

NEW YORK
STATE
SENATE

ALBANY, NEW YORK 12247



February 28, 2011

Ms. Joan McDonald
Acting Commissioner
NYS Department of Transportation
50 Wolf Road
Albany, New York 12232

Dear Commissioner McDonald:

Congratulations on your recent appointment as Acting Commissioner of the Department of Transportation. I wish you all the best throughout your confirmation process and during your tenure at the Department of Transportation.

I am writing to you today about an issue of critical importance to Western New York's future. As you are aware, Region 5 (Western New York) has historically received almost 10% of statewide transportation funding. This historic level of funding is appropriate because Region 5 has 11.7% of state bridges, 12.5% of local bridges, 12.0% of state lane-miles and 10.0% of local lane-miles.

Unfortunately, in fiscal year 2008-2009 a mathematical error resulted in Region 5 only receiving 4.4% of statewide funding. At this morning's Transportation Budget hearing, Mr. Stanley Gee, Executive Deputy Commissioner of the Department of Transportation, confirmed that such an error had occurred and that it required correction. According to Mr. Gee's testimony today, the Department of Transportation has since corrected this error, but only up to 8.1%, rather than the historic levels of 10%.

This mathematical error by the Department of Transportation, in combination with the Department of Transportation's failure to fully restore Region 5's funding to historic levels, has led to a \$167 million shortfall in allocations over the last two years including stimulus allocations. It is my belief that the Department of Transportation should make every effort to rectify this shortfall.

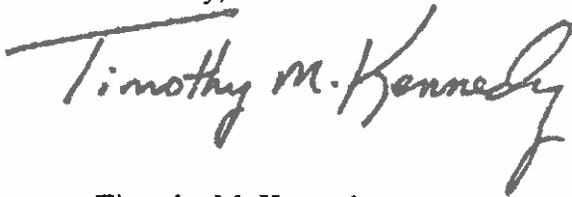
Mr. Gee also confirmed that later this year the Department of Transportation will once again be recalculating their formulas for regional allocations. I respectfully request that when these formulas are recalculated, you take into account not only Region 5's historic level of funding

(10%), and their share of state lane miles and bridges (12% and 11.7% respectively), but that you also factor in the \$167 million dollar shortfall that occurred from the 2008-2009 error.

I have enclosed a table showing the historic letting history for Region 5 which demonstrates both Western New York's historic level of statewide funding, and the shortfalls that have occurred over the last two years.

Given these factors, it seems appropriate that Region 5 receive a significant increase in statewide funding when the formulas are updated this year. I appreciate your attention to this issue, and I look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink that reads "Timothy M. Kennedy". The signature is written in a cursive style with a long horizontal line extending from the top of the first letter.

Timothy M. Kennedy
State Senator, 58th District

Enclosed: Region 5 Letting Totals, 1978-current

cc: Stanley Gee, Department of Transportation, Executive Deputy Commissioner
Darrell Kaminski, Department of Transportation, Acting Region 5 Director
Senator Catharine Young, 57th District
Senator Patrick Gullivan, 59th District
Senator Mark Grisanti, 60th District
Senator Mike Ranzenhofer, 61st District
Senator George Maziarz, 62nd District
Assemblyman Robin Schimminger, 140th District
Assemblywomen Crystal Peoples-Stokes, 141st District
Assemblywomen Jane Corwin, 142nd District
Assemblyman Dennis Gabryszak, 143rd District
Assemblyman Sam Hoyt, 144th District
Assemblyman Mark Schroeder, 145th District
Assemblyman Kevin Smardz, 146th District
Assemblyman Jim Hayes, 148th District
Assemblyman Joe Giglio, 149th District
Assemblyman Andy Goodell, 150th District

TMK:njd

Region 5 NYSDOT Letting History

FY	Region 5	all regions	%	
09-10	134,878	1,798,206	7.5	
08-09	64,035	1,464,903	4.4	<i>Mathematical Error Year</i>
07-08	131,171	1,391,919	9.4	
06-07	109,918	1,344,737	8.2	<i>excludes \$85.6 million SWS* / Rt 219</i>
05-06	100,195	1,342,262	7.5	
04-05	93,881	1,298,873	7.2	
03-04	105,049	1,167,627	9.0	
02-03	121,414	1,331,548	9.1	
01-02	124,101	1,481,642	8.4	
00-01	124,214	1,084,470	11.5	
99-00	143,399	1,215,301	11.8	
98-99	147,278	1,673,357	8.8	
97-98	135,089	1,375,547	9.8	
96-97	132,578	1,303,116	10.2	
95-96	115,412	1,048,817	11.0	
94-95	107,979	1,085,430	9.9	
93-94	114,540	1,042,000	11.0	
92-93	106,980	1,026,000	10.4	
91-92	82,660	1,165,000	7.1	
90-91	63,840	1,115,000	5.7	
89-90	96,660	1,016,000	9.5	
88-89	137,000	1,020,000	13.4	
98-88	82,370	985,000	8.4	
86-87	90,010	869,000	10.4	
85-86	83,440	802,000	10.4	
84-85	70,450	837,000	8.4	
83-84	55,180	655,000	8.4	
82-83	49,490	523,000	9.5	
81-82	67,000	484,000	13.8	
80-81	67,300	485,000	13.9	
79-80	98,800	503,000	19.6	
78-79	127,500	589,000	21.6	
32 years	3,148,933	32,725,549	9.6	
78-08			9.9	<i>excluding FY '08-'09</i>

These figures are "announced" low bid and thus may contain the "B" portion of some A+B contracts

**SWS = statewide significant project; does not count towards a region's allocation*