7 to Manhattan. Riders with low incomes tend to
8 lose more times to delays than affluent riders,
9 and accessible subway stations are scarcer in
10 neighborhoods with more affordable rents.

11 Given the practical limits on the
12 authority's spending due to COVID-19, the MTA
13 must make every effort to complete maintenance
14 work and capital upgrades at costs competitive
15 with peer agencies. The MTA can stretch capital
16 funds farther through the following two measures.
17 First, tight fiscal constraints will make the
18 need to prioritize projects within the capital
19 program even greater. We urge the MTA and state
20 officials to shift focus from expansion projects
21 like the Second Avenue Subway toward investments
22 that serve the many essential workers who
23 continue to rely on transit today. Core track and
24 station maintenance, signal modernization and

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2 accessibility upgrades to the existing system
3 must be the top spending priorities.

4 Second, the MTA should review transit
5 capital costs from other large cities with old
6 rail networks and use industry averages as
7 benchmarks to assess its own progress on cost
8 reduction. Benchmarking based on construction
9 costs of older transit networks in cities in
10 North America and Western Europe will help reveal
11 which MTA practices are out of line with its
12 peers and must be altered.

13 Under Janno Lieber, president of MTA
14 construction and development, the MTA has
15 identified a number of project management and
16 procurement reforms to increase efficiencies. For
17 example, by bundling projects to take advantage
18 of track outages and we commend these steps and
19 believe they have the potential to reduce
20 construction costs. Making cost control goals
21 highly visible to the public will strengthen the
22 MTA's case for politically challenging decisions,
23 like shutting down segments of track continuously
24 instead of drawn out night and weekend work.

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2 An effective model is the MTA's on
3 practice of reporting performance targets for
4 subway and bus service. There are no equivalent
5 targets or metrics for MTA construction costs.
6 Setting firm public goals for cost control is an
7 essential step toward building trust in the MTA.
8 Now we understand that none of this will be
9 possible without a federal rescue of our transit
10 system. That's why we urge the legislature to
11 play an active role in demanding the federal
12 government deliver adequate resources to keep our
13 transit system running and to move stalled
14 congestion pricing approvals forward.

15 If fare hikes or cuts to the capital
16 program become necessary, we ask the legislature
17 to work with the MTA on a robust public process
18 and to hold a hearing next fall to assess the
19 ongoing impact of COVID-19 on the agency's
20 ability to maintain the system's core
21 infrastructure. Thank you for the opportunity to
22 testify this afternoon.

23 ASSEMBLY MEMBER PAULIN: Thank you very
24 much. Kwacey, am I saying your name right? I

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2 think you're next.

3 MR. KWACEY COGGINS, ESSENTIAL

4 WORKER/MEMBER OF THE NYPIRG STRAPHANGERS

5 CAMPAIGN: Yes, you are. Yes, you are. Hold on.

6 I'm going to pull up my testimony. So hello, good

7 afternoon, my name is Kwacey Coggins. I am a

8 member of the NYPIRG Straphangers Campaign and

9 I'm an essential worker. Thank you for inviting

10 me to testify today. I'll be sharing my

11 experiences as an essential worker and a bus

12 rider this year.

13 During the pandemic, I have worked as an

14 essential employee at a large retail store in

15 several locations across Queens and Long Island.

16 I have been depending on many different bus

17 routes, the Q44, the Q20 A and B, the Q42 and 83,

18 as well as the e-train and the Long Island Rail

19 Road to get me to and from work as safely and

20 timely as possible.

21 I am speaking today on behalf of the

22 essential workers across the city, because we

23 deserve better service regardless, but especially

24 now. Essential workers are the people who have

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2 kept New York City going during this difficult
3 time. In New York over 840,000 essential workers,
4 particularly depend on transit for their
5 commutes.

6 I have regularly taken the Q44 every day
7 with local hospital staff on an overcrowded bus.
8 Working during the pandemic has been stressful
9 and scary. But what made the experience worse was
10 bus service. I cannot depend on it. During these
11 times, these buses have been as slow and
12 unreliable as ever. I have been late to work
13 several times because slow and inconsistent buses
14 initially, as many routes were chronically
15 overcrowded because of the pandemic, with bus
16 ridership returning faster than subway service to
17 about 60 percent.

18 My bus routes are again, packed and
19 making the social distancing I practice the rest
20 of my day impossible during my commute. When I
21 was working in downtown Flushing, commuting from
22 Jamaica, it was awful to get to Flushing. I would
23 take two buses with a transfer in between, which
24 is trouble because a double bus driver is a

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2 double liable on my trip. The first leg of the
3 trip is into downtown Jamaica on the Q42 or the
4 83, local or unlimited, two routes that I am
5 lucky not to miss them since they're functioning
6 at three independent routes. If they all come at
7 the same time, it can be 20 minutes or more until
8 the next one. From downtown Jamaica, I would
9 transfer to either the Q44 or the 20. The 44 is a
10 select bus route that gets me to Flushing faster
11 than 30 percent during the worst of the pandemic.
12 But there are times when I have waited half an
13 hour for it to arrive. Other times, I just give
14 up and take the local, the local up to get off at
15 the Q20.

16 Throughout that means, I am for a long
17 ride. Hopefully I brought a book. The commute was
18 bad, but it was even worse to hearing from
19 management, you're late. Managers where I work
20 must write you up. Employees must
21 [unintelligible] [03:45:29] for being late more
22 than three times and they fire you. In this
23 economy I can't afford to get fired, which means
24 I cannot afford to be late.

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2 Sometimes I work overnight and it is
3 difficult to get home. I had to pay many times to
4 Uber home from work because the buses, the bus
5 did not show up. I can't I pay for one every day.
6 I know that MTA has recently cut overnight
7 service, subway service, while I take the bus to
8 work. I know that people who work overnight
9 shifts, who have faced the same complications
10 I've had to with my bosses.

11 Every time I get to work late, I risk
12 losing my job during the pandemic. With the
13 unstable economy and all the risks I'm taking
14 just going to work, I shouldn't have to worry
15 about losing my job or losing my income because
16 of unreliable bus service. With a third of the
17 New York City workforce facing unemployment, we
18 cannot allow New Yorker use jobs due to poor
19 transit service. Service cuts and fare hikes
20 would be devastating to those like me who
21 continue to travel to jobs and help reopen the
22 city each day.

23 New York City cannot recover if
24 essential workers cannot get where we need to go.

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2 We need the state to make sure the MTA has the
3 money it needs to not only keep service running
4 but improve it. The MTA should bring back
5 overnight service as soon as possible or let
6 riders know when it plans to do so.

7 We also ask that the state ensure the
8 MTA does not raise fares on riders, especially
9 when so many New Yorkers are unemployed, or
10 struggling to pay for MetroCard.

11 And finally, the MTA should make sure
12 that they are making mask wearing easier choice
13 of riders by keeping mask vendors full. Essential
14 workers are the people who have kept New York
15 City going during this difficult time, and I am
16 speaking today on behalf of essential workers
17 across the city who deserve better service now
18 more than ever. Thank you for your time, and have
19 a nice day.

20 ASSEMBLY MEMBER PAULIN: Thank you very
21 much. Rachel.

22 MS. RACHAEL FAUSS, SENIOR RESEARCH
23 ANALYST, REINVENT ALBANY: Good afternoon, Chairs
24 Comrie, Kennedy and Paulin and other members of

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2 the Senate and Assembly Committees on
3 Transportation and Corporations, Authorities and
4 Commissions. My name is Rachel Foss. I'm the
5 senior research analyst for Reinvent Albany. We
6 advocate for more transparent and accountable
7 state government including for authorities like
8 the MTA.

9 First, we want to thank you for holdings
10 this oversight hearing on the MTA and the
11 financial impact and operational impacts of
12 COVID-19. We strongly support increased oversight
13 by the legislature, particularly in times when
14 state government is acting in an emergency
15 capacity.

16 And we ask that you hold an additional
17 hearing this fall on the MTA, ideally in
18 November. This oversight will be important prior
19 to the MTA's release of a November financial plan
20 and adoption of a '20-'21 budget in December,
21 given its dire financial condition. It will also
22 ensure there's greater public transparency and
23 opportunity for comment on the potential fate of
24 the 2020-'24 capital program, which is currently

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2 on pause.

3 These are difficult sometimes for the
4 MTA and all New Yorkers and we are fully
5 cognizant of the political difficulty that the
6 MTA faces in providing information about
7 scenarios that are likely if federal funding does
8 not fully make up for their deficit. Therefore,
9 the state legislature has the responsibility to
10 riders and taxpayers to ensure that the MTA and
11 those it serves come out of this crisis as
12 unscathed as possible.

13 The MTA's financial crisis is of a
14 magnitude never experienced before and comes at a
15 time when the MTA was already on precarious
16 financial footing. Its debt services reached
17 record levels, nearly 20 percent of operating
18 revenues before COVID hit, and the massive drop
19 in fare revenue and tax receipts means now that
20 the MTA is losing \$2 million a week. Any options
21 for addressing the MTA's deficit must learn from
22 the past and ensure that riders in future years
23 aren't suffering under a transit system so
24 saddled with debt, it can't maintain service or a

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2 states of good repair.

3 The only option that will not create
4 devastating consequences for riders remains
5 Congress providing a massive infusion of
6 emergency aid of more than \$10 billion.

7 My written testimony has more detail on
8 the following items, which I'll summarize for
9 you. First federal funding for the MTA would
10 benefit not only the New York City region, but
11 the nation as whole, as MTA spending creates jobs
12 across the United States. I encourage to you look
13 at our report, "Investing in the MTA is Investing
14 in America", if you've not done yet, it's on our
15 website and in my written testimony.

16 Second, deficit borrowing is a last
17 resort option for the MTA, given it is huge debt
18 loads, it's nearly \$2.8 billion in 2020 alone for
19 debt service payments. Debt service will reach 26
20 percent of operating revenues next year. This is
21 up from 11 percent in 2004. And large amounts of
22 additional debt could cripple the system's
23 future.

24 Also on MTA debt, we recommend that the

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2 Federal Reserve's municipal liquidity facility
3 program, which we had heard from MTA today that's
4 that they tapped at a limited level, this could
5 be improved further with zero or very low
6 interest rates and longer-term borrowing. This
7 would make any small amount of borrowing by the
8 MTA more feasible. I know Bob Foran mentioned
9 that they saved \$12 million versus what they
10 would have on the public markets. If the program
11 were improved further, they could save even more
12 money.

13 And second, the legislature should
14 require an independent debt affordability study
15 conducted by the state comptroller to determine
16 the true red line for MTA debt. Third, MTA
17 dedicated funds must be protected from raids.
18 Part of the \$12 billion deficit stated by the MTA
19 and the governor would include \$600 million in
20 reductions by the state if federal funding does
21 not come through for New York State as a whole.

22 This raid, if advanced could be rejected
23 by the legislature through the state budget
24 adjustment process and we also call on the

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2 legislature to lockbox mass transportation
3 operating assistance funds. These are for the MTA
4 and transit systems across the state by moving
5 them off budget and no longer subject to
6 appropriation. This was done for the payroll
7 mobility tax and other MTA in 2018 and 2019, and
8 as you know, the congestion pricing is lockboxed
9 as well.

10 In moving some of these funds off
11 budget, the division of the budget even said the
12 following, it will remove the state's unnecessary
13 involvement as a recipient of these funds and
14 accelerate the availability of these funds. We
15 think there's no reason that this should not also
16 be applied to the MTA's largest source of
17 dedicated funds, MTOA.

18 And lastly, the MTA should look further
19 at opportunities for sharing crowding and
20 cleaning information as open data. This would
21 help build greater trust to the public as if they
22 can see the information themselves, they will
23 have more confidence making decisions about
24 riding subways.

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2 And lastly I'd like to say that we
3 support Senator Comrie's request for a full list
4 of COVID-19 emergency contracts with the MTA.
5 This should be released publically as open data
6 to not just the legislature but the public at
7 large, along with all MTA contracts.

8 Thank you so much for your time. My
9 written comments have a lot more information so
10 I'll leave it right there. Thank you.

11 ASSEMBLY MEMBER PAULIN: Thank you very
12 much. Lisa, Danny, you choose?

13 MS. LISA DAGLIAN, EXECUTIVE DIRECTOR,
14 PERMANENT CITIZENS ADVISORY COMMITTEE TO THE MTA:
15 I'll go.

16 ASSEMBLY MEMBER PAULIN: Thank you.

17 MS. DAGLIAN: My name is Lisa Daglian
18 and I'm the executive director of the Permanent
19 Citizens Advisory Committee to the MTA, PCAC,
20 created by the state legislature in 1981. Thank
21 you for that, PCAC is the MTA's in-house rider
22 advocacy organization, representing riders on New
23 York City subways and buses, on the Long Island
24 Rail Road and Metro-North Rail Road. Thank you

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2 for holding this hearing today. It's been really
3 informative.

4 We also greatly appreciate you outreach
5 to the New York Congressional delegation in
6 support of additional federal funds for the MTA
7 and its millions of riders through the end of
8 2021. As you've heard extensively this morning
9 and will hear more this afternoon, the MTA is the
10 most dire fiscal situation it's ever faced. The
11 agency is literally going broke helping move New
12 York.

13 Without another infusion of emergency
14 federal funding, the MTA will be forced to make
15 difficult choices including deep service cuts,
16 reduced cleaning, fare increases, harmful layoffs
17 and a significant reduction in the MTA's capital
18 program. Without this critical federal funding,
19 the transit system has the potential to down
20 slide into a death spiral from which it could
21 take years, even decades to come back and riders
22 will be the biggest losers.

23 Pandemic and emergent work from home
24 efforts have changed commute patterns maybe for a

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2 year, maybe forever. A survey by Partnership for
3 New York indicates that only 26 percent of
4 employees are expected to return to the office by
5 the end of the year, 83 percent of them will rely
6 on public transit. That means there must be safe
7 and sufficient service to get people where they
8 need to go when they need to get there.

9 Clearly, given the lack of federal
10 responsiveness, it's time to look under every
11 couch cushion to find every available dollar to
12 spare riders in our region from a very bleak. We
13 have some thoughts on a mix of funding
14 possibilities and ask for your support in
15 exploring these avenues, more of which are
16 detailed in the written testimony we submitted.

17 We understand that there may be tens of
18 millions of dollars available legislature set
19 aside funding, also known as CPRP money for
20 capital projects. While that won't fill the
21 congestion pricing hole, it could help advance
22 important projects. We're asking you work with
23 the MTA to identify key projects from a
24 reasonable regional perspective.

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2 It's time to revisit potential dedicated
3 operating revenue sources, as unappetizing as
4 that may be. MTA board member and our chair,
5 Andrew Albert is on record of in support of
6 raising the gas tax and our MNRCC and LIRRCC
7 chairs agree. We support a 15 to 20-cent per
8 gallon gas tax increase which could be phased out
9 or adjusted as other funding sources come back
10 online. Our back of the envelope tally indicates
11 in the gas tax doubled from eight cents to 16
12 cents, an additional \$494 million a year would be
13 raised. If it's tripled from eight cents to 24
14 cents, an additional \$988 million would be raise
15 raised.

16 While we know that the City and State
17 are also hamstrung by lack of federal support, we
18 would like to see if there's a way that the \$3
19 billion each in state and city funds could be
20 moved up in the cue to allow the capital program
21 and economic benefit it generates to commence.

22 The MTA would also choose the
23 unappetizing route of going into more debt. Now,
24 it's generally not a good solution and we're not

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2 sold on it now, but unfortunately it's it's a
3 reality that we could soon face.

4 Making the MTA's financial and capital
5 project data available and usable in searchable
6 formats would help all of us better make the case
7 for funding now and into the future. Regular and
8 transparent reporting to the legislature could
9 spur the actions we've been calling for over the
10 years.

11 I've been back to riding for months now.
12 And it's clear at that ridership is way down, but
13 starting to come back. The people are still
14 clearly concerned about catching the virus. The
15 MTA has taken significant efforts to clean and
16 disinfect trains and stations, but there's more
17 that it can do to convince riders it's safe to
18 return.

19 Projects we're asking about include
20 expanding to subways and expediting on Metro-
21 North, real time alerts onboard trains and at
22 stations to let riders know where crowding is
23 occurring and directing them to less crowded
24 stations. Implementing and expanding the MYmta

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2 bus crowding pilot to all buses would also be
3 helpful.

4 Additional rider friendly improvements
5 we'll be talking to them about include creating
6 an onboard cleaning dashboard with real time and
7 historical data by station, adding daily and
8 monthly ridership by route line, time of day and
9 station stops, including historical, aggregated
10 rider counts to the transit performance
11 dashboard, establishing the capacity of each
12 station and providing the percentage of capacity
13 reached in real time and making crowd source
14 crowding information for subways available for
15 real time.

16 Thank you again for holding this
17 hearing. We'd like to see another in the fall
18 with updates. But would also like to echo the
19 call we heard about restoration of 24/7 subway
20 service. Thank you for your questions on that
21 today.

22 Essential workers have needed and
23 continue to need service at all hours and buses
24 cannot replace subway service. With milestones

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2 and metrics rightly being the cornerstone of the
3 state's reopening, we urge similar publicly
4 disclosed metrics for restoration of overnight
5 service. We've heard reliably there are lines
6 outside some subway stations waiting for service
7 to begin again at 5:00 a.m. Since the majority of
8 overnight use has historically been between 4:00
9 and 5:00 a.m. we'd like to see a more immediate
10 metric-based option for rolling back closures to
11 restart service at 4:00. Anything you can do to
12 help move this forward is much appreciated.

13 Of course, the surest and best way to
14 get all of the funding needed so that all of our
15 transit system needs can be addressed is to spur
16 the federal government to enact and to invest in
17 transit and its rider. Thank you.

18 ASSEMBLY MEMBER PAULIN: Thank you very
19 much, and Danny.

20 MR. DANNY PEARLSTEIN, POLICY AND
21 COMMUNICATIONS DIRECTOR, RIDERS ALLIANCE: Thank
22 you so much for having me, chairs and committee
23 members. And thanks so much for the MTA labor
24 executive and to my fellow panelists. I

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2 appreciate everybody coming out on such a tough
3 occasion for such an important purpose and I want
4 to second what the folks here have said. I think
5 it's really, really important, all these points
6 have been made and they bear a lot of further
7 discussion and examination.

8 I would start by where Lisa left off,
9 which is the urgent need for federal funding that
10 can't be overstated. Our biggest concern, I think
11 the biggest concern for New York and its future
12 should be the prospect of major fare hikes and
13 service cuts. They must be the absolute last
14 resort the of the MTA. We desperately need
15 federal funding to replace the funds lost to
16 COVID and if by catastrophe, the funds don't come
17 or they don't come soon enough, then every effort
18 needs to be taken to avoid fare hikes and service
19 cuts because they will do the most lasting
20 immediate damage to New Yorkers' livelihoods and
21 lasting damage to the city and to the state and
22 even really the national economy.

23 And that's why everything must be done
24 to avert those to keep the transit system

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2 running, to keep the millions of New York New
3 Yorkers in transit now moving forward in transit,
4 to make the system available to millions more who
5 will want to come back in the coming weeks,
6 months and over the next year.

7 And really, the alternative transit is a
8 transit death spiral and our city, our region
9 really will ground to a halt. If that happens, we
10 are uniquely dependent on transit. That is one of
11 our struggles, being uniquely dependent on
12 transit American cities. But really, we are, you
13 know, our unparalleled vibrancy owes to the
14 density that transit supports and really, we
15 can't come back without it.

16 More specifically, I guess, to hit a
17 couple of other points, congestion pricing is
18 something that cannot happen soon enough. We are
19 ready for it. We are more ready for it now than
20 before. That's why we so appreciate your
21 consideration, the last state budget seconding
22 support for congestion pricing. [unintelligible]
23 [04:01:34] to make it applicable to MTA
24 operations, MTA discussions with the federal

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2 government, expedite it in any way possible,
3 either via administrative or legislative routes.

4 And when it does happen and when it come
5 back it New York, it's incredibly important there
6 be no new exemptions. Congestion pricing is
7 robust and fair as it was written to the last
8 year's state budget. It must be implemented the
9 same way. There should not be more carve outs.
10 They will make work less well and they will
11 undermine trust in the system and in the
12 government that backs it. So it must go forward.
13 It must go forward with no new exemptions.

14 Moving forward to the capital plan the
15 congestion pricing will help fund. Given that the
16 capital plan is now on hold and that a new
17 program will have to be envisioned and put forth,
18 we agree with the process points that my
19 colleagues have made about the how to do that in
20 the light of day and with the participation of
21 riders. But we also believe that at the end of
22 the day, it must emphasize basic state of good
23 repair. We can't depend on subway signals from
24 the last greatest crisis of the city's history

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2 during the Great Depression. We can't depend on
3 subway cars that date to the 1960s. And of
4 course, we need to afford all New Yorkers the
5 dignity to the subway they can access. We need an
6 accessible transit system. And that something
7 that can only come through the MTA's capital
8 program that must be prioritized in the MTA's
9 capital program.

10 So again, signals, subway cars,
11 elevators and ramps. That's what we need to bring
12 the subway back better than ever when we're able
13 to resume and reprioritize the capital program.

14 And then lastly, I want to talk about
15 the service that riders need and the support that
16 riders need right now from the MTA, which is of
17 course transit service, right. It needs to be a
18 focus on the core of the MTA's basic operations.
19 That starts with 24/7 service. Overnight
20 commuters have punishing commutes already, that
21 we've taken away their subway option is
22 devastating to them. It doesn't matter if it's
23 one percent or two percent, it's tens of
24 thousands of New Yorkers. Essential workers by

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2 and large, [unintelligible] [04:03:36] need to
3 get to work as easily and quickly as possible. we
4 owe them subway service. We must bring subway
5 service back. If you seen from the transit app
6 data that reported in *The Daily News* that bus
7 service is dramatically unequal across the city.
8 The heaviest ridership buses are experiencing the
9 worst crowding, and you have buses running empty
10 across Central Park in the middle of the day.
11 There must be service reallocation. It's the
12 equitable thing to do, it is essential for racial
13 justice in the City. We must see that happen
14 soon. The MTA must embrace it. They will be
15 elevated, supported, rewarded for doing that.

16 And then, finally, and I'll just touch
17 on this very, very briefly. There is money in the
18 MTA budget for MTA police to police subway and
19 riders. We think that money needs to be spent on
20 service. We need as much service as possible.
21 That's the way to keep New Yorkers safe, that's
22 the way to build an equitable recovery. Thank you
23 so much.

24 SENATOR KENNEDY: Thank you very much,

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2 Danny. Is that all the speakers for this panel? I
3 believe it is.

4 ASSEMBLY MEMBER PAULIN: Yes, I think
5 so.

6 SENATOR KENNEDY: Let me start by making
7 a statement, thanking each and every one of you
8 individually and the organizations that you
9 represent. I think in the last what would it be,
10 20 months we have made extraordinary strides in
11 the MTA system and that has been system wide,
12 from the tip of Long Island all the way up to the
13 highest peak of Metro-North and of course in
14 through the great City of New York.

15 And we would not haven't able to
16 accomplish what we have without all of your
17 input, energy and support and advocacy, quite
18 frankly and we are very much reliant upon all of
19 your work in helping to inform us on where we
20 take it from here. This is no different. So thank
21 you all for participating in today's public
22 hearing. This is very important information that
23 you've all shared.

24 And I think each of you touched on

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2 various aspects of things that we've heard
3 already, whether it was from the administration
4 and questions that our colleagues had brought up,
5 to the leadership of the labor organizations
6 representing the thousands of workers on the
7 frontlines, making the system run. You brought up
8 some critical points. Also, the congestion
9 pricing plan, the implementation of the
10 congestion pricing plan, the focus on expanding
11 the capital plan, ensuring that the system has
12 the funding from the federal government, as well
13 and what do we do until then.

14 So these are all important points that
15 you have all brought up and I'm just very
16 grateful for all of your efforts. So again, thank
17 you so much.

18 Two quick things I want to throw out
19 there. Anybody feel free to chime in. I know
20 Danny, you even alluded to it, but others have as
21 well, on the importance of restoring that 24/7
22 service. Right now, there is a gap in service
23 between 1:00 a.m. and 5:00 a.m. It's to clean the
24 cars. I brought it up earlier with the MTA

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2 leadership. They spoke to that point. I want to
3 hear about the impact it's having on the ground
4 with the ridership.

5 And also, regarding the Access-A-Ride
6 and the accessibility I know that the testimony
7 we were going to save until later on in the
8 further panel discussion that came forward
9 regarding Access-A-Ride. The state legislature
10 passed legislation extending the Access-A-Ride
11 accessibility and eligibility, especially for the
12 remote areas for those appointments and whatnot.
13 That legislation was vetoed, and it was done so
14 based upon the information that we got from the
15 administration, from the MTA saying that it was
16 redundant. So I'd like to hear if there were any
17 comments on that as well.

18 I think each and every one of us has
19 been focused on making sure that we are not only
20 getting the system up to where it should be,
21 where we're 30 years past due with the Americans
22 with Disabilities Act and making sure we have
23 that accessibility for all riders. But at the
24 same time, what can we do with the technological

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2 advancements that are available to us today to
3 achieve those same goals? So I'll throw those two
4 ideas out to you, and again are thank you all for
5 taking part in this today.

6 MR. WOOD: Thank you, senator. I could
7 start really quickly on the issue of Access-A-
8 Ride. Just to reiterate, we really appreciate the
9 legislature and everyone here and Senator Comrie
10 and Assembly Member Dinowitz for initially
11 sponsoring those bills that would have extended
12 all of these protections, which we do acknowledge
13 the MTA has done a good job of implementing. But
14 we were disappointed in the veto, obviously. We
15 would like those protections to be extended in
16 state law to Access-A-Ride users.

17 We also think there's a lot of win-wins
18 in there that we continually reach out to MTA and
19 Access-A-Ride leadership about, with things like
20 reducing in-person assessments. There are cost
21 efficiencies there as well as eliminating onerous
22 requirements on people with disabilities. And we
23 want to continue to look from win-wins. Things
24 like using taxis and on-demand dispatch

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2 technology can also be really be win-wins in
3 terms of reducing the high cost of the system,
4 while making it more responsive and bringing it
5 into the year 2020 in terms of the technology.

6 So we were disappointed in the veto, but
7 we think it was really important that the
8 legislature passed those bills unanimously and we
9 got a veto statement that really reiterated a
10 commitment to these safety measures. And so we
11 really hope to keep working with all of you and
12 your committees to still push for innovation and
13 real reform in the paritransit system statewide.

14 SENATOR KENNEDY: Thank you.

15 MR. WRIGHT: I was just going to jump in
16 for the one part of that question. There are a
17 number of tools that the MTA, once construction
18 picks up again. There are a number of tools they
19 could employ to bring down the cost of some of
20 these projects. Transit Center has been out and
21 open on the record with a few of those, including
22 elevators that go directly from the street to the
23 platform, a new policy that is being shopped
24 around to local elected officials in New York

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2 City that would change zoning law to take
3 advantage of development that's happening within
4 the city to have developers make various
5 concessions to the MTA in order to provide access
6 through their buildings to subway stations. That
7 would tremendously reduce the cost of certain
8 elevator projects within the city. So there
9 definitely are ways that the MTA could bring down
10 the cost of projects.

11 And I also want to comment on your
12 question about the effect of the late night
13 closures on riders. And I'm sure that my
14 colleagues will have more to say on this. But
15 I've heard personally from riders who are --
16 people that, the one percent that Chair Foye has
17 mentioned, the 10,000 plus people who rely on the
18 subway system during that time, these are people
19 late night shift workers, who are cleaning
20 hospitals, providing medical care late night,
21 really keeping the lights on in New York City.

22 And without adequate subway service and
23 adequate bus service to pick up the slack and now
24 with the cancellation of the MTA's overnight for

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2 hire vehicle program, there are a lot of people
3 who are literally stranded and unable to find
4 adequate means of transportation and the MTA is
5 leaving them to fend for themselves.

6 So what we have called for at least for
7 the MTA to, and Governor Cuomo, to articulate a
8 series of objective measurements that would
9 trigger the return of late night service. We
10 think gyms have objective measures that are
11 triggering the return of gyms. We think that the
12 same is possible for the subway as well.

13 SENATOR KENNEDY: Thank you very much.
14 I'll yield back to you.

15 ASSEMBLY MEMBER PAULIN: Oh, I didn't
16 know if you had another moment to just comment on
17 24/7 service or do we need to move on?

18 SENATOR KENNEDY: Absolutely. Go ahead,
19 Lisa, and then we'll pass it back over to the
20 assemblywoman.

21 MS. DAGLIAN: Thank you. We have, since
22 the announcement in May that overnight service
23 was going to stop, been asking for information
24 about how long it takes to clean stations and

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2 subway cars. That's reasonable information to
3 look at. How long it takes to get homeless from
4 the system to the help that they need. We have
5 not yet received that information from the MTA.
6 Those we think would be very helpful, that would
7 be very helpful in determining and helping to set
8 the metrics of what is needed for
9 [unintelligible] [04:12:59] so that it could be
10 shrunk or revised or at least looking to the
11 future, what is going to be, how we're going to
12 be able to restore 24/7 service from a metric-
13 based fashion.

14 And I think that looking, gathering some
15 of that information would be helpful not just for
16 preparing for future emergencies and looking to
17 see what the costs and effects are going to be in
18 terms of cleaning and homeless and getting
19 homeless the help that they need but looking at
20 this restoration. And when I was out handing out
21 masks at subway stations and on the mask patrol,
22 I was told firsthand about people who wait in
23 line 5:00 o'clock in the morning to get into the
24 subways because they need to be work by 6:00 or

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2 by 5:30 and there's literally no other way for
3 them to get there, since it's too short a
4 distance back when the essential service
5 connector was running and they don't have a bus
6 near them.

7 So, looking at, taking all of that
8 information, listening to some of the anecdotes,
9 listening to what some of the labor folks said
10 about ways that their members could contribute to
11 the conversation, I think gathering as much
12 information as possible to be informed and to be
13 cautiously appropriate in reopening or rolling
14 back closures is really necessary. So thank you.

15 SENATOR KENNEDY: Thank you.

16 ASSEMBLY MEMBER PAULIN: Thank you,
17 both. So I have a couple of questions. First, let
18 me start out by saying thank you to everyone who
19 testified on this panel. You have been such
20 teachers to me, in my years now as corporations
21 chair, on this issue in particular so I really
22 appreciate that. You know, you more than any
23 other group of citizens outside of the workers
24 and the administration, follow the transit

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2 system. That's your mission as advocates. And so,
3 I wanted to just ask you some real general
4 questions. What do you think we should be doing?
5 I know you're saying we should have another
6 hearing in the fall. What else should the
7 legislature be doing at this point, what should
8 we be doing as the oversight committees for the
9 MTA? Is there anything you can think of in terms
10 of a more active role for us, question number
11 one?

12 And, two, what should the MTA be doing
13 more actively than they are? What should the
14 unions be doing more actively than they are? From
15 your perspective, what can we do together to
16 make, or collectively make this horrible
17 situation a little better?

18 MS. FAUSS: I will start and I know my
19 colleagues will have more to say. Like I said at
20 the beginning of my testimony, we really
21 appreciate the hearings you have held and I think
22 they are extremely beneficial and that's why we
23 think another one this fall before any decisions
24 get made before the next year's budget will be

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2 real, really important.

3 There should be more clarity about the
4 federal funding situation in the next few months
5 or even if there still isn't, we're getting
6 closer to that time when the MTA is going to have
7 to adopt a budget. And I think your role in
8 probing and getting the right questions asked so
9 the public has an understanding of what's
10 happening and can weigh in is going to be really
11 important.

12 The second thing I referenced in my
13 testimony, I'll just reiterate, is that you are
14 the stewards of the MTA state funds. They have a
15 number of dedicated funds and the legislature has
16 been I think doing a great job making sure to put
17 them in lockboxes like congestion pricing, the
18 internet sales tax, the mansion tax, moving the
19 PMT, payroll mobility tax off budget.

20 I think it's time for the mass transit
21 operating fund to also be moved off budget, so
22 that it's protected in future processes. Because
23 the legislature can reject a cut to it that might
24 come to the state adjust process but it would be

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2 better to have it go directly to the MTA. It'll
3 be more seamless and it won't be subject to the
4 political kind of negotiations. And I think it
5 would be extremely beneficial. So I would
6 encourage you to look at legislation to that
7 effect.

8 ASSEMBLY MEMBER PAULIN: Anybody else?

9 MR. WRIGHT: Yes, I'll jump in as well.
10 Thank you for the question. I want to start off
11 by saying that I think we all commend the work
12 that of course that the MTA and the unions are
13 doing. I firsthand have seen the MTA passing out
14 masks. There is, I think, a very visible campaign
15 for riders to wear masks. And the evidence seems
16 to be that that's one of the most important
17 factors in being able to reopen and being able to
18 reopen as a city and also as a subway system.

19 I'll just again reiterate, in my
20 testimony I think New York State, the
21 legislature, the governor, really needs to be on
22 the U.S. Department of Transportation to ensure
23 that the approvals for congestion pricing move
24 through and do whatever you can to get the

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2 federal funding that the MTA really needs.

3 I know that that's not a very wonky or
4 policy-oriented question, but I think that right
5 now, if we could all be united as leaders in
6 calling for as much resources from the federal
7 government as the MTA needs, I think right now
8 that's task number one.

9 ASSEMBLY MEMBER PAULIN: Thank you. I
10 just have one other follow up. When it was
11 announced that there were going to be 500 new
12 transit police or whatever the number was, right,
13 everybody was almost unanimously as groups, you
14 didn't like it. And I wondered, if in light of
15 the mask issue that we heard today, the workers
16 don't want to be there with people who aren't
17 wearing masks. The riders don't want to be there
18 and it's perhaps causing ridership to be even
19 worse than it might be and might hurt increased
20 ridership in the future. Do you think there's
21 role there? I'm just asking the question. I know
22 Danny you spoke about trying to redirect that
23 money. But I'm just hearing everybody's testimony
24 today and wondered what you thought.

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2 MS. FAUSS: I can speak for Reinvent
3 Albany. We still believe, we didn't support the
4 expansion at the time. We thought that a
5 reallocation and a better look at how the
6 existing NYPD police force was deployed would be
7 a far more cost-effective approach. There's 2,300
8 NYPD officers that patrol the subways. I think
9 that --

10 ASSEMBLY MEMBER PAULIN: But what about
11 LIRR and Metro-North? We don't have any police
12 who do that.

13 MS. FAUSS: Well, I think there are 500
14 MTA police that are -- about 780 MTA police pre-
15 hiring of the new officers who were both bridges
16 and tunnels and Long Island Rail Road and Metro-
17 North dedicated. So I think that for us, the
18 question has been about the deployment of the
19 existing police force.

20 And when you're looking at a more than
21 \$10 billion deficit out through 2021, I think the
22 pause that's been putting on the hiring of
23 additional officers, there's been 170 officers
24 hired to date, I think given the huge deficit

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2 coming in the future, additional hiring should
3 not be done at this time. That's our view. It's
4 best to look at the existing numbers that they
5 have, whether it's MTA working closely with NYPD
6 or looking at its current police force and
7 figuring out how to better deploy them in Metro-
8 North and Long Island Rail Road.

9 ASSEMBLY MEMBER PAULIN: Thank you.
10 Anybody else?

11 MS. DAGLIAN: I wanted to go on the
12 record. We did not join the letters that my
13 colleagues regarding the 500 MTA police officers.
14 What we -- and I just wanted to clarify that and
15 why. What we called for was data driven
16 deployment. And data should be really the
17 cornerstone of all the efforts that the MTA is
18 making not just now, but pre-pandemic, post
19 pandemic in the work that it does.

20 And so we don't know where the police
21 are that have been brought on. I think it was 130
22 have been hired. We've seen a decrease in mask
23 compliance. It's something that's not being
24 enforced and that's something that's I believe

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2 statewide. And that was a decision made at many
3 different levels of government. So if there is
4 going to be a decision to increase or to
5 implement mask enforcement, mask compliance, then
6 I think there should be a lot of conversations
7 about how that's going to happen. Not just who is
8 going to do it but how it will be done with the
9 workforce that ends up doing it.

10 ASSEMBLY MEMBER PAULIN: Thank you.

11 MR. WRIGHT: And just to add to my
12 colleagues' comments. The question of whether or
13 not to hire police officers is on pause now while
14 the MTA hiring freeze is in effect and Transit
15 Center agrees completely with Reinvent Albany's
16 assessment of the budgetary impacts of hiring 500
17 police officers.

18 I will say the Transit Center also has
19 on the record given recommendations for how
20 transit police could be better utilized on the
21 subways and on the buses. We've called for
22 removing police from fare compliance on buses and
23 decriminalizing fare evasion. We think that the
24 MTA, especially as it moves to all door boarding

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2 on buses with Omni should work with DAs to avoid
3 criminalizing New Yorkers, particularly black,
4 brown and low-income New Yorkers. And the MTA's
5 current eagle team, which is the name of the
6 transit police force that checks for fare evasion
7 on the buses, we think it should be overhauled to
8 include anti-bias and de-escalation principals
9 and really utilize more of customer service
10 approach than a criminalization approach.

11 And to that end, Transit Center has seen
12 a growing number of cities across the United
13 States, joint increase the presence of unarmed
14 ambassadors on board to check for fare evasion
15 and other issues on board. We think that moving
16 toward a less punitive, less criminalizing
17 approach is the way to go here in New York City
18 right now.

19 ASSEMBLY MEMBER PAULIN: Thank you. I
20 appreciate it. Senate.

21 MR. WOOD: If I might just jump in as
22 well. We don't have a real cost analysis in terms
23 of the MTA to bring you today but something New
24 York Lawyers for the Public Interest and our

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2 whole coalition in New York City have been
3 advocating for is crisis response teams that
4 involve responses to mental health crises, other
5 than armed police officers, which has been a
6 highly successful model in other cities.

7 And of course, in the transit system
8 there's a high likelihood of armed police
9 encountering people in mental health crisis and
10 this often leading to violent outcomes. So,
11 something we would be interested in working with
12 state legislature on in the coming year, as well
13 as all of our colleagues in the advocacy world,
14 is looking at how this could be specifically
15 piloted or introduced in the transit system,
16 among other things.

17 And we've been working with the public
18 advocate in New York City and other local
19 legislators pushing for a pilot program in
20 starting with precincts that have a very high
21 rate of violent encounters between police and
22 folks in mental health crisis in New York City.

23 ASSEMBLY MEMBER PAULIN: Thank you. All
24 right, with that now, turning back over to the

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2 Senate. Thank you.

3 SENATOR COMRIE: Thank you. We don't
4 have anyone else that has any questions. I just
5 want to thank the panel for your continued
6 advocacy. And I would hope that you would keep it
7 up as the things that you mentioned are
8 important, that the public understand, and I
9 would hope you continue to engage the public,
10 especially in light of the fact that we need the
11 public to weigh in heavily on the issues that are
12 outstanding, and especially the need for the MTA
13 to go back to 24 hours.

14 Also, the things that you mentioned
15 regarding revenue raising that the MTA can do and
16 budget cutting, we need the public to actually
17 advocate more on that as well. Honestly, I'm a
18 little dubious that we'll get any congestion
19 pricing money any time soon, especially in the
20 next six months. But even after that, with the
21 state of the world that we're in right now, you
22 know how much money we get from congestion
23 pricing is going to be subject to the state of
24 the world and unfortunately, it's not good.

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2 So I think we need to look at raising
3 more money internally, to maintain our capital
4 program, to readjust at that capital program. So
5 I wholeheartedly agree with you that we need to
6 have another hearing in the fall before they come
7 out with their capital update and I will advocate
8 with my chairs to make sure that happens because
9 I just don't see any progress on congestion
10 pricing between now and the end of year,
11 especially with this administration. There needs
12 to be some things that we need to be able do to
13 be self-sufficient within our own state and those
14 are hard decisions that we're all going to have
15 to make together.

16 As far as the for-hire vehicle, and the
17 Access-A-Ride programs, I want you to thank you
18 for your support of the bills that you asked me
19 to sponsor and I'm happy to continue to advocate
20 for them and improve them, so we can eventually
21 get them passed. I think the Access-A-Ride
22 program should be a vehicle for-hire type of
23 program, once they improve the technology so that
24 those folks that are in most need of

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2 transportation don't have to stand outside for
3 hours or be embarrassed if they come downstairs
4 or come out of a doctor's appointment late. So
5 it's a necessary upgrade that we need to do in a
6 for-hire vehicle program that is now disappearing
7 with a little help for those essential workers
8 from the 1:00 a.m. to 5:00 a.m. and that need to
9 be continued in some way, shape or form.

10 So I want to thank you all for your
11 advocacy. I'm hope you're all testifying again
12 tomorrow. I look forward to continuing the work
13 with you in our state fight to try to make sure
14 that our transit system is as transparent as
15 possible.

16 And also, that remind me, the questions
17 that you raised along with myself about the
18 transparency within the MTA is something that we
19 continue to have to push for. It's ridiculous
20 that this agency that is looking for billions of
21 dollars in assistance can't be as transparent as
22 we need to be on the legislature and everywhere
23 else. And as transparent as they're asking their
24 essential workers to be and their unions to be

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2 with give backs, they have to be as transparent
3 as well to gain the public trust.

4 So thank you all for your continued
5 advocacy. I look forward to working with all of
6 you. Thank you.

7 MS. DAGLIAN: Thank you.

8 MR. PEARLSTEIN: Thank you, everyone.

9 MR. WOOD: Thank you.

10 ASSEMBLY MEMBER PAULIN: Thank you. This
11 concludes our panel. We're going to call up panel
12 number five. Are they all in the room? I see
13 Nicole. I see Rachael. Why don't we begin with
14 the Manhattan Institute?

15 MS. NICOLE GELINAS, SENIOR FELLOW,
16 MANHATTAN INSTITUTE: Good afternoon,
17 Assemblywoman Paulin, chairs Senator Kennedy,
18 Senator Comrie, thank you for inviting me to
19 testify this afternoon. COVID-19 is the biggest
20 threat to the downstate region's mass transit
21 system, and thus to the city itself since the
22 invention of the Model T. In the short-term, as
23 you heard this morning, the impact of the
24 pandemic on the MTA's ridership and finances far

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2 surpassed the impact of previous crises.

3 I'll give you just couple quick
4 examples. After September 11, 2001, for example,
5 the subway system lost two percent of its riders
6 until 2002. Ridership recovered and exceeded 2001
7 levels after just two years. After the 2008
8 financial crisis, the subway system lost three
9 percent of its riders because of the impact of
10 unemployment and fewer people commuting.

11 Ridership recovered and exceeded its 2008 levels
12 within three years. Similarly, after 9/11 and
13 after the 2008 financial crisis, the MTA lost
14 less than one percent of its passenger fare
15 revenue in the first instance and fare revenue
16 actually rose slightly after 2008.

17 That was partly because of fare hikes in
18 those two years, but it speaks to the greater
19 capacity back then to increase fares with high
20 ridership versus capacity today. In fact, after
21 2008, the MTA's biggest program financially was
22 not a loss of riders or fares, but a substantial
23 loss in real estate related tax subsidies as the
24 housing bubble bust.

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2 So this time is very, very different. As
3 of last week, subway ridership remains three-
4 quarters below normal levels, commuter rail
5 ridership fares even worse, with Metro-North
6 ridership now down 81 percent, which speaks to
7 the fact that the white color workforce has not
8 returned in any substantial numbers to Midtown
9 Manhattan.

10 Now, again, just reiterating what you
11 heard this morning, the MTA has never experienced
12 this type of substantial and prolonged drop in
13 its ridership. Although the MTA is already
14 planning for a fare hike for next year, no fare
15 hike can make up for this catastrophic loss in
16 revenue, as well as the historic loss in tax
17 subsidy revenues that you heard about this
18 morning. Now, that's the short-term picture.

19 I'm not that worried that Congress won't
20 come through with another round of rescue funding
21 for the MTA. It is quite likely that Congress
22 will come through with more aid, either later
23 this year or early next year. It is the longer
24 term picture that that is frankly more worrisome.

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2 Although it's impossible to know for
3 sure, there's a real risk that the pandemic may
4 herald long-term pattern changes in white collar
5 working and commuting patterns. Before the
6 pandemic started, more than three-quarters of the
7 nearly four million people who commuted to core
8 Manhattan each day arrived on public
9 transportation. Most of those people, more than
10 two million people, came in every day on the
11 subways, most of the remainder came in on buses,
12 your commuter rail and a smaller amount on the
13 ferries.

14 The pandemic has revealed that most
15 white collar workers can perform their job duties
16 as home, at least some of the time. And if you
17 think become back to some of the transit strikes
18 we've seen in the past, we had strike in 2005, a
19 strike in 1980 and a strike in 1966, white color
20 workers did everything possible to get to their
21 offices because they could not work at home.
22 Technology has reduced the white collar
23 dependence on the transit system and frankly
24 reduced the white collar dependence on the urban

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2 environment itself.

3 Now, that's not to say that white collar
4 workers will stay at home five days a week
5 forever. But is it a real risk that once the
6 pandemic is over they come into the office two
7 days a week or three days a week instead of five
8 days a week? Yes, that's a real risk and that
9 itself has a big impact on MTA finances when you
10 consider that more than half of transit riders
11 before the pandemic bought a monthly pass. That's
12 important revenue to MTA.

13 So, what can we do and in fact this
14 situation is more like what happened after World
15 War II, getting back to the Model T comparison.
16 The mass marketing of the car after World War II,
17 up until now has been the greatest threat to the
18 transit system. And that indeed lowered transit
19 ridership for three decades after World War II,
20 until the MTA started to turn this around in the
21 late 1970s, early 1980s.

22 So what can the state legislature, the
23 city government and other levels of government to
24 make a difficult recovery hopefully a little bit

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2 less difficult? Yes, of course it's a given that
3 Congress should come through with this new money.
4 On the operating side, each MTA transit agency
5 should be proactively going to each of the union
6 bargaining units, ask the unions to come up with
7 clear, measurable cost savings through enhanced
8 productivity. The union members know the working
9 conditions and, you know, how to improve the work
10 flow better than anybody else. The unions can
11 bring these potential cost savings to the
12 management in order to avoid a wage freeze, in
13 order to avoid layoffs.

14 On computer railroads, for example, we
15 could do cost savings by introducing some gated
16 fare entry, not having to check every single
17 passenger's ticket onboard commuter rail. On the
18 capital side, on all these construction projects,
19 to get more work done per scarce dollars spent,
20 the state legislature should consider revising
21 the prevailing wage laws for construction jobs to
22 allow the MTA's construction contractors to
23 eliminate duplicative construction jobs.

24 In terms of new revenues, I think the

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2 MTA should explain better what its strategy is to
3 overcome these supposed environmental review
4 delays in Washington. Is the MTA considering
5 suing the federal Department of Transportation
6 for example? Would the MTA consider going ahead
7 with the congesting pricing work and letting
8 itself be sued by the federal government and
9 arguing to a judge that the federal government's
10 delay is indeed a constructive answer that they
11 don't need to do an environmental review?

12 But even if congestion pricing starts up
13 on time which it should, it is likely to bring in
14 less revenue than it would have without the
15 pandemic. In the short-term, in terms of fares
16 and toll hikes, toll hikes on the bridges and
17 tunnels are preferably to fare hikes on transit.
18 We don't want people to form a new habit of
19 driving into the city and also a fare hike
20 essentially right now is a tax on essential
21 workers.

22 What we don't want to happen is white
23 collar workers gingerly coming back to the
24 transit system saying, you know what, I'll take

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2 the railroad into the city, see happens and being
3 greeted with a slower commute, delayed trains, an
4 unpredictable commute, people not wearing masks
5 and then deciding, you know, I'm not going to do
6 this anymore. I will wait a few more months and
7 see what happens.

8 And finally, I will say a quick word
9 about crime, although it's not in my prepared
10 remarks, because some of the previous panelists
11 talked about crime. Crime is indeed up
12 significantly on the subways over the past four
13 months, when you adjust for ridership and also in
14 some crime categories, just the raw numbers.

15 We've had four murders on subway this is
16 year, all four murders were minority men. We
17 usually have two murders for an entire year on
18 the subways. And every rider is at five or six
19 times the risk of being robbed or assaulted
20 compared to last year. So crime is another
21 concern this terms of how do we get the ridership
22 back and how do we speed this difficult recovery
23 up.

24 Thank you, again, for inviting m to

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2 testify. And I'm happy to answer any questions or
3 comments.

4 ASSEMBLY MEMBER PAULIN: Thank you very
5 much. Our next speaker is Denise Richardson from
6 Citizens Budget Commission.

7 MS. DENISE M. RICHARDSON, VICE PRESIDENT
8 OF RESEARCH, CITIZENS BUDGET COMMISSION: Good
9 afternoon. Thank you for the opportunity to
10 testify. I'm Denise Richardson, from the Citizens
11 Budget Commission. In the interest of time, I
12 will summarize my written remarks.

13 It's clear that the MTA needs additional
14 federal assistance. However, as CBC noted in its
15 July report, the MTA must make its own hard
16 choices to solve its financial problems. The
17 choices will require shared sacrifices by all
18 constituencies, including the MTA must work with
19 the labor force to implement additional savings
20 by increasing the efficiency of operations,
21 reducing overtime and reducing personnel costs.
22 The MTA must forego new headcount. It simply
23 cannot afford new hires at this time.

24 The MTA must also rescope the capital

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2 program to focus on the projects that will
3 preserve the system's state of good repair and
4 reduce future maintenance expenses, especially in
5 the key areas of track and signals. The MTA must
6 also optimize service to match ridership patterns
7 and support critical needs of the economy. The
8 MTA should consider a revision of its essential
9 service plans to ensure that service enables the
10 ridership to maintain social distance guidelines
11 without running trains that are essentially
12 empty.

13 Increasing tolls by a greater percentage
14 than the currently planned four percent increase
15 in 2021, given that toll traffic has returned at
16 a faster rate than ridership will help mitigate
17 some of the delays from congestion pricing and
18 also enable the MTA to address some of its
19 operating revenue gaps.

20 However, the MTA has been given
21 authority to issue long-term debt to support its
22 operations, but this should not be considered
23 without taking all of the steps that I've
24 mentioned above to cut spending. Debt service is

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2 paid through the MTA's fare and toll tax revenue
3 and subsidies. In 2020, debt service represented
4 19 percent of the MTA's operating revenues and
5 subsidies. In 2021, due to the pandemic's
6 effects, the MTA forecast this to grow to 26
7 percent. Thus, for every \$5 of fare toll and tax
8 revenue the MTA receives, it will need to spend
9 more than \$1.30 on debt service next year.

10 With more revenue allocated to debt
11 service, fewer resources are available to enhance
12 service, keep trains and stations clean. Maintain
13 rolling stock or make other ongoing repairs that
14 are not capital eligible. Controlling debt
15 service growth once borrowing for operating
16 expenses is introduced will require
17 counterproductive reductions in capital
18 investments, risking the system's state of good
19 repair. Financial federal assistance aside, the
20 MTA should examine every aspect of its operations
21 and make the hard choices that will be necessary
22 to reduce spending and keep the system operating
23 until ridership returns and the economic activity
24 of the region rebound.

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2 The MTA has come too far in recent
3 decades to sacrifice its future to short-term
4 decisions that it will have long-term negative
5 consequences. Thank you. I'll be happy to answer
6 any questions and anything from my written
7 testimony that I did not address right now. Thank
8 you.

9 ASSEMBLY MEMBER PAULIN: Thank you very
10 much. And Rachel Haot is our last speaker.

11 MS. RACHEL HAOT, EXECUTIVE DIRECTOR,
12 TRANSIT INNOVATION PARTNERSHIP: Thank you,
13 Chairs Kennedy, Comrie and Paulin for hosting
14 this hearing on the future of the MTA in the wake
15 of the COVID-19 crisis. A modern and efficient
16 public transit system is essential to our city
17 and region's economic recovery and future growth.
18 The Partnership for New York City has actively
19 advocated for federal funding to fill the huge
20 revenue losses the system has experienced due to
21 the pandemic. But so far, only a quarter of what
22 is needed has been forthcoming. Without federal
23 action on the \$12 billion the MTA says it needs
24 to get through 2021, there is no way the agency

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2 can recover from what Chairman Foye has called a
3 fiscal tsunami.

4 Prior to COVID-19, New York was on the
5 path to building a world class transportation
6 system after decades of decay and under
7 investment. Service, including on-time
8 performance was dramatically improving, capital
9 projects were being completed faster and at lower
10 cost and the MTA's historic \$51.5 billion capital
11 program had just been approved.

12 In 2018, the Partnership for New York
13 City and the MTA established the Transit
14 Innovation Partnership, incorporating private
15 sector expertise and cutting edge technology into
16 agency operations. Through this partnership, in
17 response to COVID-19, the MTA was quickly able to
18 deploy new technology to measure passenger flow
19 and reroute buses to accommodate frontline
20 workers during the hours the subway was closed.
21 In one example, it took just four days to launch
22 a solution that could have years under prior
23 procedures.

24 We have also recently launched the

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2 COVID-19 response challenge to make transit safer
3 and to safeguard the health of the MTA's heroic
4 workforce and riders. Evaluators are currently
5 reviewing more than 190 submissions from vendors
6 across the globe. And this fall, those companies
7 with the most promising ideas will be selected
8 for pilot projects and potentially adoption.

9 Earlier this month, the Partnership for
10 New York City conducted a survey of private
11 sector employers to determine when workers are
12 likely to return to the office and what factors
13 influenced the timing. The results show
14 substantial uncertainty about when to expect
15 Manhattan's one million office workers to return.
16 This is not because they like working remotely.
17 The top three reasons for not returning to the
18 office were concerns about the status of the
19 pandemic and availability of a vaccine, the
20 safety of mass transit and safe reopening of
21 schools and childcare facilities.

22 As of mid-August, the survey revealed
23 that just eight percent of office workers had
24 returned to the workplace. Only 26 percent were

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2 expected to return by the end of year and 54
3 percent by July of 2021. Notably, 83 percent of
4 office workers will depend on mass transit for
5 their commute. The pandemic cost the MTA 90
6 percent of its ridership and 40 percent of its
7 revenues. But the subway, bus and commuter rail
8 systems today are cleaner, safer and more
9 comfortable than ever.

10 Yet, many members of the public remain
11 reticent to return, primarily due to lack of
12 trust in the self-discipline of their fellow
13 passengers wearing masks, social distancing and
14 staying home when sick. There is also a growing
15 issue of crime throughout the city, including in
16 and around transit stations, subways, buses and
17 trains. The governor's executive order requires
18 everyone, including those using mass transit to
19 wear face coverings. Restoring confidence in
20 transit may require the legislature to codify the
21 governor's executive order into state law to
22 require wearing masks covering mouth and nose on
23 transit and in stations, as well as stronger
24 enforcement through a combination of NYPD

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2 presence, real time monitoring and tools for
3 reporting violations.

4 The financial losses facing the MTA will
5 not be covered in the short term by returning
6 ridership. Operational and administrative reforms
7 are also necessary. The MTA has implemented some
8 already, like design build that help speed up the
9 pace of projects while lowering the cost. Other
10 needed reforms are suggested in the 2018 report
11 of Metropolitan Transportation Sustainability
12 Advisory Work Group.

13 The MTA leadership and transit workers
14 have done an exceptional job of maintaining
15 services and responding to the COVID-19 crisis.
16 They deserve our thanks and support during the
17 recovery process. New Yorkers, both transit
18 riders and workers, must feel safe on transit or
19 our economic recovery will continue to lag. Thank
20 you very much.

21 SENATOR KENNEDY: Thank you very much,
22 Rachael, Nicole and Denise for that very
23 informative testimony from each of you. You know,
24 I mentioned this earlier on, that the other

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2 panelists that came and testified before us have
3 helped to inform us to drive the agenda. You've
4 each alluded to it over the course of the last 20
5 months.

6 We have seen an extraordinary investment
7 into the MTA. We've seen some reforms put in
8 place by the Democratic senate along with our
9 colleagues in the Assembly, signed into law by
10 the governor. And look, we are just getting
11 warmed up. We've got a long way to go. We've got
12 a lot of work to do. And we knew, prior to COVID-
13 19 hitting us and really undermining the economy
14 not only of the city and the state, but the
15 nation and the globe, that the MTA was in need of
16 getting the ridership back on to the trains and
17 the buses and to create a more robust and
18 efficient system.

19 So we were on the path to that. The rug
20 was pulled out from underneath us. And we've just
21 got to get back to where we were and better. I am
22 definitely intrigued by everything that each of
23 you has brought to the table and have done to
24 help drive this agenda thus far.

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2 I'm curious to know if you've been
3 working with the MTA, if they have been open to
4 working with you. And what in fact you may
5 present to us to advance forward from a financial
6 perspective, given the dire circumstances at this
7 point in time. Obviously, we're waiting on the
8 federal government to move, but if the federal
9 government fail to move, especially in the next
10 several months here, we're going to have
11 decisions to make. Do you have any ideas from a
12 budgetary perspective on where we should start?

13 MS. RICHARDSON: I can start with that.
14 It's CBC's custom, when we're going to issue a
15 report about an agency, any particular agency
16 operations, to give a copy of the report to the
17 agency in advance. And so typically when we're
18 making recommendations or observations about
19 agency operations, we will do that and the MTA is
20 no different.

21 At this point, I think given the
22 situation with the federal government and some of
23 it may come out at tomorrow's board meeting and
24 in the future, obviously, the MTA is going to

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2 have to come forward with some significant
3 changes that they need to propose.

4 And so the question will be, I think
5 Lisa Daglian alluded to it earlier is with the
6 changes that they propose, what data do they also
7 share to show the entire community, including
8 yourselves, how they reached these decisions,
9 because they are going to be difficult and people
10 will be affected. And the issue becomes, for
11 everybody, all riders, all constituencies, is the
12 MTA sharing the pain broadly, equitably, equally
13 given that we all have a stake in the future of
14 the MTA? We all have a stake in helping the MTA
15 solve this problem right now. So in a lot of
16 ways, it really is a partnership between the
17 civic community, the MTA's unions and the MTA
18 itself and you as well because you represent all
19 of your constituents.

20 SENATOR KENNEDY: Thank you, Denise. And
21 Rachel, you presented some dire statistics.
22 Unfortunately, these are statistics that we've
23 all heard before. And it calls into question the
24 financial viability and the future of the city of

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2 New York. We have to save the city of New York
3 and it starts with robust and efficient public
4 transportation system that people trust in. And
5 you used that word trust. People have to trust
6 that when we get on the train and they utilize
7 the system that they're going to get where they
8 want to get efficiently, reliably and safely. And
9 that means including and especially their health.

10 And so, what other steps do you believe
11 that the MTA should be taking to get people back
12 into the trains, back into the buses and
13 utilizing that system again and what
14 opportunities that we may have to improve from
15 where we are with this historically low
16 ridership?

17 MS. HAOT: Thank you, Chair Kennedy.
18 Yes, we work very closely with the MTA at the
19 Transit Innovation Partnership. I'll give a few
20 examples of where we've had direction from the
21 MTA on where they're looking to further explore
22 solutions related to COVID-19 response. As
23 mentioned, we've recently announced a COVID-19
24 response challenge that calls for technology

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2 solutions from around the world that help to
3 combat COVID-19 in a number of ways. And this
4 includes both product and tools that eliminate
5 the virus or prevent its spread, as well as tools
6 for monitoring and getting to what you spoke
7 about, trust and allowing customers and riders to
8 have even more information, so that they can feel
9 more confident about their commutes. We were very
10 appreciative to see that there were more than 190
11 responses to that competition. And the areas of
12 interest were submitted and indicated directly by
13 our partners at the MTA, in addition to, I should
14 note, other transit agencies within the region.
15 We have since expanded the Transit Innovation
16 Partnership to include other transit systems
17 within the region, as they have shared
18 challenges.

19 So some of those areas were indicated by
20 Chairman Foye in his earlier remarks, including
21 exploring technologies and tools that help to
22 eliminate contaminated aerosols within the
23 system, and of course we cast a very wide net
24 with our challenge statement and thus we also

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2 welcome a range of different approaches,
3 including innovations in PPE and other digital
4 tools that can be used to understand and
5 encourage mask usage throughout the system.

6 SENATOR KENNEDY: That's great. Thank
7 you very much. I'll yield to you, assemblywoman.

8 ASSEMBLY MEMBER PAULIN: Thank you very
9 much. I fear that your dire predictions are all
10 too correct. Living in the suburbs, I can with
11 Metro-North at the lowest among all of the
12 transit systems, I can tell you that I don't see
13 my neighbors going back any time soon into New
14 York City. Not until, I mean even when there's a
15 vaccine, the comfort of home is just the comfort
16 of home. And with Zoom and other technologies, I
17 do think we're going to see a reduction, whether
18 it's going to be permanent or whether it's going
19 to be temporarily permanent is hard to tell.

20 When the vibrancy of the city comes
21 back, there will be a desire to go to the city.
22 But I don't know if it's ever going to be exactly
23 the same, so, we will just -- that's probably
24 true for Queens, you know, senator, and Brooklyn

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2 and Staten Island, Manhattan, you can almost walk
3 wherever. So we're going to have a big test in
4 front of us and an unknown in front of us. So I
5 don't really have questions. I just want to say I
6 appreciate your perspectives. It's what I'm
7 thinking about as well. We are going to have to
8 look at that road ahead very carefully and make
9 good decisions so that we maintain the transit
10 system as best we can. So, thank you, all. I'm
11 going to turn it over to Senator Comrie.

12 SENATOR COMRIE: Thank you, Chair
13 Paulin, Assembly Member Paulin. I want to thank
14 the panel for testifying as well. They gave us
15 some clear insights into what we really know. I
16 know I can tell you that talking to friends of
17 mine that work in the banking industry, work in
18 the fashion industry, work in the even
19 architecture industry, that their jobs are
20 telling them that they're not coming back until
21 maybe June of next year, and that was the latest.

22 Some people said maybe January. We
23 really know that people are not going to come
24 back until there's a city again, until there's

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2 Broadway, until there are restaurants. You know,
3 corporate America is not coming back until there
4 is a vibrancy for them to come back to and that's
5 the reality that we all have to face one way or
6 another, and that we have to, the challenge is
7 for us to reunite the city, to reignite the life
8 blood of this city, which is the night life,
9 which is the theaters, which are the restaurants,
10 which is why corporation America wanted to be in
11 New York City in the first place. So that's a
12 challenge.

13 I hope you all submitted your testimony.
14 I didn't get a chance to download it. If not,
15 could you please e-mail it to me directly? I hope
16 that you all are testifying tomorrow at the board
17 hearing as well and that you will continue to
18 advocate for your different positions. You talked
19 about, Denise, you talked about reducing the MTA
20 debt service and the fact that the MTA is
21 spending more and more money in debt service. Can
22 you talk about how you think the MTA, what best
23 proposals the MTA could do to reduce debt
24 service?

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2 MS. RICHARDON: Well, you know, the last
3 several capital plans, it really started in the
4 late 1990s, have been overwhelmingly funded with
5 debt, and, you know, the '15 to '19 capital
6 program came with about \$10 billion of debt, the
7 '20 to '24 capital program had what I'm going
8 call the debt that was to be supported by the
9 dedicated revenues of the mansion tax, the
10 internet sales tax and congestion pricing. But it
11 also came with over \$9 billion of what I'm going
12 to call traditional debt backed by tolls and
13 fares.

14 Clearly, to address the debt service
15 issue, the MTA is going to have to look at some
16 form of rescoping of the capital program in one
17 form or another. One of the things that has not
18 really been talked about that could benefit the
19 MTA is that the Federal FAST act, the MTA gets
20 about 25 percent of their capital funding through
21 the regular ongoing federal transportation bills.
22 The FAST Act is up for renewal. It's obviously
23 unlikely that that will happen between now and
24 the election, however, I'm sure that next year it

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2 will be probably front and center of the next
3 Congress.

4 So the MTA, aside from the immediate
5 need for federal funding to resolve their
6 financial problems, the MTA will find itself with
7 a new infusion of capital funding which comes in
8 the form of direct grant from the next federal
9 transportation bill. That will help a lot.

10 The other thing that the MTA really has
11 to avoid doing, as I mentioned, is to avoid at
12 all costs, borrowing for operating expenses
13 because that will put way too much pressure on
14 their debt service obligation. It is a little bit
15 concerning that their debt cap in the last budget
16 was raised from the \$55 billion cap to \$90
17 billion. But if you make the analogy to a credit
18 card, you have a limit on your credit card that
19 doesn't mean you spend it up to the limit.

20 So I think what the MTA really has to do
21 is look at how to maximize their operating
22 efficiencies so that they don't start down the
23 path of borrowing for operating expenses and
24 looking at how they manage the capital program to

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2 keep that debt service level and to keep that
3 debt service reasonable, and that may mean
4 stretching out the schedule for some projects.
5 Which at this stage, every business in the
6 country is looking at their changed financial
7 circumstances, and looking at how they need to
8 change their own investment patterns, and the MTA
9 needs to do that same thing.

10 SENATOR COMRIE: Thank you. So you
11 talked about the technology and the innovation of
12 technology and that there was a solution that you
13 resolved with the MTA in four days as opposed to
14 four years. Could you expound on what that was
15 and how that was helpful.

16 MS. HAOT: Yes, thank you, Chair Comrie.
17 The Transit Tech Lab is a program that is run by
18 the Transit Innovation Partnership in
19 collaboration with the MTA, and it provides an
20 opportunity for the MTA to rapidly evaluate new
21 technologies that align with high priorities at
22 no cost, no financial cost. One of the examples
23 of our first Transit Tech Lab was a challenge
24 focused on how to predict and prevent subway

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2 delays. And as part of this, a company called
3 Axon Vibe developed an app that was able to be
4 repurposed in a matter of four days to serve the
5 Essential Connector Program that was enacted when
6 the overnight subway closures were put into
7 place. Normally, in order to launch, develop and
8 integrate with data sources from the MTA, for
9 example, this would have taken much longer. But
10 thanks to a meaningful, deep working relationship
11 with the MTA, this team was able to rapidly
12 deploy this new app helping to indicate and
13 provide guidance to essential workers traveling
14 overnight the best path that they could use to
15 make their journeys.

16 SENATOR COMRIE: So this is the
17 Essential Connector Program that allowed people
18 that were working from 1:00 a.m. to 5:00 a.m. to
19 find alternate means of transportation?

20 MS. HAOT: Yes, that's correct.

21 SENATOR COMRIE: And that program was
22 operational within four days. Do you think that's
23 a program that needs to continue?

24 MS. HAOT: I would defer to the MTA on

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2 their direction for the program. The app,
3 however, like all technology, the benefit there
4 is that it can be repurposed to serve workers in
5 different ways, and so thankfully this is a tool
6 that integrates directly with MTA data feeds. It
7 continues to support overnight workers because it
8 provides information on, for example, overnight
9 bus routes that they are able to use. In addition
10 to that in the future it can be used to support
11 workers in transit deserts that are perhaps
12 further away from transit, so there is continuing
13 value in the tool regardless.

14 SENATOR COMRIE: That's why I'm
15 interested in it. I represent Southeast Queens,
16 which, as you know, they're one of the worst
17 transit deserts in the city. Thank you for that
18 feedback. I would hope that you would also
19 convince them to develop an app so that the
20 Access-a-Ride program could be app based and make
21 it a lot more technically efficient through
22 having an app-based program so that people could
23 not have to go through the horror show that they
24 do now with Access-A-Ride. So hopefully that can

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2 be part of the new technology that's developed as
3 well.

4 And maybe, as an offshoot of this
5 Essential Connector Program that you've already
6 been working on, I hope the MTA would embrace
7 that as quickly as possible. Thank you.

8 Nicole, you talked about suing the
9 federal government for the congestion pricing and
10 taking them on and starting that. Do you think
11 that's actually feasible if the MTA is actually
12 looking to borrow \$12 billion or get another \$12
13 billion from the federal government? And how do
14 you juxtapose suing when we're asking for money?
15 Can you give me a balance on that?

16 MS. GELINAS: Yes, thank you, Senator
17 Comrie, for that excellent question. You know,
18 you are obviously much better at assessing the
19 congressional situation and the federal election
20 situation than I would be, but given that we
21 don't know the outcome of the election in
22 November, the faster we get this out of the
23 political arena and into the legal arena, with
24 very little downside, I think that some form of

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2 new rescue package in Congress will pass.

3 Realistically, that rescue package is going to

4 need votes from both sides of the aisle,

5 including our two New York senators who are

6 obviously very interested in the transit

7 situation. But were the MTA to sue or were they

8 to be sued over congestion pricing, it would at

9 least start a process where the federal

10 Department of Transportation, where the rest of

11 the federal government would have to answer in

12 court for what is the reason for these delays.

13 Robert Moses used to say if a project is

14 going to generate revenue, you want that project

15 up and running as quickly as you can get it up

16 and running because you need to get those dollars

17 in sooner rather than later. Even if the MTA had

18 to spend money an environmental review, just a

19 couple days of congestion pricing would make up

20 for that extra spending, same thing with spending

21 money on the lawsuit.

22 So I think it's at least worth

23 considering and worth asking the MTA have you

24 thought about this, have you thought about a

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2 strategy if this continues indefinitely with this
3 supposed federal obstacle. New York State
4 obviously has a precedent in suing the federal
5 government over other issues, even as it needs
6 general aid during the pandemic, so just
7 something to think about.

8 SENATOR COMRIE: It's been an
9 interesting idea. I'll have to talk about it with
10 you some more, if you could send us the details
11 on that, as usual.

12 MS. GELINAS: Yes.

13 SENATOR COMRIE: Your three groups are
14 always innovative and forward thinking. I want to
15 thank you, Nicole Gelinas and Rachel Haot and
16 Denise Richardson for your continued advocacy on
17 behalf of the city. I hope that we can continue
18 to work together with you. I just wanted one
19 final question for the three of you. Do you think
20 that full transparency of all of the jobs and
21 positions and contracting at the MTA is necessary
22 to develop trust within the agency and with the
23 people that have to work with the agency? And if
24 so, can you express why?

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2 MS. RICHARDSON: I'll start. I think
3 it's very important. You know, I think the MTA
4 has done a good job improving their capital
5 program dashboard, but a number of the earlier
6 speakers alluded to it earlier. They've had to do
7 a lot of emergency contracts to deal with the
8 pandemic, and that's right. However, the time has
9 come now to identify what that spending was on,
10 identify who the vendors were, and identify what
11 they've gotten from it.

12 Also, I think the earlier panel talked
13 about some metrics on the cleaning, on ridership.
14 Those are important things for people to have,
15 particularly because if the MTA has to make the
16 decision to make some service changes, it's
17 always helpful to be able to go to the public and
18 say we're making this service change because, in
19 fact, for whatever this service is, we have in a
20 four-hour period, 30 riders, and here's how we
21 can accommodate these 30 riders in some other
22 form.

23 To keep silent when you have to make
24 decisions that are going to affect people's lives

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2 and not affect them in a way that is convenient,
3 I think makes it much harder to get public buy-
4 in. And for you, who are accountable to your
5 constituents, to then go back to your
6 constituents and say, look, we all have to work
7 together here. This is what we need to do. So I
8 think the more information that the MTA can give
9 in a thoughtful way that explains what they're
10 doing will be more helpful to everybody.

11 SENATOR COMRIE: Thank you.

12 MS. GELINAS: I guess I'll go next. One
13 issue where the state legislature, I would
14 respectfully suggest might be helpful in
15 transparency is this issue of construction
16 contracts. Under the prevailing wage law, the
17 wage rates are obviously set under the law, but
18 the construction contracts between not the MTA
19 and the contractors, but between the contractors
20 and the construction unions, those are private
21 contracts. We are not allowed to look at the
22 terms of those contracts between the construction
23 contractors and the construction unions.

24 Transparency is always a good thing or

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2 almost always a good thing. Changing the state
3 law to say that anybody project that receives
4 state funding, such as all of the MTA capital
5 projects, those contracts must be public would be
6 a big start in improving transparency.

7 SENATOR COMRIE: Actually, I have a bill
8 to that, Nicole. It didn't get far last year,
9 we're going to try to do it again.

10 MS. GELINAS: Yes, I know. And that,
11 just because sometimes, frankly we are guessing
12 when it comes to what are the efficiencies on the
13 construction contract side because we have very
14 limited information.

15 SENATOR COMRIE: Right. Thank you.
16 Rachel, go ahead.

17 MS. HAOT: Hi. Thank you, Chair Comrie.
18 I would echo that we support full transparency,
19 and I would also point to the MTA taking a
20 positive step in that, along those lines prior to
21 the COVID pandemic, releasing the open data
22 budgetary platform online.

23 SENATOR COMRIE: Thank you. My colleague
24 asked me a question. Do you think it was

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2 necessary for the MTA to engage McKinsey to do a
3 COVID-19 impact? Don't you think they could have
4 done it on their own or working with your group
5 to do that, as opposed to going back to McKinsey
6 for another costly study about what they already
7 know on the ground? Kind of a loaded question,
8 but I'm asking it anyway.

9 MS. RICHARDSON: I spent a lot of years
10 in government before I transitioned out. And, you
11 know, it used to be kind of a joke among the
12 government agency people, and it really doesn't
13 matter which agency. I worked in a lot of them
14 and it was always the same, is that there is a
15 natural tendency, and maybe it's human nature as
16 well, if you think about family dynamics as well,
17 that you tend to believe the opinion of the
18 outside expert than your own people. And so it
19 seems to be a natural tendency in organizations
20 to rely on the outside help.

21 Do I personally think that the MTA had
22 the ability to do this analysis? Absolutely. And
23 I do think that one of the things that people
24 don't do often enough is recognize that the MTA

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2 is an agency of transportation professionals, and
3 they do know what they're doing, and they run the
4 largest transportation mass transit agency in the
5 country, and most days they do it pretty well.

6 Obviously, if you're the rider on the
7 late service, you don't think so, but the reality
8 of it is, is that they do have a very
9 experienced, knowledgeable staff to who knows
10 their finances and knows their ridership patterns
11 inside and out.

12 But again, it's very hard to break that
13 tendency to go to the experts who many times just
14 parrot back what the agency told them in the
15 first place to say. So, yes, there is an issue
16 there.

17 SENATOR COMRIE: Thank you. With that,
18 Nicole, did you want to answer that? Okay. Thank
19 you. I saw you went off mute. All right, well,
20 thank you. Thank you, panelists, for your
21 expertise and your focus on trying to save the
22 city and always making sure that whatever is
23 happening within New York City, that you have a
24 great opinion and idea on, and we thank you and

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2 your organizations and Manhattan Institute, the
3 Citizens Budget Commission and the Partnership
4 for the City of New York for continuing to want
5 to be a major part of what New York is and what
6 New York can be, should be and will be. So thank
7 you for your participation today. I look forward
8 to working with you and your groups. When we
9 agree and when we disagree on certain things so
10 we can make this state better. Thank you.

11 SENATOR KENNEDY: Thank you, everyone.

12 ASSEMBLY MEMBER PAULIN: Thank you very
13 much. The next panel, panel six, Walter, and I am
14 not going to pronounce your last name without
15 help, from the Associated General Contractors.

16 MR. WALTER PACHOLCZAK, VICE PRESIDENT OF
17 GOVERNMENT AFFAIRS, ASSOCIATED GENERAL
18 CONTRACTORS: Good afternoon, Chair Paulin, Chair
19 Kennedy and Chair Comrie. I'm Walter Pacholczak.
20 I'm vice president of the government affairs for
21 the Associated General Contractors of New York
22 State. We are the leading statewide trade
23 association representing New York's construction
24 industry, both union and open shop businesses.

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2 AGC members perform the majority of public and
3 private transportation building and environmental
4 infrastructure work in every region of New York
5 State. Thank you for holding this important
6 hearing to discuss the impact COVID pandemic on
7 the MTA.

8 Today's testimony will briefly touch on
9 the challenges of working safely during a
10 pandemic, the capital program for the MTA and
11 recommendations to improve the procurement
12 processes for contractors, subcontractors, and
13 material suppliers.

14 From the onset of the COVID-19 pandemic,
15 Governor Cuomo's executive orders deemed most
16 construction as an essential business. The
17 members of AGC, which already had significant
18 experience applying rigorous safety standards and
19 utilizing PPE developed and honed a comprehensive
20 plan of best practices to mitigate health risk
21 for construction workers. The construction
22 industry, informed by that experience and driven
23 by our abiding multiple to safety, was
24 exceptionally well prepared to continue moving

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2 the MTA capital program forward during the
3 pandemic.

4 Guided by our history of safety,
5 education and training, AGC quickly developed
6 recommendations for the New York Forward region
7 reopening plans. Our proposals, three main points
8 of our proposal mandated that, one, all employees
9 must be trained in established safe practices,
10 they're required to follow all measures
11 implemented to protect the workforce from the
12 potential exposure of the coronavirus, two,
13 safety plans, individual safety plans, must be
14 maintained on each construction project, and
15 three, both training and safety plan procedures
16 must be continuously reevaluated and updated
17 based on the OSHA guidelines, CDC and New York
18 State department of health guidelines.

19 So fast forward it to today, the
20 economic devastation of the COVID-19 pandemic and
21 a stalled federal funding recovery agreement with
22 direct aid to public transportation has further
23 deteriorated the MTA's current and future
24 finances, jeopardizing critical transportation

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2 services, jobs and the capital program.

3 In the coming months and years the
4 legislature and governor will need to make many
5 difficult decisions to restore the fiscal
6 stability of the MTA. AGC continues the work with
7 the MTA and our New York State congressional
8 delegation to secure necessary funding to keep
9 the capital plan and operations on track.

10 To date, AGC has held 15 congressional
11 town hall style meetings with the New York State
12 congressional delegation urging them to find a
13 bipartisan compromise for direct aid to the MTA
14 as well as direct aid to both state and local
15 governments. Furthermore AGC commends the
16 legislature for passing legislation to reform
17 some of the procurement processes of both state
18 agencies and authorities.

19 In 2019, two bills were passed that
20 helped move that process along. The first bill,
21 sponsored by Senator Comrie and Assemblyman Kim
22 requires state agencies and public authorities to
23 require damages for delay clauses and contracts.
24 The second bill, sponsored by Senator Breslinn

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2 and Assemblyman Mike Cusick defines substantial
3 completion on public work.

4 Unfortunately, both those bills were
5 vetoed by the governor, however on the
6 substantial completion bill, the legislature did
7 re-pass an almost identical bill this year in
8 which AGC and our partners in the construction
9 world will be urging the governor to sign that
10 bill.

11 It's really more, we think, more of an
12 educational process by looking through at the
13 veto jacket and adjusting some of the concerns
14 and comments from some of the groups that opined
15 on the bill. But we're hopeful that that bill
16 gets signed into law because each of these bills
17 has even greater importance during the COVID-19
18 pandemic as contractors, subcontractors and
19 material suppliers struggle with cash flow and
20 contractual difficulties imposed by state
21 agencies and authorities.

22 Once again, thank you for the
23 opportunity to share our thoughts at this
24 important public hearing to discuss the COVID-19

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2 impact on the MTA. AGC stands ready to continue
3 to fight for federal funding, to ease the fiscal
4 stress caused by the pandemic and we promise to
5 work safely to help get the MTA and public
6 transportation capitals back on track once again.
7 Thank you for the opportunity, and we appreciate
8 it.

9 SENATOR KENNEDY: Thank you very much,
10 Walter. It's always great to see you. Thank you
11 for your work and thank you for the leadership of
12 not only you, but all of AGC. You're always
13 there, of course, with Mike Elmendorf as well and
14 in our ears when it comes to infrastructure all
15 across the state. The MTA is no different than
16 that.

17 Can you talk a little bit about how the
18 capital projects have been progressing during the
19 pandemic, especially given the reduced ridership,
20 the overnight shutdowns and the revenue
21 shortfalls?

22 MR. PACHOLCZAK: Well, yeah, I think
23 earlier testimony by the MTA, I think it was by
24 Janno Lieber, really kind of summed it up pretty

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2 well for us. A lot of the construction projects
3 are currently on pause awaiting those federal
4 infrastructure dollars. Like I said, we've spoken
5 to 15 different congress people. We have had them
6 on for 30 minutes at a time, which is really
7 extraordinary, when you think about the hectic
8 schedules that the congressional representatives
9 have.

10 And they know our points, and they know
11 the points of the governor, the points of both
12 the state legislature, that with construction
13 projects on pause and the MTA just using the
14 current federal cash that they have, you know,
15 we're very worried about this year, we're even
16 more so worried about next year, and without that
17 next tranche of federal dollars coming in,
18 everything is going to be on hold and we're going
19 to be just in -- we're not going to be
20 progressing forward, we're just going to be
21 trying to save what we have right now.

22 SENATOR KENNEDY: Thank you. And does
23 the association have any recommendations for
24 potential cost savings during this crisis?

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2 MR. PACHOLCZAK: Yeah, well we focused
3 in on the federal side of things. I mean one of
4 the things that the industry always talks about
5 is reforming New York's scaffold law. The MTA has
6 clear data on their liability costs, on what
7 scaffold law costs them specifically. It's a
8 tough decision for the legislature and the
9 governor, but, you know, if all options are on
10 the table, then why not scaffold law right now?
11 It's, you know, in essence an equal protection
12 under the law scenario where a contractor should
13 have their day in court, as should the MTA in
14 that situation, as the owner, and scaffold law
15 reform is always something that would be
16 important to look at in terms of cost savings.

17 SENATOR KENNEDY: Well, thank you for
18 your testimony. Again, thank you for your
19 leadership and all of your efforts. We look
20 forward to our continued work together.

21 MR. PACHOLCZAK: Great job, senator.
22 Thank you.

23 SENATOR KENNEDY: Thank you.

24 ASSEMBLY MEMBER PAULIN: Thanks, both of

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2 you. Just a couple of questions, I'm just
3 curious, are construction costs going up or down
4 as a result of, you know, risks because of the
5 pandemic, for example, might cause them to go up.
6 Workers might demand more money, but the scarcity
7 of work might mean workers are willing to take
8 less or construction companies, so I just
9 wondered what your take is.

10 MR. PACHOLCZAK: Yeah, I mean, as it
11 relates to this conversation, we're talking about
12 prevailing wages here, so those wages are to be
13 bargained, so the wages side doesn't really
14 impact us all that directly. However, the costs
15 of PPE, the costs of just slowing down your day,
16 so, for example, you can't pack workers into an
17 elevator and bring them up to the 60th floor to
18 build a building. You can't pack workers in the
19 tight confined spaces because of social
20 distancing requirements.

21 So those are some of the areas where
22 initially that we've heard the most concerns
23 about costs being a driver. But, look, at the end
24 of the day, construction is agile. The companies

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2 are agile. The workers are agile. And you make
3 things work. And we make things work to deliver
4 projects on time and on budget.

5 ASSEMBLY MEMBER PAULIN: Are there some
6 projects that are more risky in terms of safety
7 issues because of the closeness, you have to work
8 together to be safe while you're doing a project?
9 Are there some things that have to be on hold,
10 underground projects, over ground, you know, you
11 mentioned going up in an elevator. How did the
12 individual projects, or are any individual
13 projects going to be impacted because of those
14 issues?

15 MR. PACHOLCZAK: Well, each project is
16 really on a chafes by case basis, and from a
17 safety assessment point of view, we have two
18 trained safety professionals that provide a lot
19 of guidance to the membership of AGC in terms of
20 training, education, best practices, and, you
21 know, we make that work. Interior contractors
22 have a little more difficult time. You work in
23 the tunnel at the MTA, it's a little more
24 difficult, some of the confined spaces. Hospitals

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2 are a little tougher to work on because of
3 different entrances and different points of
4 egress. Those are some of the examples that we
5 have dealt with early on during the pandemic, but
6 like I said, we're an agile industry and we work
7 to get the job done.

8 ASSEMBLY MEMBER PAULIN: Thank you very
9 much. I turn it over to the senator.

10 SENATOR COMRIE: Thank you also for your
11 testimony and for your consistent advocacy with
12 AGC and to Mike and his team also, thank you for
13 everything you're doing, and we look forward to
14 working with you as we try to figure out how to
15 continue to revive this state.

16 Are you able to and are your contractors
17 able to give the MTA suggestions about
18 efficiencies and alternate ways of doing the
19 projects to create faster turnaround? Is that a
20 good dialogue that you're having?

21 MR. PACHOLCZAK: Very much so, senator.
22 We consider the MTA under the leadership of Pat
23 Foye and Janno Lieber and some of the other team
24 work there, we're talking about big projects here

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2 that require that continuous dialogue, the back-
3 and-forth that's required to get the job done on
4 time. A lot of times these are complicated jobs,
5 you're working in a very old system, as far as
6 the MTA goes specifically, and we find them very,
7 very receptive and we're grateful.

8 SENATOR COMRIE: Thank you. I was
9 thinking like they mentioned the issues with
10 third track and merging old tech with new tech
11 and old construction with new construction, so
12 your GCs are able to have those discussions with
13 them and not get caught up in six month delays is
14 they have to -- once they get in the ground they
15 see something that's totally different than
16 what's scoped. You're getting that kind of good
17 feedback from them?

18 MR. PACHOLCZAK: Generally speaking,
19 senator, yes. I haven't heard to the contrary
20 there, as far as working with the MTA, you know,
21 they're good people to work with, and it's an
22 important job to help resuscitate our economy.
23 Things are tough all over here in the state, in
24 the city, and in the nation, and we're there.

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2 We're there when you need us and we're always
3 there when you need us. And then moving forward,
4 based on our record of safety, we'll be there in
5 the future should we get a second wave as well.

6 SENATOR COMRIE: Got you. Thank you.

7 With that, we have no questions from any other
8 members. Do you have any on your side, assembly
9 member?

10 ASSEMBLY MEMBER PAULIN: I don't.

11 SENATOR COMRIE: I'm going to take the
12 opportunity to wrap up and thank you all for
13 testifying. I want to thank everyone for
14 testifying today. I want to thank my team that
15 helped make this happen so that I halfway acted
16 like I knew what I was talking about, and that's
17 my chief of staff Derrick Davis, Andrew Taranto
18 Chris LaBarge, the great Chris Higgins, the great
19 David Frazier, the great [unintelligible]
20 [05:25:07] Bahadi [phonetic], Allison Bradley,
21 who's always great and Daniel Ranalon [phonetic]
22 who is always great from our administrative
23 speaker's office, who helped out today.

24 And I want to thank again my colleagues

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2 for asking questions and giving me questions and
3 to all of the people that testified today, thank
4 you for participating. This is going to be a
5 process where we all need to collaborate together
6 to try to make sure that we resuscitate the
7 system so that we can help bring back our city.

8 I also want to thank my great co-chairs,
9 my brother from Buffalo Tim Kennedy and my sister
10 from -- where are you? Westchester, Amy Paulin
11 for being the great chairs that you are. Amy
12 Paulin just did a 13 and-a-half hour hearing two
13 days I think. It felt like two days ago.

14 ASSEMBLY MEMBER PAULIN: It felt like
15 yesterday.

16 SENATOR COMRIE: Yeah, it felt like
17 yesterday. So she's truly a champion at this. So
18 thank you for everything that you're doing to
19 make sure that we have these hearings. And as
20 you've heard, we need to keep the pressure on.
21 And I look forward to working with both of you to
22 make that happen. Thank you all.

23 ASSEMBLY MEMBER PAULIN: Thank you.

24 SENATOR KENNEDY: Chairman Comrie, thank

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2 you for your leadership. Chairwoman Paulin, thank
3 you for your leadership. And I echo the
4 sentiments of Chairman Comrie in just thanking
5 all the staff for your extraordinary efforts in
6 once again making this a flawless public hearing.

7 And let me just mention once again that
8 this Democratic Senate, along with our colleagues
9 in the Assembly, have done more public hearings
10 to make sure that we are being as transparent as
11 possible than ever before. So I would argue that
12 there's probably a historic number of these
13 public hearings, and I am hopeful that it's with
14 great effect and that we can come up with some
15 very strong solutions moving forward. It's a
16 pleasure and honor to work with you and look
17 forward to our continued work together. Thank you
18 again. Chairwoman.

19 ASSEMBLY MEMBER PAULIN: Yes. I'll just
20 add my thanks to the assembly side of things. To
21 the staff, central staff, Dallas, Kristen and
22 Corey, and my personal staff, Stephanie who
23 worked diligently to help me get prepared. I
24 really want to acknowledge also Ashley and

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2 Stanley who helped put this together, and without
3 their help and time clock abilities, we would not
4 be where we are. So thank you all.

5 Thank you again for everyone who
6 testified. You really help us understand the
7 issues so much better and help us and guide us to
8 making the right decisions. So thank you all.
9 Thank you to my co-chairs on the senate side.
10 It's been an honor and a pleasure.

11 SENATOR COMRIE: Stay safe.

12 (The public hearing concluded at 3:30
13 p.m.)

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CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of Joint Public Legislative Hearing on Impact of COVID-19 on the Metropolitan Transportation Authority on August 25, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 11, 2020

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