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NEW YORK STATE SENATE STANDING COMMITTEE
ON TRANSPORTATION

PUBLIC HEARING ON THE
NEW YORK STATE DOT 5-YEAR CAPITAL PLAN

November 20, 2009
12:10 p.m.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10603

B E F O R E:

SENATOR MARTIN MALAVE DILAN, Chairman
SENATOR SUZI OPPENHEIMER, Committee Member
SENATOR ANDREA STEWART-COUSINS, Committee
Member

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1 Senator Suzi Oppenheimer and shortly we'll be
2 joined by Senator Andrea Stewart-Cousins.

3 And in keeping with my tradition at
4 this time, I would love for
5 Senator Oppenheimer to say a few words, and I
6 will actually be turning the meeting over to
7 her so she could run the meeting for a little
8 while.

9 SENATOR OPPENHEIMER: For a little
10 while.

11 Yes, thank you all for being here,
12 and I'm looking forward to what you folks
13 have to say. I didn't see Larry yet.

14 Okay, at any rate, we know, at least
15 in this part of the world, that we can't just
16 keep building highways. We see we add a lane
17 and then two years later we're back in the
18 same spot, overcrowded, and that's for a
19 number of reasons, but one of the main
20 reasons is that we have so many people who
21 cannot afford this county and, therefore,
22 cannot afford to own, home ownership, in this
23 county and, therefore, they are looking for
24 homes in Putnam, in Rockland, in Orange, in
25 Dutchess, they're moving farther and farther

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1 afield, of course, then we need more and more
2 roads. So, we know that we can't build our
3 way out of that, and that's why we are taking
4 such a serious look at mass transit, and it's
5 still in the process of decision-making, but
6 we know we are looking forward to some
7 conclusion on what will happen on the Tappan
8 Zee Bridge, which, of course, will be very
9 influential on what happens on the Cross
10 Westchester Expressway, which, of course, is
11 influenced by what will be influencing what
12 will happen on I-95, which I live off of, the
13 New England Thruway, and influencing the
14 other major highways, like 87, heading south
15 into the City, and we are blessed in this
16 county with a lot of highways that run up
17 Westchester. I can't say they all run
18 north-south, but some of them veer off into
19 New England.

20 But someday, if we ever find money,
21 I would love to see something move from east
22 to west in this county, which is the
23 deficiency that we have. We all have to go
24 on the local roads pretty much, go east-west,
25 if we're in the middle, between the Cross

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1 Westchester Expressway and the county
2 highways in Yonkers.

3 So, we're looking at a lot of
4 different alternatives and I look forward to
5 hearing what you have to tell me and tell our
6 Chair.

7 Oh, good, here comes Andrea.

8 And I want to personally thank
9 Marty Dilan. He's personally working so
10 hard.

11 I don't think you ever get home
12 these days.

13 But he's been holding many hearings
14 around the state not just on this but on
15 other issues. And I thank him for coming to
16 Westchester.

17 And I thank Andrea Stewart-Cousins,
18 and she will go on next, so, make yourselves
19 comfy.

20 Unfortunately, I have to leave at
21 one o'clock, but I hope that we'll be able to
22 hear from several of you before that. And
23 when Andrea settles in, she will say a few
24 words. And just thank you for being here.

25 SENATOR DILAN: And while we're

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1 waiting, I would just like to just announce
2 that today's hearing is being broadcast on
3 our website and it will be streaming
4 statewide, just so you know.

5 I'd like to thank New York State
6 Senate Media Services, and we have a
7 stenographer, thank you, and she will be
8 maintaining the minutes for this meeting.

9 And as I indicated earlier, we would
10 love to hear from all of you. We will be
11 hearing from DOT this morning -- this
12 afternoon, rather -- and individuals who are
13 in the industry, and whatever public would
14 like to testify, we would love to hear as to
15 the issues in your region. And we have
16 already held a hearing in Syracuse, Buffalo,
17 and -- what was yesterday?

18 VOICE FROM THE AUDIENCE: New York
19 City.

20 SENATOR DILAN: New York City
21 yesterday?

22 SENATOR OPPENHEIMER: Where was I?

23 SENATOR DILAN: New York City? I
24 don't know where that is.

25 And we had to postpone a hearing in

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1 Long Island as a result of our special
2 sessions regarding the Deficit Reduction Plan
3 in Albany. We'll be rescheduling that public
4 hearing and then, hopefully, this Monday,
5 when we will be going back to Albany
6 regarding the Deficit Reduction Plan, we will
7 continue with that hearing and we'll have the
8 Commissioner testify at that time.

9 We've had, in all cases, the
10 directors of DOT, the Regional Director,
11 testifying, that'll be the case today, and
12 she will also be staying during the course of
13 your testimony to listen to what you have to
14 say.

15 So, at this time I'd like to turn it
16 over to Andrea Stewart-Cousins for just some
17 opening remarks.

18 SENATOR STEWART-COUSINS: Thank you
19 very much, Senator Dilan, and of course, I
20 just want to welcome everyone here and thank
21 especially the Town of Greenburgh for making
22 this wonderful Town Hall available.

23 I know that the Supervisor, Paul
24 Feiner, as well as our Clerk, Judith Beville,
25 and all of the trustees take great pride in

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1 what happens here and it's just a wonderful,
2 wonderful Town Hall.

3 I also wanted to thank you,
4 Senator Dilan, for doing what you do.

5 The reason why he couldn't remember
6 where he was, was because, as
7 Senator Oppenheimer was saying, he's just
8 been incredibly busy, and this is a great
9 week, I guess, for transportation issues,
10 especially in view of the fact that just --
11 was it yesterday?

12 SENATOR DILAN: The day before.

13 SENATOR STEWART-COUSINS: -- the day
14 before, we got a chance to pass the Andrews
15 Law, which was coming out of the
16 Transportation Committee, and, you know,
17 great work in terms of making sure that
18 children who are being driven in cars by
19 people who are drunk are recognized to be
20 precious cargo, and the penalties for that
21 sort of thing have certainly been uplifted.

22 I know you probably didn't say that,
23 but I think it's important that people
24 understand that the leadership in terms of
25 this Committee has been great and vast, and

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1 we thank you for that.

2 This is, obviously, another very,
3 very important part of our lives. We're
4 looking at the next five years. We had
5 talked about, in the Senate in particular,
6 the fact that New York is one state and, of
7 course, how we make it one state has so much
8 to do with transportation, how we link
9 everything together, and how we make sure
10 that the one-state status really can be
11 achieved. So, what happens in this capital
12 project, in this Capital Program, is
13 extremely important, so we're looking forward
14 to hearing from all of you.

15 I also don't want to miss the
16 opportunity to thank Joan Dupont, who's the
17 Regional Director. She has decided to
18 retire. We are sorry.

19 I understand that we have a very,
20 very capable person who'll be stepping up,
21 and I imagine we will be hearing from you or
22 at least getting a chance to meet you.

23 The great work that you've done in
24 this region is not unrecognized, we thank you
25 for the responsiveness, and we know that that

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1 partnership will continue.

2 So, that having been said, I'm
3 really grateful and ready to hear.

4 SENATOR DILAN: Great. Thank you
5 very much.

6 So, at this time I'll turn the
7 meeting over to Suzi Oppenheimer.

8 SENATOR OPPENHEIMER: I have the
9 first hour, she has the second.

10 Okay, Joan Dupont, would you please
11 step up.

12 MS. DUPONT: Certainly.

13 SENATOR OPPENHEIMER: Joan, as we
14 all know, is the Regional Director of Region
15 8.

16 MS. DUPONT: Thank you.

17 And Region 8 covers the Hudson
18 Valley. It's Columbia, Dutchess, Putnam,
19 Westchester, Rockland, Orange and Ulster. I
20 was so proud when I first came, I was able to
21 do that perfectly.

22 Thank you, Chairman Dilan and
23 Senators and honored guests for the
24 opportunity to provide remarks today.

25 The New York State Department of

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1 Transportation appreciates the opportunity to
2 be here today and to participate in this
3 important hearing.

4 The transportation system, funded
5 through the NYSDOT Capital Program, impacts
6 the daily lives of all 19 million New Yorkers
7 in all 62 counties across the state. This
8 network provides the required mobility for
9 the delivery of the goods we use every day or
10 for our personal travel.

11 We know that the investment needs of
12 our system are growing. The Hudson Valley is
13 steeped in history, and our roads, too, are
14 infused with history, but this infrastructure
15 is showing its age, as it is throughout
16 New York State. Sometimes that
17 infrastructure could be transformed in
18 stunning ways, like the new Walkway Over the
19 Hudson Bridge, built on an abandoned railroad
20 bridge in Poughkeepsie.

21 Indeed, even excluding that historic
22 121-year-old bridge, New York has some of the
23 oldest infrastructure in the nation -- much
24 of it was constructed before the interstate
25 highway system was established more than 50

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1 years ago. In fact, some parts of our system
2 still in active use are more than a century
3 old.

4 In addition, our infrastructure is
5 among the most heavily used in the nation and
6 faces the effects of the weather, including
7 harsh winters and hot summers. Moreover, we
8 expect system demand to transport both
9 passengers and freight to increase over time.
10 New York's transportation infrastructure is
11 in need of repair and modernization.

12 There is no question that
13 transportation infrastructure requires
14 increasing and sustained investment.

15 The National Surface Transportation
16 Policy and Revenue Study Commission's 2007
17 report cited the need to more than double the
18 level of investment in the nation's
19 transportation infrastructure. The report
20 cited the importance of both maintaining the
21 existing infrastructure and making strategic
22 expansions to serve the growing economy.

23 Also in 2007, New York State DOT's
24 own 20-year needs study described the need
25 for \$175 billion in investment in

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1 transportation infrastructure under NYSDOT's
2 jurisdiction. Achieving this level of
3 investment would require more than a doubling
4 of resources.

5 Our own data on system conditions
6 shows that we are barely maintaining our
7 conditions and that many parts of our highway
8 and bridge system will soon be in need of
9 repair or replacement. We have also heard
10 about the needs of our local communities --
11 both during our outreach for local projects
12 as a part of the stimulus program and from
13 our additional outreach to local officials
14 this summer in preparing for our next capital
15 program.

16 Though New York invested record sums
17 in the infrastructure during this current
18 Five-Year Capital Plan period to the tune of
19 more than 18 billion from 2005 to 2010, we,
20 as is everyone else, are also experiencing
21 unprecedented inflation costs for materials
22 such as steel and asphalt, not to mention
23 that the nation saw some of the most dramatic
24 spikes in fuel prices in 2008. The
25 combination of these factors affected

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1 projects we expected to be able to deliver
2 during this period.

3 But there was some good news for
4 transportation investment earlier this year.
5 The Recovery Act provided a one-time boost in
6 funding, 2.3 billion in highway and transit
7 funding, that allowed us to make progress on
8 addressing transportation deficiencies and to
9 create and sustain jobs to spur the economy.
10 Under Governor Paterson's leadership, the
11 Department has delivered on both of these
12 goals.

13 Federal rules required the State to
14 obligate half of the bridge and highway
15 funding within 120 days and we met that
16 deadline 30 days -- 33 days early.

17 And as of the end of September, more
18 than 4,100 private-sector employees were
19 working on Recovery Act-funded projects.

20 And we continue to deliver.
21 Governor Paterson has worked with federal,
22 state, and local officials to certify the
23 projects (as the Recovery Act requires) and,
24 thereby, gain the necessary funding to put
25 shovels in the ground and help create and

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1 retain jobs.

2 We have certified projects valued at
3 100 percent of the 1.12 billion in highway
4 and bridge funds to the State, and these
5 projects are expected to receive federal
6 approval by the end of the year, well in
7 advance of the federal deadline of March 2nd,
8 2010. And due to bids coming in lower than
9 expected on some of the ones already having
10 gone to bid, we will be certifying another 70
11 million in shovel-ready projects to take
12 advantage of these savings.

13 And it is worth noting that
14 statewide more than half of the
15 transportation money that the State received
16 as part of the Recovery Act funding went
17 directly to local projects. In the Hudson
18 Valley, for example, the Odell Avenue Bridge
19 replacement in the City of Yonkers was the
20 first Recovery Act project to begin
21 construction at \$2.2 million.

22 Stimulus funding is also being used
23 for the replacement of the South First Avenue
24 Bridge in the City of Mount Vernon and Popham
25 Road Bridge in Scarsdale. The Palisades

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1 Parkway Bridge over Route 202 in Rockland
2 County is also being replaced, and Route 9G
3 Bridge over the Roeliff Jansen Kill up in
4 Columbia County is also being rehabilitated.
5 Additional local bridges in Dutchess, Orange,
6 and Ulster counties are being replaced. And
7 local bridges in Putnam, Orange and Rockland
8 are being painted.

9 Stimulus funding was the key to
10 resurfacing of State highways in Columbia,
11 Dutchess, Orange, Putnam, Rockland, Ulster
12 and Westchester and addressing critical
13 pavement conditions on the Taconic State
14 Parkway in Westchester County and Route 28 in
15 Ulster County, both roads, by the way,
16 desperately in need of that. County roads
17 were resurfaced in Dutchess and Orange. And
18 town roads were resurfaced in Clarkstown,
19 Poughkeepsie, Warwick and Deer Park. We're
20 also upgrading local traffic signals in the
21 cities of Yonkers and White Plains, as well
22 as a number of traffic signals throughout
23 Westchester County. And on State parkways in
24 Westchester we're installing Intelligent
25 Transportation System equipment with this

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1 funding.

2 Approximately 60 percent of the
3 statewide highway funding provided by the
4 Stimulus package is now under construction.
5 And what isn't now will be when the weather
6 breaks in the spring.

7 We've also taken every opportunity
8 to apply for available Stimulus funding. For
9 example, in September, New York submitted
10 applications for funding regionally
11 significant transportation projects under a
12 federal competitive grant program the federal
13 DOT is calling Transportation Investments
14 Generating Economic Recovery, or TIGER.

15 Governor Paterson has supported 60
16 TIGER applications from New York State
17 totalling slightly more than 2.1 billion.
18 And that included seven applications in the
19 Hudson Valley valued at more than 400
20 million. These applications included two
21 sponsored by the Department, including a
22 complete reconstruction of Route 17, Exit
23 122, and upgrades to Route 17 in the vicinity
24 of Exits 130A and 131, and actually, those
25 are both at -- to bring it to -- work to

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1 bring Route 17 to I-86 standards. And the
2 applications also include there's 160 million
3 for major repair work on the Tappan Zee.

4 While the funds provided under the
5 Recovery Act are welcome and needed, they are
6 not enough to meet our growing needs -- in
7 fact, they represent less than 1 percent of
8 our documented 20-year needs and only make up
9 for about half of what's been lost to
10 inflation over the last five years.

11 Continued and sustained investment
12 in our infrastructure is needed if we are to
13 meet the transportation needs of the citizens
14 of New York.

15 NYSDOT's Capital Plan Proposal
16 provides a starting point for that future
17 investment.

18 Last month, the Department put
19 forward a proposed capital plan that lays out
20 our investment priorities, strategies and
21 initial performance measures, and proposes
22 25.8 billion in funding over the next five
23 years, covering 2010 to 2015, for investment
24 in the State's highways and bridges,
25 downstate suburban and upstate transit

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1 systems, rail passenger and freight, and
2 aviation and port infrastructure. This level
3 of funding is an increase of more than 40
4 percent over the record-setting investments
5 of the current five-year program, which
6 expires March 2010. It provides equal
7 increases to highways, transits, freights and
8 ports.

9 The State Highway and Bridge
10 Dedicated Trust Fund needs additional
11 resources to meet current capital commitments
12 and will need even larger increases to meet
13 future needs. Currently, nearly half of the
14 revenue coming into the fund is used to pay
15 debt service. Without new resources, by
16 2013, we expect debt service to consume
17 three-quarters of the Fund's annual revenues.

18 And the situation is similar at the
19 federal level. The Federal Highway Trust
20 Fund has required transfers of general fund
21 money during the past two fiscal years to
22 meet current commitments. To meet growing
23 demands there, new funding streams will need
24 to be found. Funding for federal
25 transportation programs expires on

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1 October 1st. Federal funds continue to flow
2 under a series of continuing resolutions.
3 And Congress is now considering a short-term
4 extension until agreement can be reached on
5 how to fund a long-term bill.

6 With the lack of a multi-year
7 federal transportation bill and the severe
8 constraints in the State, it will be a
9 significant challenge to find the resources
10 for transportation investment.

11 The investment priorities and
12 strategies laid out in our Plan detail how
13 NYSDOT proposes to invest in the
14 transportation system. We have five
15 investment priorities: One, safety for the
16 traveling public. Our first priority must
17 always be to assure the safety of the
18 traveling public.

19 Two, preservation of transportation
20 assets. One of the best ways to ensure
21 system safety is to invest in bringing our
22 existing transportation infrastructure back
23 to a state of good repair and to use an
24 "asset management" strategy, which means
25 undertaking the proper maintenance strategies

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1 at the proper time to maximize the useful
2 life of the infrastructure and minimize the
3 overall cost of the infrastructure over time.

4 Priority three: Investments must
5 support the State's economic vitality, that
6 we must be keeping the system functioning and
7 investing where we can to create and enhance
8 economic opportunities.

9 Priority four: Enhancing mobility
10 for people and goods, Improving the
11 reliability of the system, increasing service
12 in all modes of transportation and providing
13 some capacity enhancements where needed.

14 And five: Investing sustainably for
15 the future. This means investing in ways
16 that will reduce overall energy consumption,
17 including investing in communities that are
18 well-planned and support public
19 transportation, walking and biking, and
20 leveraging funding opportunities by
21 coordinating investments so that we can get
22 the most value out of all federal, state and
23 local infrastructure funds. It also means
24 building in ways that minimize the
25 environmental impact of transportation

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1 projects.

2 The Department also places a high
3 priority on providing maximum opportunities
4 for disadvantaged business enterprises, DBE,
5 and minority- and women-owned business
6 enterprises, M/WBE, and it's federal funding
7 or state funding that determines whether it's
8 a DBE or an MBE. And we've taken action
9 recently and plan to do more to strengthen
10 these programs, including one-on-one
11 certification events, maintaining a statewide
12 outreach program, increasing the number of
13 M/WBE's by speeding up the M/WBE application
14 process for firms that are already certified
15 as DBE's -- in other words, if you're
16 certified on the federal side for federal
17 money, we want to work it out so that we can
18 bring you into the state funding category --
19 increasing internal M/WBE utilization through
20 staff training and communication, making
21 certain potential opportunities for DBE
22 participation are considered in individual
23 contract goal-setting and finally,
24 implementing a mentor-protege program for
25 DBE's and M/WBE's. Basically we're trying to

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1 grow the pool of potential minority
2 businesses and help them take advantage of
3 the requirements that are there for both
4 state and federal funding.

5 NYSDOT plans to focus its
6 investments on the most heavily used core
7 systems first, including bridges and highways
8 on the federal aid system. And bridges
9 receive the highest priority. And what we've
10 seen in the last months, I think we'd all
11 agree. With the proposed investment levels
12 statewide, we expect to stabilize our federal
13 aid-eligible bridge deck area and to maintain
14 pavement conditions of interstate and other
15 high-volume roads. Pavement conditions on
16 lower-volume roads are expected to decline
17 somewhat, and that's with the proposed
18 investment levels.

19 As for the Hudson Valley, we have
20 increased preventive maintenance work on our
21 aging bridges. The region has a large number
22 of bridges -- around 1,100 State bridges and
23 around 1,700 nonstate bridges -- I believe we
24 have the largest number in the state and for
25 the various 11 regions, and they are

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1 generally older than other areas of the state
2 and they are now approaching the end of their
3 normal life. We also have many long-span
4 bridges that will be very costly to replace.
5 Hudson Valley State highways are currently in
6 "good" condition but require increased
7 investment to stay that way.

8 In the Hudson Valley, the proposed
9 Capital Program would allow pavement and
10 bridge conditions on our interstates and
11 parkways to remain stable. However, the
12 condition of lower-volume highways and local
13 bridges continues to be a concern.

14 During our outreach this summer in
15 preparation of the Capital Plan, we've heard
16 loud and clear from local officials and
17 stakeholders that we need to invest in our
18 local transportation system, in other words,
19 the nonstate system. In response, NYSDOT's
20 proposed program does propose significant
21 increases in funding for the local highway
22 and bridge system.

23 It calls for a more than a 40
24 percent increase in CHIPS and Marchiselli
25 funds, programs that assist localities in

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1 meeting their capital needs and matching
2 federal aid. The Plan also proposes several
3 new initiatives to support local
4 infrastructure and they include: \$150
5 million to support a new local bridge program
6 and 150 million to improve the local touring
7 route system. These are the facilities that
8 are numbered routes that pass through cities,
9 towns and local jurisdictions, but sometimes
10 the facilities through those jurisdictions
11 are not State routes. They are often "Main
12 Streets" of local communities, and while they
13 are not under State jurisdiction, the cities
14 and localities are responsible for their
15 maintenance and operation, but they're
16 assigned as a State highway. This program
17 would assist in bringing these facilities to
18 a state of good repair comparable to that of
19 the State's own facilities, or touring route
20 facilities.

21 It also proposes 25 million in
22 funding for a new Community and Corridor
23 Land-Use Planning Initiative that would
24 support regional SmartGrowth analyses and
25 community and corridor planning to ensure

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1 that transportation investments effectively
2 contribute to the sustainability, livability
3 and the economic competitiveness of our
4 state's communities.

5 The Plan also recognizes that even
6 though times are challenging, we cannot stop
7 planning for the future. There are key
8 system enhancements that should be funded to
9 meet emerging and growth demands and support
10 economic growth.

11 The Plan recognizes three critical
12 investment areas.

13 Core investments, number one. These
14 are needed to preserve and sustain our
15 existing infrastructure. There is an
16 emphasis on rehabilitation or replacement of
17 Interstate bridges and pavements. For
18 example, in the Hudson Valley, safety
19 improvement work continues on the Taconic
20 State Parkway, replacing two at-grade
21 crossings with interchanges, reconstructing
22 obsolete roadway sections of Putnam County
23 and rehabilitating the northbound Taconic
24 bridge over the Croton Reservoir.

25 The Palisades Interstate Parkway

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1 between North Middletown Road and Route 202
2 would be reconstructed.

3 Many local bridges will be replaced,
4 the largest being the bridge carrying the
5 Bronx River Parkway over the Bronx
6 River/Crane Road/Metro-North.

7 And core investments also include
8 NYSDOT's sponsorship of inter-county transit
9 services for commuters, including express
10 buses, railroad station shuttles, ferries,
11 and we'd also increase the construction of
12 park-and-ride facilities.

13 The second emphasis area would be
14 enhancements, strategic expansions to the
15 existing system used to accommodate growth
16 and future needs. In the Hudson Valley,
17 these include projects like the
18 reconstruction of Exit 122 on Route 17,
19 future I-86, to provide improved access to
20 the new Orange County Medical Center and
21 other commercial developments in Wallkill.

22 Exit 131 on Route 17 in Harriman
23 would be reconstructed to reduce daily delays
24 and especially tie-ups during the peak
25 shopping days at Woodbury Commons.

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1 The northbound Hutchinson River
2 Parkway ramp to the Cross County Parkway
3 would be moved to reduce congestion on the
4 northbound Hutch.

5 The widening of I-84 to I-64 to
6 Connecticut -- 684 to Connecticut, is needed
7 to reduce daily delays on I-684 northbound,
8 and that's that move from 684 North. For the
9 people headed to Connecticut, it backs up and
10 can be a complete shutdown with accidents.
11 I-684 at the Saw Mill River Parkway and Route
12 35 also needs improvement.

13 And the enhancements also include
14 numerous pedestrian and bicycle projects,
15 transit parking expansion and projects to
16 implement the recommendations of sustainable
17 development studies in Dutchess, Orange,
18 Rockland and Westchester.

19 Major projects, which are projects
20 critical to the system function or expansion
21 that, although they may be partially funded
22 in this Plan, require resources beyond our
23 current means. We have several examples of
24 these in the Hudson Valley.

25 We are beginning to study the need

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1 to widen Route 17 from I-87 (the Thruway) in
2 Harriman out to Monticello in Sullivan
3 County. The funding to accomplish any
4 widening will require future [sic] resources
5 in the future.

6 The Palisades International [sic]
7 Parkway from Route 202 to the Bear Mountain
8 Bridge needs acceleration and deceleration
9 lanes, added shoulders and improved pavement.
10 The portion between North Middletown Road and
11 Route 202 is contained in the Five-Year
12 Program.

13 The interchange of the Cross County
14 Parkway and the Saw Mill River Parkway is
15 obsolete and needs to be reconstructed to
16 improve safety and traffic operations and to
17 support continued economic redevelopment in
18 the City of Yonkers.

19 Route 9A is a major north-south
20 truck route in Westchester County and
21 reconstruction is necessary if it is to
22 continue to provide safe travel for both
23 commuters and commercial traffic.

24 The reconstruction of the
25 interchange of Route 9 and Route 44/55 and

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1 the Mid-Hudson Bridge in the City of
2 Poughkeepsie is needed.

3 And although not listed as a major
4 project in NYSDOT's Capital Program, the
5 Tappan Zee Bridge/I-287 Corridor project is
6 vital to the economic vitality and growth
7 across the region. This project, a combined
8 effort by NYSDOT, the Thruway Authority, and
9 Metro-North, is continuing through its
10 environmental review and public involvement
11 process. The agencies have hired a financial
12 consultant to advise the State on possible
13 strategies to finance the project that
14 emerges from that planning process.

15 Plus, there is public transportation
16 operating assistance to consider. While one
17 objective of NYSDOT's capital program is to
18 address the capital needs of the downstate
19 public transportation systems, the Department
20 recognizes that these systems also require a
21 steady and predictable level of operating
22 assistance if capital investments are to be
23 used effectively. These needs are not
24 included in the Capital Plan but will need to
25 be addressed.

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1 All of this said, NYSDOT recognizes
2 that even at the proposed levels of
3 investment, this Plan will not meet all of
4 our infrastructure needs. It is a "down
5 payment" on the future, if you will, and what
6 we can accomplish, and at what pace, will be
7 dependable on the available resources.

8 The amount needed to preserve and
9 improve the State's diverse transportation
10 system is large and will continue to grow
11 larger as the system ages. Without this
12 sustained level of investment, it would be
13 impossible to maintain the condition of the
14 many pieces of the transportation system, to
15 say nothing of expansion or enhancements to
16 meet economic or other emerging needs. This
17 is a major commitment to protect the
18 traveling public, to spur economic recovery
19 and to pave the way for future growth.

20 If adequate levels of transportation
21 investment can be sustained in the future,
22 then progress will continue on the
23 longer-term goal of achieving a state of good
24 repair.

25 Under the leadership of

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1 Governor Paterson, the New York State
2 Department of Transportation looks forward to
3 working with you to continue to meet our
4 infrastructure needs and our obligation to
5 the public.

6 Thank you.

7 SENATOR OPPENHEIMER: Wow. You
8 surely outlined a lot here.

9 MS. DUPONT: Well, it's a big
10 system.

11 SENATOR OPPENHEIMER: And I don't
12 think anybody, you know, could disagree with
13 what you outlined, so the question is just,
14 are we going to meet our commitment of the
15 funding. But thank you for this, thank you
16 for the work you've done.

17 When are you retiring? We don't
18 want you to, but if you're going to --

19 MS. DUPONT: Today's my last day on
20 the job, actually.

21 SENATOR OPPENHEIMER: Oh, my God.

22 MS. DUPONT: This is my last
23 official act.

24 SENATOR OPPENHEIMER: Oh, my God.
25 Okay. Okay.

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1 Steve?

2 Oh, you have a question, and then
3 Andrea.

4 MS. DUPONT: Do you have a question
5 for me?

6 SENATOR STEWART-COUSINS: No, just
7 quickly, Joan, you said today's your last
8 day. Are you joined here by the person who
9 will be taking your place?

10 MS. DUPONT: Yes, I am.

11 SENATOR STEWART-COUSINS: Would you
12 like to introduce that person?

13 MS. DUPONT: Yes. Yes, I would like
14 the opportunity to introduce Bill Gordon, who
15 is going to be the acting Regional Director
16 officially starting Thursday.

17 SENATOR STEWART-COUSINS: Welcome.

18 MS. DUPONT: Bill Gordon is a
19 long-term employee of the Hudson Valley
20 Region 8 DOT. As a design engineer, he's
21 familiar with the system and familiar with
22 the project, familiar with working with the
23 public, and he has my full confidence.

24 SENATOR STEWART-COUSINS: Thank you.

25 SENATOR DILAN: Thank you.

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1 I also want to congratulate you and
2 wish you all the best --

3 MS. DUPONT: Thank you.

4 SENATOR DILAN: -- in your
5 retirement.

6 However, with respect to your
7 testimony, I know that the Tappan Zee Bridge
8 is not within the Five-Year Capital Plan.
9 Maybe there's some maintenance money there,
10 but is that because that would fall under the
11 New York State Thruway --

12 MS. DUPONT: Yes --

13 SENATOR DILAN: -- Authority?

14 SENATOR OPPENHEIMER: Yes.

15 MS. DUPONT: -- yes. The current
16 work being done is funded through the Thruway
17 Authority --

18 SENATOR DILAN: Okay.

19 MS. DUPONT: -- yes.

20 SENATOR DILAN: All right.

21 SENATOR OPPENHEIMER: And it's also
22 interesting in that it's also being done
23 along with MTA, because we were hopeful of
24 having someone else transfer --

25 MS. DUPONT: Yes. That's why the

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1 whole proposal solution is being resolved
2 jointly, because it does affect all three of
3 us --

4 SENATOR DILAN: Okay, all right.

5 MS. DUPONT: -- yes, us, the Thruway
6 and the DOT.

7 SENATOR OPPENHEIMER: Okay.

8 And Andrea next.

9 SENATOR DILAN: Thank you.

10 SENATOR STEWART-COUSINS: No, no,
11 no, I just want to say again thank you for
12 your services, thank you for at least laying
13 the groundwork, it was a lengthy -- but it
14 was important because it explains the
15 priorities and what the method is that you
16 came to these projects, as well as giving us
17 a scope of what is going on should we be able
18 to fund it. So, thank you. Appreciate that.

19 MS. DUPONT: Thank you.

20 SENATOR OPPENHEIMER: And welcome,
21 Bill.

22 SENATOR DILAN: Murray Bodin raised
23 his hand. I think he wants to say something.

24 SENATOR OPPENHEIMER: Murray?

25 MR. BODIN: I have a question. Will

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1 Bill be here? Because I'll need him to
2 assist me when I make my presentation.

3 SENATOR OPPENHEIMER: I don't know.
4 You'll have to ask him.

5 MS. DUPONT: I'm not sure that he'll
6 be able to assist you.

7 MR. BODIN: Well, I'll have some
8 questions for him.

9 SENATOR DILAN: Well, all right,
10 let's -- let's --

11 SENATOR OPPENHEIMER: Well, at this
12 juncture, basically, that comes at the end of
13 the hearing where we take from the audience,
14 but at this point the only people making
15 questions are the senators. That's the way
16 hearings are structured, sorry, Murray.

17 MR. BODIN: No problem. Thank you.

18 SENATOR OPPENHEIMER: Okay. Well, a
19 happy and healthy retirement.

20 MS. DUPONT: Thank you very much.

21 SENATOR OPPENHEIMER: Okay.

22 And you've given us plenty to think
23 about, Joan.

24 Okay, Larry's not here.

25 COMMISSIONER BUTLER: I'm Ralph

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1 Butler. I'm Commissioner of Public Works.
2 I'm representing the county in the --
3 Commissioner Salley couldn't make it and
4 apologized for not being here, but if I
5 can --

6 SENATOR OPPENHEIMER: Thank you.

7 COMMISSIONER BUTLER: -- speak on
8 his behalf.

9 SENATOR OPPENHEIMER: Excellent.
10 Give us your name and spelling.

11 COMMISSIONER BUTLER: It's Ralph
12 Butler, B-U-T-L-E-R.

13 SENATOR OPPENHEIMER: B-U-T-L-E-R.

14 COMMISSIONER BUTLER: L-E-R.

15 I'm the Commissioner of Public Works
16 for Westchester County.

17 SENATOR OPPENHEIMER: Good, good,
18 good. Thank you very much, Ralph. Okay.

19 SENATOR STEWART-COUSINS: Hi.

20 COMMISSIONER BUTLER: Okay.

21 SENATOR OPPENHEIMER: We await your
22 testimony.

23 COMMISSIONER BUTLER: Okay. We do
24 appreciate the opportunity to be here this
25 afternoon.

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1 As the Commissioner of Public Works,
2 I'm responsible for the roads and bridges and
3 the infrastructure side of Westchester County
4 government. I fully agree with Joan Dupont
5 and her testimony on the importance of
6 funding adequately the roads and bridges.

7 It is our responsibility to make
8 sure our highways and our bridges are kept
9 safe for the traveling public and also to
10 make sure the economic development of the
11 area is kept up. Those are truly important
12 things.

13 Joan Dupont did mention one of the
14 ARRA funding projects, the Odell Avenue
15 bridge. That was one of the county projects
16 put out. We did receive through ARRA,
17 roughly, \$5.2 million of funding. All of our
18 contracts have been awarded. In fact, all of
19 our projects will be completed within the
20 first quarter of 2010, so yeah, we're very
21 appreciative of the federal monies passing
22 down with the assistance of Joan Dupont and
23 her staff on getting those projects assigned
24 to Westchester County.

25 My focus here is gonna be more on

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1 the county needs with the State. We do count
2 on a lot of the funding from the State. We
3 have the CHIPS program that is funded on an
4 annual basis. From the local perspective and
5 even with the other highway, county highway,
6 superintendents throughout the State, this is
7 a program that is extremely important to all
8 of the local municipalities. Our hope is
9 that in the future, that that funding is
10 increased.

11 When you look at the level of
12 funding, say, for Westchester County,
13 probably for the past 15 years, it's,
14 roughly, stayed at the \$2-1/2 million range.
15 If we look at the CPI over that same time
16 frame, we're only accomplishing 30 to 35
17 percent of the work that we were able to do
18 15 years ago, so it is important, as
19 inflation goes up, that we are able to
20 maintain at least the same level of road
21 repairs on there.

22 The second component, I certainly do
23 appreciate the federal money coming through
24 and the State money coming through, and we're
25 working with the State through the Local

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1 Projects Unit. We do feel, and I've had a
2 number of conversations with the Regional
3 Director on, hopefully, there's a way to
4 streamline that system. It does take time
5 and does cost additional money to accept the
6 federal and State money coming down to us, as
7 I mentioned before, we are appreciative of
8 any dollars that we do receive, but every
9 year a project is delayed on there we have a
10 CPI increase.

11 And also, when you look at our roads
12 and bridges, the rate of deterioration is not
13 held constant, a road repair one year will
14 have more deterioration next year, so it
15 compounds itself. So, if it takes 12 months,
16 18 months, 24 months, to go through the
17 process, we could be adding an additional 20
18 percent on top of that project, and in times
19 when the tax dollars are shrinking, I think
20 it is important that we try to streamline the
21 system where we can get these projects out
22 quicker so we can get either more projects
23 done or at least maintain the level of
24 projects that we want to maintain.

25 The other issue that we see here

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1 that comes into play with the State is their
2 letting cap. For Region 8, the letting cap
3 is \$47 million. There could be times with
4 federal funding where within that particular
5 year we could be exceeding the \$47 million.
6 Those projects are actually going to have to
7 be deferred because if we hit the letting
8 cap, there seems to be -- you know, if the
9 funding's in place -- an arbitrary number,
10 from our perspective, we don't know all the
11 reasons why the State has that number in
12 there, but from our perspective, that could
13 be deferring projects, and every time we do
14 defer projects it costs more money to defer
15 projects. But I think that we can come up
16 with a scenario of streamlining the system to
17 try, when the funding is available, to get it
18 out the door, get it under construction,
19 especially at this time with so many workers
20 unemployed, it is extremely important that we
21 try to get as much work out.

22 I know the county's program this
23 year, we tried to accelerate a lot of our
24 programs, we are receiving excellent prices,
25 and when you look within this area -- and we

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1 have the unions and the CIC coming in later,
2 and they'll probably expand more on it --
3 they are -- probably 50 percent of their work
4 force is sitting in the hall. This is the
5 time now that we can push out more work, it
6 is a time to push out more work for us.

7 Thank you very much.

8 SENATOR OPPENHEIMER: I have a
9 question.

10 A letting cap, who puts down that
11 letting cap?

12 COMMISSIONER BUTLER: That is
13 issued, if I understand, by the State, that
14 has an overall letting cap, and it's then
15 divided up within the 11 regions, and it's my
16 understanding that Region 8 has a \$47 million
17 letting cap, so that even if you have more
18 funding where you can afford the contracts --

19 SENATOR OPPENHEIMER: Right.

20 COMMISSIONER BUTLER: -- that cap
21 exists at the local levels, there could be
22 other reasons why the State puts that cap on
23 that the locals are not aware of, but it
24 seems to be hindering projects, you know,
25 potential projects, from going out.

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1 SENATOR OPPENHEIMER: And, Ralph,
2 what if a district has not utilized its
3 entire letting cap, it cannot be utilized
4 by --

5 COMMISSIONER BUTLER: That, you'd
6 have to discuss with the State officials.
7 I'm not sure how they --

8 SENATOR STEWART-COUSINS: I think
9 that the Regional Director -- Joan, did you
10 want to respond to that?

11 MS. DUPONT: You know, it comes out
12 of the State finance plan, and the type --
13 the State has to first instance that money
14 for the local government, but it's a
15 particular category in the State finance plan
16 where we're limited in terms of how far we
17 can go with local projects -- you know, with
18 that funding source, and it is limited on a
19 statewide basis and we do allocate it among
20 your counties. It's a pattern in this
21 county. In the past, the local projects
22 tended to lag and we never really bumped up
23 against the cap. The local projects and
24 probably our help with the local projects and
25 the streamlining has helped meant that more

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1 local projects are meeting their deadlines
2 and now we're starting --

3 COMMISSIONER BUTLER: Bumping the
4 cash?

5 MS. DUPONT: -- to bump up against
6 the amount, but it's established in the funny
7 categories in the State finance plan. That
8 kinda limits them.

9 SENATOR OPPENHEIMER: And that
10 they're especially with ARRA, the funding?

11 MS. DUPONT: Yes.

12 SENATOR OPPENHEIMER: Okay, thank
13 you.

14 Would you like to --

15 SENATOR STEWART-COUSINS: Yes.

16 First of all, it's good to see you,
17 Ralph.

18 COMMISSIONER BUTLER: Yes, it's good
19 to see you again.

20 SENATOR STEWART-COUSINS: We spent a
21 lot of years together and I want --

22 SENATOR OPPENHEIMER: Ooh, that
23 sounds good.

24 SENATOR STEWART-COUSINS: We did. I
25 was on the County Legislature for 10 years.

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1 In fact, the Odell Avenue bridge was also a
2 project that I sort of --

3 COMMISSIONER BUTLER: Got into the
4 capital programs.

5 SENATOR STEWART-COUSINS: Well, yes,
6 and the first project that I think that I
7 brought the Regional Director to, because the
8 State's cooperation was so important, so, you
9 know, that's again why I say the
10 responsiveness was there, and certainly,
11 you've been a great shepard and leader
12 throughout, so I'm very happy to see you
13 here.

14 COMMISSIONER BUTLER: Thank you very
15 much.

16 SENATOR STEWART-COUSINS: And also,
17 to talk about streamlining the system. I
18 suspect that the recommendations that you
19 have, if you'd like to share that, we would
20 certainly be willing, I'm sure Senator Dilan,
21 through the Transportation Committee, as well
22 as with the Department, to help, because it
23 sounds to me like there has been streamlining
24 already --

25 COMMISSIONER BUTLER: Okay, yes,

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1 yes.

2 SENATOR STEWART-COUSINS: -- which
3 is why you're getting to your cap, but if
4 there are more things that we could do, we
5 certainly want to be able to do that.

6 And the other question I had was you
7 were saying you didn't know whether this was
8 an arbitrary number.

9 I wasn't sure, Ms. Dupont, how are
10 these allocations made, is it equally divided
11 among regions, is it based on trends for the
12 various regions?

13 MS. DUPONT: It's based on the
14 projects that are listed as expected to be
15 during those years.

16 SENATOR STEWART-COUSINS: I see, I
17 see, I see.

18 And you're saying, Ralph, that it's
19 been about the same for --

20 COMMISSIONER BUTLER: As Joan had
21 mentioned, we are bumping up against the
22 cap --

23 SENATOR STEWART-COUSINS: Right.

24 COMMISSIONER BUTLER: -- on behalf
25 of the project --

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1 SENATOR STEWART-COUSINS: Right.

2 COMMISSIONER BUTLER: -- that we
3 don't have to go to bid on that exceeds that
4 amount. And she mentioned that, the creation
5 of a bridge on the --

6 SENATOR STEWART-COUSINS: Right.

7 COMMISSIONER BUTLER: -- Bronx River
8 Parkway, and sometimes when you put a cap on
9 it and it stays the same number from year to
10 year, it has to be looked at.

11 SENATOR STEWART-COUSINS: Okay.

12 COMMISSIONER BUTLER: Because as
13 cost goes up, you're trying to get out the
14 same number of projects but the dollar values
15 are a lot higher.

16 SENATOR STEWART-COUSINS: Right.

17 COMMISSIONER BUTLER: So, that is,
18 again, something to look at --

19 SENATOR STEWART-COUSINS: Okay.

20 COMMISSIONER BUTLER: -- so we don't
21 get into a problem either now or in the
22 future, down the line, with having to delay
23 or defer projects.

24 SENATOR OPPENHEIMER: Okay.

25 Now, Senator Dilan, you have a

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1 question?

2 SENATOR DILAN: Sure.

3 That's something that we will look
4 into, because one of the purposes of these
5 hearings also is to see, when we get projects
6 into the Five-Year Plan, that not only do we
7 complete those projects within that five-year
8 period, because historically, we know that
9 many projects get into the Five-Year Plan and
10 they never get completed and they get moved
11 on to the next plan and the next plan, and
12 that's why our system is in such a state of
13 disrepair. So, I think one of the goals is
14 that we have to be realistic in terms of what
15 projects really cost and what they will cost
16 when we actually start the project, but the
17 point is that when we put something into the
18 Capital Plan, that we're going to complete
19 it, that it's just not a number in a
20 spreadsheet, so I think that what you bring
21 up is very important and it's something that
22 we'll have to look at.

23 COMMISSIONER BUTLER: Yes.

24 Thank you very much.

25 SENATOR DILAN: Thank you.

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1 SENATOR OPPENHEIMER: Thank you.

2 And now, unfortunately, it is one
3 o'clock and I turn into a pumpkin, so you
4 start --

5 SENATOR DILAN: So, we'll turn the
6 meeting over to Senator Andrea
7 Stewart-Cousins, who is our host today.

8 Thank you.

9 SENATOR OPPENHEIMER: Thank you.

10 And I am leaving my chief of staff
11 and counsel, Steve Otis. And Steve will
12 report back on all the good things that you
13 have to say.

14 SENATOR STEWART-COUSINS: Thank you.

15 Our next speaker, then, is
16 Michael Fesen, Vice President, Government
17 Relations, Norfolk Southern Railway. Thank
18 you for joining us.

19 MR. FESEN: Thank you.

20 SENATOR DILAN: You're welcome.

21 SENATOR STEWART-COUSINS: Thank you.

22 MR. FESEN: I have a diagram here
23 that also should be part of your materials at
24 the -- I think it's a much reduced diagram,
25 but it's at the back of the materials.

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1 There's a map at the very back which is based
2 on the New York State rail map there.

3 What I was going to do was go
4 through the materials and, obviously, if you
5 have any questions, there may be some -- good
6 afternoon Senators and thank you for the
7 opportunity to speak to you about the
8 New York State Department of Transportation's
9 Capital Plan. My name is Michael Fesen, I am
10 the Resident Vice President of Norfolk
11 Southern Railway. We are a Class 1 railroad
12 that operates in New York and 21 other
13 eastern states.

14 Norfolk Southern is a member of the
15 Railroads of New York and the American
16 Association of Railroads.

17 In New York State, Norfolk Southern
18 operates what is generally known as the
19 "Southern Tier," which extends from Buffalo
20 to Binghamton. We have a partnership with
21 the Canadian Pacific railroad that brings
22 joint traffic from Binghamton to Albany.

23 The Buffalo-to-Binghamton-to-Albany
24 line handles somewhere between five to ten
25 trains a day, which includes both intermodal

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1 and merchandise freight. The same line
2 connects with a number of short lines across
3 New York State. NS, or Norfolk Southern, has
4 a marketing campaign to increase traffic
5 along both our line and the short lines known
6 as the Empire Link. We seek to recapture as
7 much local freight as possible that was once
8 handled by railroads but that has since been
9 lost to truck traffic.

10 Other members of the railroad
11 industry of New York State have spoken to you
12 generally about the capital needs and
13 priorities of the railroads in New York State
14 and how important they are. Let me give you
15 an example of this by way of the need to
16 replace the important Portage High Iron
17 Bridge located in Letchworth State Park in
18 Wyoming County.

19 At this point, two rail lines handle
20 all of the east-west high-speed rail traffic
21 across New York State. They are the CSX
22 Water Level Route that extends almost
23 directly from Buffalo to Albany and the NS-CP
24 or at Norfolk Southern-Canadian Pacific's
25 Southern Tier. This redundancy is an

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1 important asset to New York and needs to be
2 maintained.

3 I have included a rail map of
4 New York State that highlights the two
5 parallel routes as they go across New York.

6 A chain is only as good as its
7 weakest link and the Norfolk
8 Southern-Canadian Pacific southern tier has
9 an Achilles' heel. This bridge, which is in
10 Letchworth Park, the Portage High Iron
11 Bridge, needs to be replaced. Failure to
12 replace the bridge will damage the rail route
13 redundancy that New York State has enjoyed
14 for many years.

15 The Portage High Iron Bridge was
16 constructed in 1875. As its name indicates,
17 it was constructed largely of iron and
18 New York State has enjoyed its service for
19 over a century managed by a number of
20 different owners. Photos of the bridge are
21 shown in your materials.

22 It is now time to replace the
23 bridge. New York State has funded an
24 engineering study to determine how this can
25 be best done in an environmentally sensitive

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1 manner that recognizes the aesthetics of the
2 Genessee River and the gorge that it formed.

3 Norfolk Southern Railway is now
4 working closely with the New York State
5 Department of Transportation to get this
6 project completed as quickly as possible.

7 Project costs are estimated to be
8 somewhere between 30 and \$35 million. The
9 majority of the costs will be borne by
10 private interests, but New York State
11 contributing to this effort as they have will
12 help keep this important rail infrastructure
13 in place and prevent this portion of the
14 Southern Tier from being taken out of
15 service.

16 In the course of our nation's
17 history, New York State was one of the
18 leading states when it came to rail industry
19 leadership. Over the past six decades,
20 New York State, however, has seen a decline
21 in that leadership. Customers were lost to
22 truck, track was taken up, and bridges and
23 tunnels abandoned.

24 It is now time to reverse that
25 trend. This project and others like it can

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1 help keep our important rail infrastructure
2 in place, and capital funding is very
3 important to make sure that gets done from
4 New York State.

5 SENATOR STEWART-COUSINS: Thank you,
6 Mr. Fesen.

7 Do you have a question,
8 Senator Dilan?

9 SENATOR DILAN: So, this project is
10 currently not in the proposed Plan; is that
11 correct?

12 MR. FESEN: We've submitted it, but
13 it --

14 SENATOR DILAN: Mm-hmm.

15 MR. FESEN: -- it has not been
16 funded yet.

17 SENATOR DILAN: Mm-hmm.

18 MR. FESEN: There is a lot of
19 engineering work --

20 SENATOR DILAN: Mm-hmm.

21 MR. FESEN: -- and because it's in a
22 State park, we're getting input from both
23 State parks and other programs --

24 SENATOR DILAN: Mm-hmm.

25 MR. FESEN: -- but it needs to be

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1 completed, we don't have a full estimate yet
2 as to the costs --

3 SENATOR DILAN: Mm-hmm.

4 MR. FESEN: -- and there's a lot of
5 permits that need to be done, but I believe
6 that it's in the Plan at this point --

7 SENATOR DILAN: Okay.

8 MR. FESEN: -- from there, but it's
9 a long, multiyear project, and we've
10 submitted it in the State Rail Plan --

11 SENATOR DILAN: Mm-hmm.

12 MR. FESEN: -- but we can't give a
13 precise number now, which is frustrating.

14 SENATOR DILAN: Is it eligible for
15 any federal funds?

16 MR. FESEN: We believe it is
17 eligible, and we're applying for that. There
18 were some monies that have already been
19 allocated from some federal funds for the
20 State --

21 SENATOR DILAN: Mm-hmm.

22 MR. FESEN: -- to take over the old
23 bridge once the new one is replaced, and
24 we're negotiating with the New York State
25 Parks Department about what happens to the

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1 old bridge, and there's some different issues
2 about that.

3 SENATOR DILAN: Mm-hmm, okay.

4 SENATOR STEWART-COUSINS: Thank you
5 very much, Mr. Fesen.

6 Thank you.

7 SENATOR STEWART-COUSINS: Our next
8 person is Nathan Fenno, the President of
9 Delaware Otsego Corporation.

10 MR. FENNO: Thank you and good
11 afternoon. Thank you for the opportunity to
12 come here.

13 My name is Nathan Fenno. I served
14 as president of the New York Susquehanna and
15 Western Railway, headquartered in Cooperstown,
16 New York. The NYS&W has 175 employees,
17 operating over 400 miles of track.

18 Attached to my written testimony is
19 a map of the railroad of New York State that
20 Mr. Fesen just mentioned, the difference
21 being that on this map we've highlighted
22 NYS&W in blue.

23 As this shows, we operate generally
24 from Syracuse to Binghamton and then easterly
25 along the Southern Tier of New York through

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1 Orange County and then New Jersey, ending in
2 the New York-New Jersey Port area. We also
3 have a line that operates from Utica to the
4 south for about 20 miles. We serve over 85
5 customers and transport a wide range of
6 commodities, such as feed ingredients,
7 fertilizer, lumber and other building
8 materials, chemicals, aggregates and asphalt,
9 plastics, food products, and motor vehicles.

10 We share the views expressed to you
11 by others that the private rail system is an
12 essential part of New York's infrastructure
13 and must be included in the State's
14 infrastructure planning and funding
15 decisions. I want to bring to your attention
16 two examples of how the funding of rail
17 projects at NYS&W in the past has provided
18 multiple returns to the State.

19 The first relates to an asphalt
20 facility in Cortland, New York in Central New
21 York. In 1999, a small multimillion-dollar
22 asphalt terminal was constructed in Cortland
23 at a location that was next to an abandoned
24 rail line that had not had service on it in
25 over 20 years. With \$1 million from the

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1 New York State Industrial Access Program,
2 which as you know, consists of 60 percent
3 grant money and 40 percent loan, NYS&W was
4 able to reestablish rail service to the site,
5 which has allowed the asphalt terminal to
6 continue to grow and expand its employment.
7 In 2009, NYS&W will deliver over 2,500
8 railcars of asphalt to this customer.
9 Obviously, NYS&W benefits from this business
10 and our customer benefits from lower
11 transportation rates and the State benefits
12 from the jobs that the asphalt terminal has
13 been able to create, as it does from any
14 other successful economic development
15 project, but there are two other significant
16 benefits to the State: First, rail service
17 to this customer has taken 10,000 trucks a
18 year off the State's highways, reducing wear
19 and tear on the State's highways and bridges
20 and reducing air emissions. Second, the
21 State is by far the largest consumer of the
22 asphalt that is handled at this site, either
23 directly for State highway construction and
24 maintenance or indirectly through State
25 funding of county and town highway

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1 construction and maintenance; the reduced
2 transportation costs of the asphalt
3 ultimately result in lower blacktop prices
4 for the State. This is exactly the type of
5 funding for rail projects that the State
6 should be pursuing: \$1 million invested,
7 \$400,000 paid back, and the benefits of jobs
8 and transportation efficiencies multiplying
9 for years to come. Unfortunately, our
10 Industrial Access Program is no longer being
11 funded, and unlike other states, there is no
12 consistent rail funding program in New York.

13 The second example I'd like to
14 mention to you relates to what we refer to as
15 the Southern Tier. It's the second half of
16 the line that Mr. Fesen referred to as the
17 Southern Tier historically. In 2005, we
18 leased the portion that runs between
19 Binghamton and Port Jervis, which runs
20 through Broome and Delaware and Sullivan
21 Counties. Over the years, the line had
22 dwindled to only a handful of customers and
23 was in need of a complete rehabilitation.
24 But there were compelling reasons to keep the
25 line active. New York State DOT recognized

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1 the need to preserve this line and invested
2 \$2 million which, together with over \$6
3 million in private funds, were used for track
4 improvement and signal improvements to
5 address deferred maintenance, to maintain and
6 improve track speeds, and to preserve rail
7 service to existing on-line customers, and
8 maintain this important transportation link
9 between Central New York and the Metropolitan
10 New York region.

11 One of our former employees that
12 worked heavily on this project referred to
13 the signal system on the line as the best
14 technology that World War I had to offer, to
15 give you an idea of the need for upgrades.

16 Again, the benefit to the railroad
17 and its customers is obvious, but this work
18 also opened up new opportunities for Upstate
19 New York farmers and manufacturers to export
20 their products through the Port of New York.
21 NYS&W currently is hauling the corn and
22 soybeans grown from New York by rail to the
23 Port, where they are loaded in containers for
24 shipment to Asia. Our next year's estimate
25 is NYS&W will take 1,200 carloads or 4.2

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1 million bushels of New York State corn and
2 soybeans to the Port of New York to be
3 shipped to the Pacific Rim. Similar
4 opportunities for steel producers and other
5 manufacturers are opening up as the export
6 market strengthens.

7 Finally, as a resident of New York,
8 I'm well aware of the financial difficulties
9 the State is facing, but there is one thing
10 that I urge you to do now that will benefit
11 both NYS&W and the State's other short line
12 railroads and won't cost the State a penny.
13 Section 45G of the Federal Internal Revenue
14 Code provides short line railroads a federal
15 tax credit for track maintenance and
16 improvements. That federal tax credit has
17 provided NYS&W with funds to invest over \$12
18 million in the past five years on its tracks.
19 Unfortunately, the tax credit expires at the
20 end of this year. Although NYS&W and the
21 other members of the Railroads of New York
22 have urged the New York Congressional
23 Delegation to support an extension of this
24 tax credit, the response has been
25 disappointing.

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1 I would like to urge you to contact
2 Senator Schumer and the downstate congressmen
3 to become cosigners to the short line tax
4 credit extension.

5 Included in my written testimony
6 you'll find the names of the New York State
7 congressional delegation who have become
8 cosigners as of this date, as well as others
9 who have not.

10 Thank you for your time and, of
11 course, your continued interest in our
12 transportation system.

13 SENATOR STEWART-COUSINS: Thank you
14 so much, Mr. Fenno.

15 MR. FENNO: Thank you.

16 SENATOR STEWART-COUSINS: I believe
17 Senator Dilan has a question.

18 SENATOR DILAN: Yes.

19 MR. FENNO: Sure.

20 SENATOR DILAN: I would just like to
21 indicate with you, I think at our first
22 hearing in Syracuse, and that's with
23 Railroads of New York, I believe it's
24 called --

25 MR. FENNO: Railroads of New York

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1 State Industry Group, I believe it's called.

2 SENATOR DILAN: Yes, the
3 association, but at that time they also made
4 a request that I contact Senator Schumer, and
5 I'm just pleased to let you know that we did
6 write Senator Schumer asking him to go on
7 this legislation, which I believe he has been
8 on in the past, and we're waiting for his
9 response, and as soon as we hear from him,
10 we'll get back to you.

11 MR. FENNO: Thank you for your
12 support, because Senator Schumer has been a
13 co-sponsor of the same legislation in the
14 past --

15 SENATOR DILAN: Right.

16 MR. FENNO: -- for some reason, he's
17 not yet done so.

18 SENATOR DILAN: We're waiting to
19 hear from him, and as soon as we do, we'll
20 let you know.

21 MR. FENNO: We appreciate your
22 support. Thank you.

23 SENATOR DILAN: Okay. Thank you.

24 SENATOR STEWART-COUSINS: Thank you
25 very much.

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1 I think timing is everything,
2 because the next one is Mr. Pepe.

3 Mr. Pepe, good to see you.

4 Mr. Pepe is the President of the
5 Construction Industry Council.

6 MR. PEPE: Thank you. I just have
7 to shut this off.

8 Thank you, Senator, Senator Dilan
9 also.

10 Thank you, Chairman Dilan, other
11 members of the Senate Transportation
12 Committee, and Senator Stewart-Cousins.

13 I appreciate this opportunity to
14 speak on behalf of the Construction Industry
15 Council with regard to the New York State
16 Department of Transportation Five-Year
17 Capital Plan.

18 My name is Ross Pepe. I am
19 President of the Construction Industry
20 Council of Westchester and Hudson Valley, a
21 professional trade group representing over
22 500 businesses that built the infrastructure
23 of this region. Members of the CIC employ
24 more than 25,000 skilled construction workers
25 throughout the year and support many local

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1 establishments in the performance of their
2 activities.

3 My comments today are directed not
4 so much at the Plan DOT has announced, which
5 we believe is a sensible, affordable plan to
6 maintain New York State's highways and those
7 off-system facilities under local
8 jurisdiction receiving State funds, but more
9 so at the existing and potential fund sources
10 to ensure sustainable capital is available
11 over the next five years and for the
12 foreseeable future for the work.

13 In its report, DOT established a
14 five-year threshold of over \$25 billion for
15 capital needs beginning in 2010. Although we
16 could argue this level of funding is less
17 than adequate to bring system conditions to
18 levels that New York State residents,
19 taxpayers and road users are entitled to, we
20 recognize the difficulty of raising
21 sufficient revenues to do so. So, if DOT
22 says 25.8 billion is the amount of work they
23 can reasonably be expected to get to perform,
24 then we support their decision.

25 Unfortunately, the record will show

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1 that although DOT past plans have proposed
2 similar levels of funding, State government
3 has been willing to play roulette with road
4 safety by reducing DOT budgets. As an
5 example, in the Memorandum of Understanding
6 applied to the current five-year capital plan
7 about to expire, a recent review indicates
8 that in years 2008 and 2009 the plan is being
9 shortchanged by as much as \$900 million.
10 This shortage of funds results in growing
11 deterioration of our roads, bridges and
12 upstate mass transit systems, leaving
13 taxpayers to pay far greater sums to have a
14 modern, efficient transportation system at a
15 later date. This must be reversed.

16 Transportation improvement programs
17 need committed, responsible stewards. We
18 believe given the resources, the Department
19 of Transportation is most capable to ensure
20 safe operating conditions on our highways and
21 bridges. However, bridges continue to fail
22 or aged road designs or poor surface
23 condition levels continue to rise. A recent
24 independent report on national highway
25 conditions said that poor road conditions are

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1 a contributing factor in 42 percent of all
2 roadway accidents. These include limited
3 line-of-sight, narrow and outdated lane
4 widths, poor surface conditions, lack of
5 adequate curbs, poor signage and lighting and
6 more. Without any statistics to back me up
7 at this time, I dare say New York State's
8 statistics would be on the high side of this
9 report.

10 Let me speak about revenues and how
11 New York State can achieve the needed
12 resources to improve transportation systems.
13 First, allow me to point out that although
14 the recent federal stimulus program helped
15 improve road surfaces and bridges, the effect
16 was limited compared to the overall need.
17 Also, uncertainty in Washington has left the
18 nation without a reauthorized federal highway
19 act that is bound to strain and reduce aid to
20 all states, including New York. In this
21 region many commuters use Metropolitan
22 Transportation Authority systems or the
23 tolled New York State Thruway. As you know,
24 commuters using these systems pay a fare or a
25 toll to cover in total or part their travel

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1 expense. In the case of the MTA, there are
2 other taxes and fees paid by businesses,
3 homebuyers and toll payers that subsidize
4 user fares. However, when it comes to State
5 or local roads and bridges, the only source
6 of revenue is user based either in fuel tax
7 at the pump or wholesale price. There are
8 some other fees, like registrations,
9 licenses, et cetera, but the revenues they
10 create are minimal by comparison to fuel
11 taxes. Also, over the years, various bond
12 acts have provided funds for improvements but
13 ultimately deplete annual revenues to pay
14 principal and debt service on the bonds over
15 long terms.

16 While costs of system repair have
17 inflated by hundreds of percent since 1972,
18 the State fuel tax at the pump of .08 cents
19 per gallon has remained at that level. Prior
20 legislative action has created other
21 supplemental taxes, such as the Petroleum
22 Business Tax at a level of approximately .17
23 cents per gallon. These two taxes are the
24 principal source of revenue to fund road and
25 bridge maintenance, improvements and renewal.

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1 It is clearly insufficient for the task.
2 What most taxpayers and road users don't
3 realize is that virtually none of the sales
4 tax revenue collected at the pump when they
5 buy gasoline or diesel fuel is applied to
6 capital road improvements; it goes into the
7 State's general fund, and additionally, it is
8 capped at \$2 per gallon. Additionally, most
9 local governments also tack on local sales
10 tax, further eroding opportunity for road and
11 bridge funding. If the portion of State gas
12 tax alone collected at the pump was dedicated
13 to the DOT on- and off-system highway needs,
14 an additional \$1.7 billion per year would be
15 available.

16 Another lost opportunity for funding
17 the needed improvements is the lack of
18 indexing the State fuel tax. Since 1972, had
19 the gas tax been indexed to CPI, it would now
20 produce an additional \$1.5 billion per year
21 for the highway program.

22 There are other opportunities to
23 raise revenues from users or beneficiaries of
24 the State's valuable system of roadways, but
25 none come close to generating funds needed

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1 for this purpose. Other income streams are
2 tolls, vehicle miles traveled, now being
3 tested in other states, increasing
4 registration fees and license fees, creating
5 public-private partnerships, increasing sales
6 tax on tires, repairs, and parts of vehicles
7 or bonding.

8 So, the bottom line is for the
9 stewards of New York State's transportation
10 system, namely, those of you in the State
11 legislature and administration, to take
12 needed steps that ensure State residents and
13 other road users have a safe, modern and
14 efficient infrastructure to travel to work,
15 vacation, or for transporting goods and
16 services necessary to make New York State
17 competitive and welcoming to all those who
18 choose to reside, work, or establish
19 business, or just play at one of our state's
20 many wonderful leisure locations.

21 Again, I want to thank you for this
22 opportunity to make a presentation. We in
23 the industry certainly support your
24 activities at the state level to find methods
25 and means to improve the transportation

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1 system, we work closely with the Department
2 of Transportation here in Region 8, as well
3 as the State of New York, in trying to make
4 sure that the product we deliver to the
5 taxpayer to the road users are the highest
6 quality, and it gets down to and the bottom
7 line is funding, are there sufficient funds
8 to make sure that all the work that needs to
9 be done is done.

10 It was only a couple of short years
11 ago when then Transportation Commissioner
12 Astrid Glynn submitted her 20-year report
13 that indicated that over hundreds of billions
14 of dollars were necessary to keep this system
15 intact and functioning properly. Without the
16 appropriate revenues and adequate revenues,
17 that dream of having the best highway system
18 we could deliver to our taxpayers and road
19 users will never be accomplished. So, again,
20 I thank you for the opportunity to speak and
21 look forward to working with you.

22 SENATOR STEWART-COUSINS:

23 Senator Dilan, do you have a question?

24 SENATOR DILAN: Yes.

25 First of all, I want to thank you

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1 for having the courage to talk about
2 revenues, because one of the purposes of
3 these hearings is to hear from the industry,
4 and anyone who wants to speak with regard to,
5 how do we fund this plan, and whether we like
6 it or not, at some point we are going to have
7 to make those tough decisions of where we're
8 getting the money to fund this nearly \$26
9 billion Plan, and it's important that we do
10 that and that we have the courage to do it,
11 and we will, because the commitment is that
12 in some way we will have a five-year capital
13 plan that will put our roads back in a state
14 of good repair, because it's something that
15 we can no longer afford to ignore, because we
16 have been doing that for a very long time,
17 and I think it's totally unfair to the future
18 of New York State in generations to come that
19 they will be given that burden, and I think
20 we have to face reality, so I want to thank
21 you --

22 MR. PEPE: Thank you.

23 SENATOR DILAN: -- very much.

24 SENATOR STEWART-COUSINS: Thank you,
25 Mr. Pepe.

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1 Our next speaker is John Corlett,
2 Legislative Committee Chair, AAA New York
3 State.

4 Thank you.

5 MR. CORLETT: Good afternoon,
6 Mr. Chairman and Senator Stewart-Cousins.
7 Thank you for inviting us to testify.

8 My name is John Corlett. I'm the
9 Legislative Committee Chairman for AAA New
10 York State. We have 2.7 million members in
11 New York State. It goes without saying that
12 the State's existing infrastructure is in
13 dire straits. The system is outdated,
14 antiquated and dilapidated. For example, 37
15 percent of the State's bridges are
16 functionally obsolete or deficient.

17 We have a system that, after decades
18 of neglect and underinvestment, represents a
19 growing barrier to the states'
20 competitiveness in the global economy. We
21 simply cannot have the economy and quality of
22 life that we want with the transportation
23 system that we have.

24 AAA strongly supported funding for
25 transportation infrastructure projects in the

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1 economic recovery legislation earlier this
2 year. Given the backlog of needs and the
3 growing demands on the system, however, we
4 believe even more could have been dedicated
5 to transportation in that bill. Indeed,
6 while the stimulus program enacted earlier
7 this year is making a temporary dent in
8 addressing transportation needs, both the
9 State and federal governments'
10 transportation-financing systems are in
11 serious trouble. Meanwhile, both the State
12 and federal government are no closer to
13 finding solutions, fearing public backlash
14 from the tough measures that they know will
15 be required. But the consequences of kicking
16 the can down the road are escalating.

17 Indeed, solutions are harder to come
18 by now because during the good economic times
19 the integrity of highway funding programs was
20 compromised by short-sighted decisions. In
21 fact, a recent report from
22 Comptroller DiNapoli found that since 1991
23 just 35 percent of the money in the State's
24 Dedicated Highway and Bridge Trust Fund went
25 directly towards the repair and improvement

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1 of the State's roads and bridges. The rest
2 has been siphoned off to pay for debt service
3 on backdoor borrowing and to fund State
4 agency operational costs. So, now, when
5 needs are greatest, we are out of budget
6 gimmicks and must turn to more controversial
7 funding options to close the gap between
8 needs and resources.

9 Options under consideration are
10 private-sector financing, tolls on new
11 capacity, and even an increase in the federal
12 gasoline tax, which, as a political hot
13 potato, has remained unchanged for 17 years.
14 There is no doubt that drastic measures are
15 needed to address the crisis, because letting
16 our roads and bridges crumble is simply not
17 an alternative. But how can we talk about
18 entertaining new tolls and taxes when our
19 governments have such a long track record of
20 misappropriation, especially when it comes to
21 highway funds?

22 In short, we are at the end of the
23 road for quick fixes. And while we won't
24 run, our organization won't run, from the
25 tough solutions we know it will take to

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1 address the transportation funding crisis,
2 the public is still waiting for meaningful
3 spending reforms that we know must accompany
4 any solution.

5 We all know the list of ways to
6 raise the necessary funds -- there has been
7 at least two Federal Commission reports;
8 there was the 2005 Temporary New York State
9 Commission Advisory Committee and about a
10 year ago I think there was a symposium in
11 Syracuse, New York, that recommended serious
12 ways to raise money, but we believe that to
13 start, that the integrity of the State
14 highway funding programs must be restored to
15 regain public goodwill and engender public
16 support for additional funding options.

17 Accordingly, while we certainly
18 appreciate the magnitude of this financial
19 crisis facing the State, we believe that the
20 State must take strong steps to begin to
21 restore the integrity of the State's Highway
22 and Bridge Trust Fund by, for example,
23 addressing the unsustainable debt burden and
24 returning structural balance to the funds.

25 Thank you for the chance to comment

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1 and --

2 SENATOR STEWART-COUSINS: Thank you.
3 Thank you, Mr. Corlett.

4 Senator Dilan, do you have any --

5 SENATOR DILAN: So, I would just
6 like to say, with regard to the Highway and
7 Bridge Trust Fund, that's something that I've
8 been asking a lot of questions about, because
9 almost all the funding from that particular
10 trust fund is going to pay for bonds that we
11 have incurred, and that Trust Fund definitely
12 needs fixing, that's something I've been
13 asking a lot of questions about, we'll
14 continue to do that, and I know that we have
15 to fix it and we have to face reality and
16 we're heading in that direction and somehow
17 we have to do it.

18 SENATOR STEWART-COUSINS: I would
19 like to, I guess, just also thank you for the
20 testimony and to assure you that there are a
21 long list of reforms, there are a long list
22 of enhanced levels of transparency and
23 scrutiny, that it's really, you know, needed
24 and will be attended to across the state, so
25 we do understand the integrity that this fund

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1 has to be known, supported and protected, and
2 so we are there.

3 MR. CORLETT: Okay, thank you.

4 SENATOR STEWART-COUSINS: Our next
5 speaker is Thomas Madden, the Commissioner of
6 the Town of Greenburgh's Department of
7 Community Development and Conservation.

8 SENATOR DILAN: He's not here.

9 SENATOR STEWART-COUSINS: Is he
10 here?

11 All right. Well, while we give him
12 a moment, then we will ask the next speaker,
13 who is Murray Bodin.

14 And Murray, it is you.

15 MR. BODIN: Me first?

16 SENATOR STEWART-COUSINS: It is your
17 turn, yes. I don't see Commissioner Madden
18 yet.

19 So, I think anybody who's been
20 involved in transportation issues, certainly
21 in this area, knows Mr. Bodin, who has
22 certainly never taken his attention off of
23 this area.

24 So, we welcome your testimony. And
25 also, thank you for the candy.

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1 MR. BODIN: I just handed you a
2 little piece of paper that says "The Man in
3 Black" and it explains why I dress in black.
4 It's written by Johnny Cash. Well, you
5 wonder why I always dress in black. You
6 don't need (inaudible). It's just a
7 statement on me.

8 My name is Murray Bodin. I was born
9 in Yonkers in 1933, Yonkers General Hospital.
10 I went to school at six -- now destroyed --
11 13 Annex, (inaudible) High School, Yonkers
12 High School, when it was on Linden Street, I
13 went to RPI, I graduated an electrical
14 engineer.

15 My family's been in the cleaning
16 business in Yonkers since the 1920's. My
17 family's still owns the business in Yonkers,
18 the cleaning business.

19 I was president of the Yonkers JC's,
20 I bought a soapbox for Yonkers, I was a
21 member of Rotary, as my father was. My
22 father brought the first black, Jim Barrier
23 broke the race barrier, I broke the first one
24 in New York, and when I was president, my
25 vice president was Vera DeMarco, who became

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1 the first woman in our section to be
2 president of a rotary club.

3 I was race director of the Yonkers
4 Marathon. I brought community gardens to
5 Yonkers, which is still on Nepperhan Avenue
6 and is completely illegal. I'm a pest. It
7 was given to me by a guy named Vito on the
8 County Board, who said, "Murray, you're a
9 PEST," a public expression for serious
10 transportation.

11 I'm ADD. I'm dyslexic. I was
12 mercury poisoned; I had the mercury removed.

13 The bottom line and the conclusion
14 of my presentation is given to you by that
15 young lady back there who's retiring today.
16 She said, "We won't cooperate with
17 Mr. Bodin." Because I wanted him (pointing)
18 to come up here because I have pictures I'm
19 going to show you of DOT and the fact that
20 they're incompetent, he should be fired,
21 Robert Dennison should be fired, and
22 Stanley Gee doesn't know his elbow from his
23 other elbow, and it's like a circular
24 firemen's squad only everybody's patting each
25 other on his back; "Oh, he's doing such a

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1 great job, you know, he's..."

2 How many people (inaudible) today?

3 They're still here.

4 It started with 287 when they're
5 doing this rebuilding area, they're putting
6 the lines down and they're using a
7 broken-solid-line combination that apparently
8 has been illegal in New York State since
9 September 2008 -- '7, and there's a whole
10 stack of emails that I have in my file --
11 because I throw nothing out -- documenting
12 the fact that they wouldn't -- went out and
13 instructed them to stop using it; they
14 refused to change their diagrams. I will
15 show you pictures of idiotic paintings on the
16 roadway that they refuse to change.

17 I met with Richard Dillman in
18 Poughkeepsie, nothing happened.

19 Do they know about it? Sure they
20 know about it. Will they cooperate with me?
21 Of course not. So, what do we do?

22 I got a few minutes here and I talk
23 to you, and will it make any difference? Not
24 here but on that camera (pointing). There
25 are people out there who are watching and who

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1 know what's going on. And it is changing.

2 I spoke at the MTA board meeting on
3 Wednesday. You have water pitchers on the
4 table? The MTA now has water pitchers; there
5 are no plastic bottles like that. They're
6 there because I asked them to change; they
7 changed.

8 Right here on 287 at Exit 4 going to
9 White Plains I asked them to please put in a
10 dotted line, which is currently legal and is
11 recommended, and I'll give you a --
12 (handing).

13 That's an email from the Department
14 of Transportation in Washington saying, use
15 the dotted lines, it's okay. The Thruway put
16 the first one in at Exit 4 going to White
17 Plains, it worked fantastically well. The
18 Thruway has currently changed almost all of
19 their exits to dotted lines and they're
20 committed to changing all the entrances to
21 dotted lines.

22 They won't speak with me (pointing).
23 They keep putting in things that confuse the
24 driver.

25 It has been legal. Here's the email

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1 that says, we would like you to use it.

2 They won't meet with me (pointing).

3 And these are the people that are gonna tell

4 you, we know what we're doing --

5 SENATOR STEWART-COUSINS: Let me ask

6 you --

7 MR. BODIN: -- and we're gonna tell

8 you how to spend this money? Good luck.

9 SENATOR STEWART-COUSINS:

10 -- Mr. Bodin --

11 MR. BODIN: By the way -- yes?

12 SENATOR STEWART-COUSINS: -- can I

13 ask you whether there's some questions on the

14 Capital Plan.

15 MR. BODIN: Oh, finally, yeah. You

16 can ask me questions, Andrea.

17 SENATOR STEWART-COUSINS: No, no, I

18 don't want to ask -- I mean, I was hoping

19 that in your comments there would be some

20 reference to the Capital Plan that this

21 hearing is about.

22 MR. BODIN: The Capital Plan is that

23 they are advising you on how to spend the

24 money and they don't know what they're doing.

25 SENATOR STEWART-COUSINS: I see.

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1 MR. BODIN: If they're not capable
2 of doing anything correctly, why should the
3 Capital Plan be correct?

4 SENATOR DILAN: Mm-hmm.

5 MR. BODIN: It's suspect. They're
6 telling you to spend all of this money on all
7 these fancy things and they can't correct the
8 things that make a difference to the everyday
9 driver.

10 The Tappan Zee Bridge isn't being
11 rebuilt for one reason. It was designed for
12 rail and rail can never go off limit and it
13 doesn't belong in there now and they can't
14 get it out of their heads.

15 They're giving you a plan that shows
16 flyovers. Buses need to be segregated only
17 by a camera, there needs to be no physical
18 separation, no flyovers, zero. That's a
19 waste of money.

20 The Assembly up there in Albany last
21 shot down the cameras on the buses for New
22 York City last year. Why? It was blackmail.
23 He wanted something and he wasn't gonna give
24 it to them, he said he wasn't gonna give it
25 to New York City.

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1 New York City has buses running on
2 Fordham Road and a few other places. They
3 have the cameras on the front. People would
4 stay out of the lanes. I mean, you don't
5 park on a railroad track, do you? You don't
6 park in a bus line either. And then
7 transportation gets faster and then
8 transportation gets better, people get out of
9 their cars.

10 You're supposed to have a transit
11 intermodel station underneath the Tappan Zee
12 toll plaza. Well, you know, we still want a
13 rail there because -- excuse me, what's the
14 name of the gentleman sitting there?

15 You, in the back there (pointing).

16 He came from Albany this morning.

17 How did you come? Would you just
18 tell these people how you came this morning?
19 Did you come on Amtrak?

20 SENATOR DILAN: Sir -- sir --

21 MR. BODIN: He came here in a car,
22 because the car comes from where he was to
23 where we need to go and rail doesn't, and
24 that's the point of the planning.

25 SENATOR STEWART-COUSINS: Sir --

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1 MR. BODIN: The planning is we have
2 these parkways out here and there's no
3 (inaudible), because the parkways are for the
4 rich, the people who could afford the cars.
5 You people who can't afford the cars, you
6 can't use the parkway, you could use the
7 buses but you can't go on a fast way.

8 So, let's get down to where it is. These
9 are the people that are gonna give you a
10 capital plan? They don't know what they're
11 doing.

12 The Capital Plan is crazy. Put a
13 capital plan out there that relates to what
14 people need. And nobody else -- because I
15 watched the six hours at -- for the Syracuse
16 and Buffalo, I thank you now, I wanted to see
17 what happens and what the procedure was, and
18 it was like a circular firing squad.
19 Everybody said, you're a nice guy --

20 SENATOR DILAN: Mm-hmm.

21 MR. BODIN: -- and nobody said, hey,
22 you're not paying attention.

23 These people back there should be
24 fired and Dennison should be fired. He won't
25 talk to me. Sorry.

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1 SENATOR STEWART-COUSINS: Thank you.

2 MR. BODIN: I gotta do what I need
3 to do.

4 SENATOR STEWART-COUSINS: Thank you.
5 Thank you for your testimony, Murray. I
6 don't have any questions for you.

7 MR. BODIN: I'm sorry. I apologize
8 for getting upset.

9 I have pictures here to prove that
10 they don't know what they're doing.

11 But I didn't think that this was
12 going to go anywhere. It wasn't in my
13 expectations that it would.

14 SENATOR STEWART-COUSINS: Well, we'd
15 like to see -- whatever you have, we would
16 like to see.

17 SENATOR DILAN: I would just like to
18 say that I'm actually pleased that you
19 testified. The purpose of these hearings is
20 to hear not only from DOT advocates and
21 individuals within the industry, we want to
22 change the culture of what's been going on in
23 the past, and the only way we can do that is
24 by coming out into different regions, and I'm
25 actually pleased that you testified so you

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1 could be part of the solution,

2 Whatever you have, if you could
3 submit it to us in any form that you would
4 like in terms of documentation, and we would
5 look at it.

6 Obviously, can we solve the problem
7 right here and now?

8 MR. BODIN: No.

9 SENATOR DILAN: No, it's going to
10 take some time, and I'm hoping to be going in
11 that direction and we would like to do it
12 with your input.

13 MR. BODIN: If somebody would
14 provide me an email address. I don't deal
15 with paper anymore.

16 SENATOR DILAN: We'll do that.
17 We'll do that.

18 MR. BODIN: That's a way to save
19 trees.

20 SENATOR DILAN: We'll do that.

21 MR. BODIN: I will send you the
22 photograph e-file.

23 SENATOR DILAN: Thank you.

24 SENATOR STEWART-COUSINS: We
25 appreciate that.

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1 SENATOR DILAN: Thank you. Thank
2 you very much.

3 MR. BODIN: Thank you for the
4 opportunity.

5 The candy was to keep you awake. It
6 was from my grandchildren.

7 SENATOR STEWART-COUSINS: Well, we
8 appreciate the candy.

9 SENATOR DILAN: Thank you.

10 SENATOR STEWART-COUSINS: We
11 appreciate the lyrics to the Men In Black.

12 In fact, I'm looking at the
13 second-to-the-last one, which says: "Well,
14 there's things that never will be right, I
15 know, things need changing everywhere you go,
16 but we'll start to make a move to make a few
17 things right," and I think that's what this
18 is about, so we thank you for your
19 contribution.

20 SENATOR DILAN: Thank you.

21 SENATOR STEWART-COUSINS: I know
22 that we are now joined by Commissioner Madden
23 of Greenburgh, so thank you so much.

24 COMMISSIONER MADDEN:

25 Senator Cousins, thank you.

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1 SENATOR STEWART-COUSINS: Thank you.

2 COMMISSIONER MADDEN: Chairman.

3 It's kind of artful with the Men In
4 Black, I guess, you know.

5 Good afternoon. My name is Thomas
6 Madden. I'm Commissioner of the Department
7 of Community Development and Conservation for
8 the Town of Greenburgh, New York. I would
9 first like to extend my thanks to
10 Chairman Dilan and the Committee on behalf of
11 the Town of Greenburgh for inviting us to
12 comment on the NYSDOT Five-Year Capital Plan.
13 This hearing provides a unique opportunity to
14 better understand and quantify the dramatic
15 need for significant change in the way the
16 Empire State views transportation modes and
17 funding.

18 To give the Committee a better idea
19 of the problems that face local
20 municipalities over the coming years, I'm
21 going to use my town as an example. The town
22 of Greenburgh is located in the southern
23 portion of the Westchester County in New York
24 State and includes 31 square miles of land
25 between the Hudson River on the west and the

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1 Bronx River on the east. It contains five
2 major highways and parkways (I-87, I-287, the
3 Bronx River Parkway, the Sprain Brook
4 Parkway, the Saw Mill River Parkway) and
5 three major commercial corridors along State
6 roads (Central Park Avenue, which is located
7 on Route 100; Route 119, Tarrytown Road; and
8 Route 9A). The town of Greenburgh is the
9 largest town in Westchester County and is
10 comprised of six villages (Ardsley, Dobbs
11 Ferry, Elmsford, Hastings-on-Hudson,
12 Irvington and Tarrytown) and the
13 unincorporated area that you're in right now.
14 The population here has been increasing
15 steadily since 2000 by 3-1/2 percent to a
16 population of 89,840 residents.

17 Before working in New York, I was a
18 transportation planner for Maricopa County
19 Department of Transportation, MCDOT, based in
20 Phoenix, Arizona. Like New York, Arizona is
21 a home rule state, where municipalities are
22 given greater self-governance within the
23 administrative purview of the state
24 government.

25 With the large influx of new people

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1 arriving in Arizona yearly, this created an
2 unprecedented demand on the transportation
3 infrastructure in the county and its
4 municipalities. The Maricopa Association of
5 Governments, MAG, developed numerous
6 long-range regional planning studies to help
7 local communities implement the goals on the
8 region as a whole.

9 In September, the New York
10 Metropolitan Transportation Counsel, which is
11 our local MBO, NYMTC, adopted the 2010 to
12 2035 NYMTC Regional Transportation Plan as
13 part of an effort to look at the future of
14 transportation options in the tri-state area.
15 This is a monumental step forward in
16 recognizing that the current process of
17 project selection and funding is not working.

18 One of the key issues to
19 implementing any plan is the funding
20 component. One of the recommendations
21 identified in State Comptroller DiNapoli's
22 October 2009 report on "The Dedicated Highway
23 and Bridge Trust Fund" is that: "The
24 Executive should create a comprehensive
25 strategic planning process for State capital

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1 projects. This comprehensive capital needs
2 assessment and long-term strategic Capital
3 Plan would examine the infrastructure needs
4 in a coordinated manner to allow for
5 effective prioritization and to ensure that
6 critical infrastructure needs are met."

7 In Arizona, the planning process
8 used by MCDOT, it was called the "Right Roads
9 Program." Simply put, the question was asked
10 if the proposed project was "the right road
11 at the right time at the right cost."

12 In order to ensure that the project
13 was ready for construction, a methodology was
14 developed that was based on performance
15 planning and looked at each capital project
16 as part of a six-step process.

17 The first step was, does this
18 project meet the needs and goals and
19 objectives of the regional plan.

20 The second step was, has this
21 project prepared a baseline assessment of the
22 needs and identified the deficiencies in the
23 project area or corridor.

24 The third step was part of the
25 project evaluation and it determined, what

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1 are the methodologies that will formulate
2 performance measures, rating scenarios, and
3 take into account environmental justice
4 concerns.

5 The fourth step was taken into the
6 public. This is the evaluation of the
7 different project scenarios with the public
8 to have their input.

9 The fifth step was refinement of
10 these project scenarios and taking it back to
11 the public.

12 Lastly, the sixth step was
13 identifying the implementation priority based
14 on phasing within the corridor or the region
15 and the availability of funding.

16 The State needs to look at such a
17 program, as part of the overall planning and
18 implementation of the New York State DOT
19 Capital Plan and the implementation of the
20 2010 to 2035 NYMTC Regional Transportation
21 Plan.

22 As you are aware, regional projects
23 have great impacts on local communities when
24 a local community is not prepared for such a
25 change. Population in the 10-county NYMTC

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1 region is expected to increase by 15 percent
2 from 12.6 million people in 2010 to, roughly,
3 about 14.4 million by 2035, a growth rate of
4 approximately half percent annually.

5 As part of the New York Metropolitan
6 Transportation Council's Plan, the I-287
7 corridor is one of NYMTC's identified Desired
8 Growth Areas. It is this corridor that runs
9 through the Village of Tarrytown and Elmsford
10 and the unincorporated portion of Greenburgh.

11 One of NYMTC's goals is to "Improve
12 the regional quality of life." I agree that
13 it is an important objective where each
14 community must do its part in developing the
15 region as a whole. NYMTC should help by
16 providing the infrastructure and planning
17 support that allows for the coordination of
18 the regional transportation projects, local
19 land-use issues and education of local
20 residents on the need for zoning changes to
21 help reduce and eliminate any negative
22 impacts from decisions beyond their local
23 control.

24 Identified as part of the Capital
25 Plan is the Smart Growth Corridor Planning

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1 program. This includes \$25 million for
2 "community and corridor land-use planning
3 initiatives" that will provide technical
4 assistance and land use planning for three to
5 five corridor investment strategies and 50
6 smaller "livable community planning grants."

7 This is a program that is truly
8 needed as part of the six steps for project
9 planning mentioned earlier, and especially
10 since our community is wrestling with the
11 future of the Tappan Zee Bridge and the
12 different options that could be implemented
13 from this.

14 By undertaking long-range planning,
15 municipalities will be able to help NYSDOT
16 offset some of the project infrastructure
17 costs by entering into more public and
18 private arrangements that come from zoning
19 and land use changes. By having a developer
20 pay for part of the improvements through the
21 State Environmental Quality Review Act, SEQRA,
22 New York State DOT should be able to trim
23 some of the costs from their projects. By
24 having a developer pay the true cost of
25 development, instead of relying on New York

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1 State DOT and the local municipality to fix
2 the problems afterwards, cost savings can be
3 realized. An example of this is to have a
4 developer pay for bus shelters, intersection
5 improvements and bicycle and pedestrian
6 amenities as part of mitigating the impact of
7 the development on the surrounding area.

8 An investment into long-term
9 planning will also help implement many of the
10 proposed goals that NYMTC is seeking from the
11 communities and implemented through the New
12 York State DOT projects.

13 The Town of Greenburgh's
14 Comprehensive Plan Update is addressing the
15 proposed Bus Rapid Transit along Central
16 Avenue and from the Tappan Zee Bridge. The
17 Town sees the BRT as a premium benefit that
18 will offer its residents an enhanced level of
19 service to those who choose to ride the bus.
20 The Town is also looking at the development
21 of "complete streets" within a municipality
22 that offers open and safe streets to a
23 variety of users and enhances access to the
24 transit system. However, a municipality such
25 as Greenburgh needs support from the State,

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1 through the Capital Plan, in order to help
2 change the current transportation system.

3 One of the complaints that I've
4 heard from residents is that it's very hard
5 to understand the candidate project process
6 and how it works and how to identify projects
7 listed in the capital plans.

8 I gave to both of you a copy -- this
9 is a copy of the actual Plan itself, and I've
10 highlighted a project in Ardsley.

11 As a planner for the area, I find
12 this plan very hard to read as well, since it
13 does not give a large amount of information
14 for this candidate project that would allow
15 me to coordinate with other local projects.

16 The project example of this is on
17 page 78, which is at issue, is the Department
18 of Highway improvements devoted to economic
19 development, the NYSDOT PIN 8T0437 for Route
20 9A in Ardsley for operational improvements.
21 The NYSDOT has committed \$700,000 for
22 engineering work.

23 As part of the settlement for the
24 Ridgehill development in Yonkers, the Town
25 has been working with the villages of Ardsley

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1 and Hastings-on-Hudson to improve the
2 intersections in this area. It would seem
3 that the local work that is ongoing might
4 overlap with this 2015 candidate project.

5 I would like to suggest that
6 New York State DOT revise how the book and
7 projects are identified to give more
8 information so better land-use decisions can
9 be made and assessed as part of the future
10 planning of the region's transportation
11 system.

12 In conclusion, I would recommend
13 that better coordination with local
14 municipalities and by sharing more
15 information on proposed candidate projects
16 and by offering support and resources to
17 local municipalities, New York State DOT will
18 have a more effective Capital Plan that would
19 meet the needs of the residents and allow for
20 more private-public partnerships that would
21 help reduce the burden on the already
22 overextended New York State DOT budget.

23 SENATOR STEWART-COUSINS: Thank you,
24 Mr. Madden.

25 Senator Dilan, did you have a

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1 question?

2 SENATOR DILAN: Well, I would just
3 like to really thank you for your testimony,
4 and as I indicated to the previous individual
5 who testified, I'm happy that you're bringing
6 this to our attention.

7 For example, yesterday we had a
8 hearing in New York City where it was at
9 exactly the opposite, where -- I didn't
10 mention it yesterday, but the City of New
11 York did not participate in the hearing
12 yesterday, we had no representative from the
13 Mayor's office there, no one from DOT, no one
14 from the City Council, and I did ask the
15 Regional Director yesterday what type of
16 coordination DOT had with the City of New
17 York. And in that case it was reversed,
18 where DOT was looking to have more
19 communication with the City of New York but,
20 as a result, that the City receives a lot of
21 direct federal funding from the federal
22 government, perhaps the City of New York
23 feels that they don't need to be accountable
24 to --

25 COMMISSIONER MADDEN: I was just

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1 going to say that New York City is available
2 to receive direct funding.

3 SENATOR DILAN: -- to be in
4 communication with DOT.

5 So, these are all issues that we
6 will be addressing. And like I indicated
7 before, we're looking for input from everyone
8 who's interested in transportation and we
9 will be changing the culture, because all
10 this will lead up eventually to a final
11 report regarding this proposal.

12 We're still looking to go to Long
13 Island and at some point we'll be asking the
14 Commissioner questions based on the testimony
15 that occurred across the state.

16 And ultimately, I will be looking
17 also for more oversight by this body in terms
18 of New York State Department of
19 Transportation.

20 COMMISSIONER MADDEN: Okay. Well,
21 thank you.

22 SENATOR STEWART-COUSINS: And,
23 Commissioner, I also wanted to thank you for
24 being part of this testimony and to really
25 say, as you are our last formal speaker in

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1 any case, that this hearing I think is just
2 part of the new vision of the government and
3 how we need to interact with our local
4 communities, and certainly, as the Senator
5 here, please know that anything that I can do
6 to help bring parties together so that there
7 will be more communication, more dialogue, I
8 will be more than happy to do and look
9 forward to partnering with you in doing that.

10 COMMISSIONER MADDEN: I look forward
11 to this.

12 If we did services on behalf of
13 Arizona, we would be able to get many more
14 projects done much more efficiently because
15 when you have volume from 25 different
16 communities, five Indian bands there, we just
17 were able to build, and we actually had the
18 federal government throwing money at us
19 because we were just so well-planned out, we
20 knew exactly when we were going to be doing
21 projects, how long it was going to take, and
22 how much it cost.

23 SENATOR STEWART-COUSINS: Well, I
24 think Senator Dilan will be calling on you.

25 SENATOR DILAN: My staff will be

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1 giving you a card so we could stay in touch,
2 okay?

3 COMMISSIONER MADDEN: Thank you.

4 SENATOR STEWART-COUSINS: That is
5 the last. I don't know if there's anyone who
6 might want to speak before we close the
7 hearing.

8 (NO RESPONSE.)

9 SENATOR STEWART COUSINS: That being
10 said, I will turn it back to you,
11 Senator Dilan.

12 SENATOR DILAN: Thank you very much,
13 Senator Andrea Stewart-Cousins. I want to
14 thank you for hosting today's hearing here in
15 Greenburgh.

16 And I would also like to thank the
17 Town of Greenburgh for having us and everyone
18 who participated in this hearing today. We
19 guarantee you that there will be follow-up,
20 and we're not hiding from anyone, so whatever
21 information -- email, phone number -- you
22 need, we'll be providing that to you, and we
23 look forward to staying in contact with all
24 of you.

25 And as I indicated in the beginning,

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1 the purpose of these hearings is to fund the
2 Five-Year Plan, because we have to do it, and
3 to make sure that when projects are put into
4 the Five-Year Plan, that they come to
5 fruition and that we know that the Five-Year
6 Plan is real and then do the right thing by
7 our infrastructure in the future and that we
8 do not ignore it and leave the difficult
9 decisions for someone else to make.

10 So, with that said, we will be
11 holding two more hearings. And I want to
12 thank everyone very much.

13 And, again, Senator Stewart-Cousins,
14 thank you, Senator Oppenheimer, and to all
15 the staff who helped put this together, I'd
16 like to say thank you very much, and have a
17 good day.

18 SENATOR STEWART-COUSINS: Thank you.

19 SENATOR DILAN: Thank you.

20 (TIME NOTED: 1:52 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF PUTNAM)

I, DANA CHIPKIN, Court Reporter
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IN WITNESS WHEREOF, I have
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