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2 NEW YORK STATE SENATE

3 STANDING COMMITTEE ON TRANSPORTATION

4 -----x

5 PUBLIC HEARING:

6 RE: New York State DOT 5-Year Capital Plan

7 -----x

8 2350 Broadhollow Road

9 Roosevelt Hall

10 Farmingdale, New York

11

12 December 4, 2009

13 11:15 a.m.

14 B e f o r e:

15

16 SENATOR MARTIN MALAVE DILAN, Chair

17 SENATOR BRIAN X. FOLEY

18 SENATOR CHARLES FUSCHILLO, JR.

19 SENATOR KEMP HANNON

20 SENATOR OWEN JOHNSON

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2 A P P E A R A N C E S:

3 ALSO PRESENT:

4 The Public

5 The Press

6 The Media

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P R O C E E D I N G S

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SENATOR DILAN: Okay. Good

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morning everybody. I'm State Senator

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Martin Malave Dilan, Chair of the Standing

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Committee on Transportation, New York State Senate.

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And this is our sixth hearing on the DOT Five-Year

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Capital Plan, which is a plan which is close to

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\$26 billion over the next five years. And we have

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held hearings in Syracuse, Buffalo, Greenburgh,

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New York, New York City, and in Albany, and now,

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here in -- in Farmingdale.

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First of all, I'd like to

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thank the -- the College for hosting this event

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and our local Senators are Owen Johnson and

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Chuck Fuschillo, for having us here in Farmingdale.

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We have with us the Ranker of the Transportation

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Committee, Chuck Fuschillo.

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SENATOR FUSCHILLO, JR.: Good

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morning.

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SENATOR DILAN: Good morning.

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We have Brian Foley,

23 Senator Brian Foley, and we have Senator Hannon.

24 So, this morning, again, like

25 always, we will be hearing from various witnesses,

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2 as we've indicated before. We want to make the
3 New York State Five-Year Capital Plan a transparent
4 process. And as we've committed in the State
5 Senate when we put the MTA package together, their
6 financial package in their Two-Year Capital Plan,
7 that we're committed to roads and bridges planned
8 for the entire State of New York. And that's why
9 we have been going around the State of New York, so
10 we could listen to the stakeholders with regard to
11 our infrastructure in New York State.

12 So, with that said, we'll be
13 getting started shortly. But before we move on,
14 I'd like to allow the Ranker of the Committee to
15 say a few words.

16 SENATOR FUSCHILLO, JR.: Thank
17 you, Senator Dilan, and good morning ladies and
18 gentlemen, and thank you very much for being here.

19 I want to thank Farmingdale State
20 College and President Dr. Hubert Keen for allowing
21 us to hold it here, and also Senator Dilan, for the
22 Chair of Transportation Committee, for holding this

23 hearing on Long Island.

24 While we all understand the

25 financial difficulties New York State is facing,

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2 we still need to make sure the State has a
3 comprehensive transportation infrastructure plan.
4 Bridge and roadway improvements projects are needed
5 to keep the State's transportation infrastructure
6 safe and functioning.

7 In addition, these projects
8 deliver significant economic benefit. Road and
9 bridge improvement projects create jobs for our
10 residents, and generate revenue for our local
11 businesses -- all of this a benefit to our State's
12 economy.

13 As a Senator representing
14 communities on Long Island, the need for these
15 types of projects locally is of a particular
16 importance. As I'm sure we'll all hear later
17 from the speakers, unemployment in the local
18 construction industry right now is approximately
19 thirty percent, if not higher. At a time, when
20 job creation and economic developments are top
21 priorities, these projects would provide a
22 tremendous boost to our economy right here on

23 Long Island.

24 Senator Dilan, it is critically

25 important that we take back the comments that we

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2 hear today from the industry and speakers, to
3 stress the importance of how many people are
4 unemployed here in the labor unions and
5 construction field right here on Long Island. As
6 we move forward with this Five-Year Capital Plan,
7 we have to take into consideration that we must get
8 these people back to work.

9 Thank you very much, Senator.

10 SENATOR DILAN: Thank you,
11 Senator Fuschillo.

12 I -- I just want to know -- a
13 little bit of housekeeping -- that this hearing is
14 being webcast throughout the entire State of
15 New York, as has all the other hearings. We also
16 have our stenographer, who is keeping her -- the
17 minutes of this public hearing. And I'd like to
18 thank all the staff that have assisted in putting
19 this together, Senate Media Services, and my staff,
20 Matt Trapasso, and Tom Benware, Keith Kleinmar
21 (phonetic), and Christopher Dorasamy (phonetic).
22 Thank you to everyone.

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2 Chairman Dilan. And certainly, we want to
3 express our gratitude to the Chairman for
4 holding this public hearing here on Long Island.
5 It is my understanding that this is -- if not the
6 first, one of the first times where the Senate
7 Transportation Committee has been holding a series
8 of public hearings throughout the State of
9 New York.

10 And this is the final public
11 hearing. And as I'd like to say, referring to some
12 biblical passages, where the last shall be first,
13 that's our -- that's our hope here. This is the
14 final hearing that's being held by the Senate
15 Transportation Committee. We know full well that
16 with Senator Dilan as the Chair, that the
17 commentary from today will be very important in our
18 deliberations, in putting together a Five-Year Plan
19 for the State of New York, and in particular, for
20 here on Long Island.

21 So, I would like to say good
22 morning to one and all, and thank you all for

23 coming today. Again, I would like to thank Senator

24 Dilan for holding the hearing on Long Island.

25 And similar to the comments that

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2 have been made by Senator Fuschillo -- and Senator
3 Hannon will speak in a moment -- I'll be brief but
4 to the point.

5 The Long Island economy is
6 hurting. And our construction trades are looking
7 at an unemployment rate of at least 30 percent.
8 They and we need this DOT plan.

9 Our infrastructure is in need of
10 repair. It needs the DOT Plan as our economy needs
11 this plan, to boost our local economy. And most
12 fundamental is the fact that this is the way to
13 boost our sagging economy -- is to invest in our
14 infrastructure, to do two things. One, to create
15 jobs -- as many of us know, this does create jobs,
16 but it will also -- will improve traffic safety
17 throughout Long Island. And I would also say it
18 quite directly, for the Governor of this State who
19 had DOT Staff put together this plan, a very well
20 thought out, solid Five-Year Capital Plan, and
21 then, for the Governor to dismiss it, is not good
22 governing.

23 I, for one, want to thank the
24 staff of DOT for their efforts, and for the
25 Transportation Committee of the Senate and their

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2 staff, for providing the opportunity to comment
3 today.

4 This DOT proposal is
5 comprehensive, it's realistic, the Five-Year Plan
6 that needs to be seriously considered -- not
7 simply -- simply pushed aside -- which is why we
8 are here today, in order to have testimony that
9 will buttress, if you will, the testimony of
10 other -- of other places of how important this plan
11 is.

12 We know that this plan costs
13 money. And after just helping to pass \$2.8 billion
14 deficit reduction plan to help the State cope with
15 this recession, I full well understand the fiscal
16 issues that we face as a State.

17 However, I also recognize the fact
18 that we need to put dollars in places to help lift
19 us out of this very deep recession. And this
20 plan is one of the key ways to do that. These
21 projects, in closing, will not only improve our
22 infrastructure, they will also improve our quality

23 of life, and they will also improve our traffic
24 safety. It's -- it is because these projects will
25 put our family members to work, our friends, and

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2 our neighbors back to work -- that's why -- because
3 this particular proposal will rebuild our economy,
4 that it is absolutely crucial that we pass a robust
5 Five-Year Capital Program, that meets the myriad
6 needs throughout Long Island and throughout the
7 State of New York.

8 That said now, I'd like to turn
9 the microphone over to Senator Hannon, who has some
10 remarks as well. Senator Hannon?

11 SENATOR HANNON: Thank you. Thank
12 you, Senator Foley. Senator Dilan, thank you for
13 coming here and having this hearing. I think it's
14 very important. It's very significant.

15 If only it gets you here out in
16 Long Island, you can see the traffic jams we have.
17 I -- I saw two on the way. One -- luckily, they
18 were going the other way, but it was on the
19 Southern State, and it was on the Meadowbrook. And
20 it points out to me that not only do we have an
21 economic problem here on Long Island, but we have a
22 transportation-need problem, in terms of capacity,

23 in terms of maintenance, things that have not
24 necessarily -- are not being addressed
25 sufficiently. And so, you have the hearing. We

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2 should be hearing about what's in the plan, and
3 perhaps what should be in the plan, that was not
4 included in the decision-making process.

5 But I want to thank you doing
6 this. It's an important part of coming to a
7 conclusion about the plan, and I'm happy to
8 participate.

9 SENATOR DILAN: Thank you
10 very much Senator Hannon, and Senator Foley, and
11 Senator Fuschillo.

12 I just want to say that on the way
13 here I was involved in two traffic jams and I saw
14 two accidents. And also, I just want to mention
15 that this Committee intends to be a -- a hands-on
16 committee.

17 Just yesterday, I was out in -- in
18 Roslyn, where I visited the Roslyn Viaduct Bridge,
19 and was very interested in that process and the
20 delays that have been going on with that particular
21 project. And I guarantee you that not only are
22 we -- we going to bring transparency to the

23 operations of DOT and the Five-Year Capital Plan,
24 but we also are going to be on -- involved with
25 some oversight to make sure that projects

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2 throughout the State of New York get done on a
3 timely basis.

4 I'd -- I'd like to note also,
5 that there's a representative here from Senator
6 Craig Johnson's office. Thank you for being here.
7 We also have a representative from Senator Dean
8 Skelos' office, in Minority Finance, who has
9 attended several of these hearings. I would like
10 to thank you and welcome you also.

11 At this time, I -- I will have
12 Senator Foley assist me in chairing this portion of
13 the hearing. Thank you.

14 SENATOR FOLEY: Thank you,
15 Senator Dilan. I would just like to note for
16 the record -- and when he settles into his chair --
17 the fact that Senator Owen Johnson has now joined
18 us. And earlier Senator Johnson and Senator Dilan
19 had thanked both you and Senator Fuschillo. Since
20 you both share Farmingdale, and share -- share the
21 campus, thank you for also, I would say, hosting it
22 within your respective districts.

23 Senator Johnson, are there some
24 remarks that you would like to make before we hear
25 from -- from -- from our -- from our witnesses?

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(No response.)

SENATOR FOLEY: Okay. Thank you,
Senator Johnson.

What I would like to do at this time now is go to our list of -- of witnesses. It is a pretty lengthy list, and I think it speaks, again, to the importance and urgency of the issues at hand.

First, we'll hear from the Regional Director of the New York State Department of Transportation, Region Ten, Subi Chakraborti, as well as Wayne Ugolik, who is the Director Planning and Program Management.

So, if Wayne and Subi could, come forward please. And then on deck, will be Gil Anderson, Commissioner of Public Works from Suffolk County.

I would kindly ask to all the people who have Blackberries and the like, to please either turn them off or put them on -- on silence, so we can have the undivided attention of

23 all concerning these issues.

24 Subi, if would you like to, start.

25 MR. CHAKRABORTI: Yes.

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Thank you Chairman Dilan,

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thank you Senate Owen Johnson, thank you Senator

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Fuschillo, thank you Senator Foley, and of course,

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thank you Senator Kemp Hannon.

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I will read the statement of my

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testimony. It's a few pages, and hope this will be

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interesting for you all to listen. And I can

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promise I'm not going to put you on sleep.

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The New York State Department of

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Transportation appreciates the opportunity to

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participate in this important hearing.

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The transportation system funded

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to the New York State DOT Capital Program impacts

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the daily lives of all 19 million New Yorkers, in

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all 62 counties across the state. The network

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provides the required mobility for the delivery of

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the goods we use every day, or for our personal

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travel.

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We know that the investment needs

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of our system is growing. New York has one of the

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oldest infrastructures in the nation. In fact,

23 some parts of our system are more than a

24 century old.

25 Long Island, itself, has come a

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2 long way, since its days as a farming community.
3 The Long Island Rail Road is 175 years old, and the
4 extensive parkway system built by Robert Moses has
5 been serving a commuting purpose far beyond what
6 was envisioned in the 1920's, when it was developed
7 under Governor Smith.

8 In addition, our infrastructure is
9 among the most heavily used in the nation, and
10 faces the effects of harsh winter. And we expect
11 system demand to transport both passengers and
12 freight, to increase over time.

13 The rapid growth of Long Island
14 suburbs, coupled with change in travel patterns
15 from a commute focused on Manhattan to more
16 dispersed intra-suburban travel, has caused
17 increasing congestion in many parts of
18 Long Island. New York's transportation
19 infrastructure is now in need of repair and
20 modernization.

21 In 2007, New York State DOT's
22 own 20-Year Needs Study described the need for

23 175 billion in investment in transportation
24 infrastructure. Achieving this level of investment
25 would require more than a doubling of resources for

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New York State DOT's Capital Program. Our own data shows we are barely maintaining system conditions, and many parts of the highway system will soon be in need of repair or replacement.

Though New York invested record sums in the infrastructure during this current five fiscal year -- Five-Year Capital Plan period -- more than \$18 billion from 2005 to 2010 -- we have also experienced unprecedented inflation in materials such as steel and asphalt, during this period. And the nation saw some of the most dramatic spikes in fuel price in 2008. This ate away at the Department's ability to deliver the projects we expected during this period.

But there is some good news for transportation investment earlier this year. The Recovery Act provided a sometime -- a one-time boost, to the -- 2.3 billion in highway and transit funding, which allowed us to make progress on addressing transportation deficiencies, and to create and sustain jobs to spur the economy. Under

23 Governor Paterson's leadership, the Department has
24 delivered on both of these goals.
25 Federal rules require the State

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2 to obligate half of the highway and bridge funding
3 provided directly to the State, within 120 days.

4 New York met this deadline 30 days early. We were
5 among the first states in the nation to do so.

6 And as of the end of September,
7 more than 4,100 private-sector employees were
8 working on Recovery Act funded projects related to
9 transportation, accounting for 210,000 work hours.

10 And we continue to deliver.
11 Governor Paterson has worked with federal, state,
12 and local officials to certify projects as required
13 under the Recovery Act, to put shovels in the
14 ground, and help create, and retain jobs.

15 Governor Paterson has certified
16 projects that will use 100 percent of the
17 1.12 billion in highway and bridge funds, well in
18 advance of the Federal deadline of March 2, 2010.
19 And due to bids coming in lower than expected, the
20 Governor will be certifying another 70 million in
21 shovel-ready projects, to take advantage of these
22 savings.

23 Long Islanders have benefited from
24 29 highway and bridge Recovery Act projects, valued
25 at \$154 million. 21 of those projects have gone

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2 through bid opening, 18 of which have been awarded
3 to contractors, and eight are in the works.

4 Just to highlight a few State and
5 Local projects -- reconstruction of Route 112 in
6 Suffolk County, from Pine Road to New York Route
7 347 in the Town of Brookhaven, this project
8 includes variable-message-sign technology, an
9 on-road bicycle lane, and landscaping improvements;
10 reconstructing a rail spur to facilitate rail
11 freight transportation to the Enterprise Park at
12 Calverton -- Calverton, in the Town of Riverhead;
13 and adding new bicycle lanes, sidewalks, and
14 crosswalks on Prospect Avenue in New Cassel.

15 Approximately 60 percent of the
16 statewide highway funding provided by the Stimulus
17 package is now under construction. What you don't
18 see today will be under construction, as soon as
19 the weather permits in the spring.

20 New York State DOT has also taken
21 every opportunity to apply for available Stimulus
22 funding. For example, in September, New York

23 submitted applications for funding regionally
24 significant transportation projects under a Federal
25 competitive grant program the Federal DOT is

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calling Transportation Investments Generating Economic Opportunity, or TIGER program.

Governor Paterson supports -- supported 60 TIGER applications from New York State, totaling about 2.1 billion. This totaling included 16 applications for Long Island communities valued at \$350 million, seeking funding for important roadway improvements, rail, airport and marina upgrades, intermodal facilities, and infrastructure to support transit-orientated development. Announcements are expected early next year.

While the funds provided under the Recovery Act are welcome and needed, they are not enough to meet our growing needs. In fact, they represent less than one percent of our documented 20-year needs and only make up for about half of what has been lost to inflation over the last five years. Continued and sustained investment in our infrastructure is needed, if we are to meet the transportation needs of -- of the citizens of

23 New York into the future.

24 Here's our Capital Plan

25 Proposal -- New York State DOT's Capital Plan

2 Proposal provides a starting point for that future
3 investment. In October, the Department put forward
4 a Capital Plan that lays out our investment
5 priorities, strategies and initial performance
6 measures and, similar to the MTA's Five-Year
7 Capital Plan, proposed 25.8 billion in funding over
8 the next five years, which is 2010 to 2015. The
9 funding proposed in our Capital Plan is for
10 investment in the State's highways and bridges,
11 down state suburban and upstate transit systems,
12 rail passenger and freight, and aviation and port
13 infrastructure.

14 The level of funding is an
15 increase of more than 40 percent over the
16 record-setting investment of the current five-year
17 program, which expires in March of 2010. The Plan
18 provides equal increase to highways, transit,
19 freight, and port investments.

20 The State Highway and Bridge
21 Dedicated Trust Fund needs additional resources to
22 meet current capital commitments, and will need

23 even longer increase to meet future needs --
24 larger increase to meet future needs. Currently,
25 nearly half of the revenue coming into the fund is

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used to pay a debt service. Without new resources, by 2013, we expect debt services to consume three-quarters of the Fund's annual revenues. With the lack of multi-year Federal transportation bill and the severe fiscal constraints in the State, it will be a significant challenge to find the resources for transportation investment.

The investment priorities and strategies laid out in the Plan detail how New York State DOT proposes to invest in the transportation system. New York State DOT's investment priorities are: Safety for the traveling public -- which is our first priority -- must always be to assure the safety of those using our system; second, preservation of transportation assets -- one of the best ways to ensure system safety is to invest in bringing our transportation infrastructure back to state of good repairs; support for the State's economic vitality -- keeping the system functioning and investments where we can create and enhance economic

23 opportunities; finally, enhancement -- enhanced
24 mobility for people and goods -- improving the
25 reliability of the system, increasing service in

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2 all modes of transportation, and providing some
3 capacity enhancements where needed; I'm sorry,
4 there is the last -- but one of -- the last one is
5 sustainable investment for the future. This means
6 investing in ways that will reduce overall energy
7 consumption, including investing in communities
8 that are well-planned and support for public
9 transportation, walking, and biking.

10 New York State DOT plans to focus
11 its investments on the most heavily used core
12 system assets first, including bridges and highways
13 on the Federal aid system. Bridges will receive
14 the highest priority. With the proposed investment
15 levels statewide, we expect to stabilize our
16 Federal aid eligible bridge deck area, and to
17 maintain pavement conditions on -- on interstate
18 and other high-volume roads. Pavement conditions
19 on lower volume roads are expected to decline
20 somewhat.

21 The Department also places a high
22 priority on providing maximum opportunities for

23 Disadvantaged Business Enterprise and Minority and
24 Women-Owned Business Enterprise. We have taken
25 action recently, and plan to do more, to strengthen

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2 these programs, including one-on-one certification
3 events, maintaining a statewide outreach program,
4 increasing the number of M/WBEs by speeding up the
5 M/WBE application process for firms already
6 certified as a DBE, increasing internal M/WBE
7 utilization through staff training and
8 communication, making certain potential
9 opportunities for DBE participation are considered
10 in individual contract goal-setting, and planning a
11 mentor-protege program for DBEs and M/W -- M/WBEs.

12

Long Island Regions Program

13 Summary -- here on Long Island, our proposed
14 investments will help preserve our State's
15 infrastructure, improve safety, and enhance the
16 multi-modal transportation network for pedestrians,
17 bicyclists, transit users, motorists, and
18 commercial users. The proposed investment in
19 State budget will maintain the -- the percentage of
20 good and excellent bridges above 70 percent.

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The new fiscal year will see the
start of the reconstruction of State Route 347, a

23 project that will transform the 15-mile highway
24 into a suburban greenway, complete with an off-road
25 shared-use path.

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Highway improvements will continue our commitment to build and maintain our State's roads in a environmentally sensitive manner, and conform to Smart Growth principles.

Furthermore, our Long Island Local Safe Streets and Traffic Calming program will provide funds to municipalities, to make walking and bicycling more appealing, and keep pedestrians and cyclists out of harm's way.

Along those lines, our SafeSeniors pilot program will enhance both pedestrian and vehicular safety at selected locations. SafeSeniors promotes pedestrian-friendly, walkable communities, particularly for our aging population, for whom we hope to increase mobility and address quality-of-life issues. In Nassau County, this pilot program sought community input to make a location that was troublesome for pedestrians in particular, safer. There is a similar pilot in Suffolk County.

Highway operational improvements

23 are particularly critical on the Long Island
24 highway network. Intelligent highway operations
25 got its national start with the creation of the

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2 Long Island INFORM system in 1980s. The proposed
3 2010, '15 program will fund the continued operation
4 and maintenance of INFORM, to reduce motorist
5 delays and manage incidents.

6 During our outreach this summer in
7 preparation of the Capital Plan, we heard loud and
8 clear from the local officials and stakeholders,
9 that we need to invest in our local transportation
10 system. In response, New York State DOT's proposed
11 program does propose significant increase in
12 funding for the local highways and bridge system.
13 The Plan calls for a more than 40 percent increase
14 in CHIPS and Marchiselli funds -- programs that
15 assist localities in meeting their capital needs
16 and matching federal aid.

17 The Plan also proposes several new
18 initiatives to support local infrastructure. This
19 includes 150 million to support a new local bridge
20 program, 150 million to improve the local touring
21 route systems which are often the important
22 Main Streets of our small communities, and --

23 sorry -- and 25 million Community and Corridor Land
24 Use Planning Initiative to provide comprehensive
25 support for regional Smart Growth planning. These

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2 funds will support the completion of three to five
3 sustainable corridor investment plans statewide, as
4 well as up to 50 smaller, livable community
5 planning grants.

6 New York State DOT's Plan also
7 recognizes that even though times are challenging,
8 we cannot stop planning for the future. There are
9 key system enhancements, including a proposed
10 investment of 300 million for improved intercity
11 passenger rail service that should be funded to
12 meet emerging, and growing demands, and support
13 economic growth.

14 New York State DOT's Plan
15 recognizes three critical investment areas. First,
16 core investments -- those needs to preserve and
17 sustain our existing infrastructure. On
18 Long Island, for example, this includes,
19 Robert Moses Causeway/Fire Island Inlet Bridge
20 Rehab, Northern State Parkway over New York
21 Route 110 interchange reconstruction, New York
22 Route 110 reconstruction from I-495 -- I-495, which

23 is LIE to Arrowwood, New York Route 135
24 resurfacing, and median barrier improvement from
25 Merrick to New York 24, and safety and pavement

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2 improvements to Jericho Turnpike, which is New York
3 Route 25 from the New York City line to Glen Cove
4 Road.

5 Enhancements -- strategic
6 expansions to the existing system needed to
7 accommodate growth and future needs. This
8 includes, on Long Island, the reconstruction of New
9 York State Route 347, which will begin under the
10 current State Fiscal Year 2009 and 2010 Capital
11 Program.

12 As part of the proposed 2010,
13 2015 Program, three additional projects would
14 be undertaken, including a new interchange at
15 Nichols Road, which is County Road 97. We also
16 have a reconstruction and safety improvement for
17 Nassau Expressway, New York Route 878 from Burnside
18 to the Rockaway Turnpike. And there will be, also,
19 New York 112 reconstruction with bike lanes and
20 sidewalks from I-495 to New York Route 25.

21 In response to several major,
22 private-development response proposals supported by

23 local elected officials and other stakeholders, the
24 program also includes engineering studies for the
25 following: Enhancement to the Sagtikos State

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2 Parkway corridor, scoping and preliminary design;
3 Hempstead Turnpike -- which is New York State
4 Route 24 -- Meadowbrook State Parkway interchange
5 improvements, scoping and design; Meadowbrook State
6 Parkway/Southern State Parkway interchange
7 improvement, scoping and preliminary -- preliminary
8 design.

9 Major projects are those projects
10 that are critical to system function or expansion,
11 but require additional resources beyond our current
12 means. There are a number of these significant
13 projects on our parkway systems and major
14 intersections throughout the Island.

15 New York State DOT recognizes that
16 even at the proposed level of investment, this plan
17 will not meet all of our infrastructure needs. It
18 is a down payment on the future, and what we can
19 accomplish. The pace will depend on available
20 resources.

21 Without this sustained level of
22 investment, it will be impossible to maintain the

23 condition of the many pieces of the transportation
24 system, to say nothing of expansion or enhancements
25 to meet economic or other emergency needs. This is

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2 a necessary commitment to protect the traveling
3 public, to spur economic growth, and to pave the
4 way for future growth.

5 If adequate levels of
6 transportation investments can be sustained in the
7 future, the progress will continue on the
8 longer-term goal of achieving a state of good
9 repair.

10 Under the leadership of
11 Governor Paterson, the New York State Department
12 of Transportation looks forward to working -- to
13 working with you, to continue to meet our
14 infrastructure needs and our obligation to the
15 public.

16 Thank you, all.

17 SENATOR FOLEY: Are there any
18 questions for the Regional Director?

19 (No response.)

20 SENATOR FUSCHILLO, JR.: Subi,
21 thank you very much for being here this morning.
22 And Wayne, good to see you as well.

23 I have a few questions with the
24 Capital Plan. And you brought up the State as a
25 whole, so I'll ask you questions and maybe you can

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2 answer it.

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Is the DOT or the Governor

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offering any suggestions on how to fund the Plan?

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MR. CHAKRABORTI: Well, I'm --

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I'm going to turn this thing to my Program

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Management Director, Wayne. He deals with those

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funding more than I do. Wayne?

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SENATOR FUSCHILLO, JR.: It's

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on -- it's on automatically and you have to press

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it to shut it off.

12

MR. UGOLIK: Okay. Actually, I

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think the -- the question is properly posed to the

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Albany office. The -- the way the Plan was put

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together was to make estimates of -- of what we

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thought would be a -- a good starting point, as

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Subi mentioned, and then to apportion those --

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that -- that ballpark estimate, if you will, across

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the eleven regions that we -- that we operate from,

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that -- that the DOT operates from.

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So, I -- I really think that --

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that how to fund the -- the program is something

23 that -- to be talked about at the Albany level.

24 SENATOR FUSCHILLO, JR.: They've

25 offered -- they haven't -- Wayne, they haven't

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spoken to you about any possible funding -- new funding sources on how to fund the plan?

MR. UGOLIK: They have not. But we are the operational arm of the Department, and, and --

SENATOR FUSCHILLO, JR.: No. I -- I aware of that, but Subi had testified here about State plan overall, and that's why I'm asking this question.

Subi, do you see any plans with the Capital Program, or the DOT as a whole, moving forward with public-private partnerships.

MR. CHAKRABORTI: Well, we -- we have. I think the Governor and our -- our Commissioner, they support the public-private. And I think it's -- all depends on the legislation. But, you know, we -- we always work with the public-private, on Long Island, together. We cooperate with them, we work with them hand-in-hand, and try to help them whenever there's a need, and work with them to get the funding.

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2 this to you I think. This is your avenue of
3 expertise. What percentage of that funding has
4 been expended?

5 MR. UGOLIK: Through this year,
6 we -- we are poised to deliver 80 percent.

7 SENATOR FUSCHILLO, JR.: 80
8 percent?

9 MR. UGOLIK: Yes.

10 SENATOR FUSCHILLO, JR.: Of \$229
11 million?

12 MR. UGOLIK: That's correct.

13 SENATOR FUSCHILLO, JR.: And what
14 about the remaining balance?

15 MR. UGOLIK: The remaining balance
16 would be invested in two projects -- one is the
17 Long Island Freight Intermodal Terminal, the first
18 portion of that project; and the other is an
19 intersection improvement at New York 110 and
20 New York 25.

21 SENATOR FUSCHILLO, JR.: When will
22 these take place? Where are you -- so, you're

23 talking approximately forty some-odd million
24 dollars, maybe fifty million dollars unexpended --

25 MR. UGOLIK: Yes --

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SENATOR FUSCHILLO, JR.: -- at the
end of this year?

MR. UGOLIK: -- yes.

SENATOR FUSCHILLO, JR.: And those
are -- we will not lose those monies?

MR. UGOLIK: We do not see those
monies being lost, no.

SENATOR FUSCHILLO, JR.: Have you
started the planning phase of those projects --

MR. UGOLIK: Yes, those projects
are well along.

SENATOR FUSCHILLO, JR.: And where
are they at?

MR. UGOLIK: The Intermodal
Terminal is the subject of a detailed study being
reviewed in the Governor's office. And the
Route 110, 25 project has been out to the public
several times, and we're addressing issues that
have been raised by the public, and the local -- I
think it's the Town of Huntington -- and refining
the plans.

23

SENATOR FUSCHILLO, JR.: Subi,

24 the Lighthouse project had been talked about for a

25 long period of time now, and the Heartland project

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2 out in Suffolk County as well. Let me just talk
3 about the -- the Lighthouse project. What
4 commitment -- and that's still going through its
5 approval process, and it's not there yet, as you
6 know. But what plans, what discussions, what
7 commitment is the DOT making, to make significant
8 transportation improvements to that area. Because
9 as you know right now, 4:45, 4:30 on the
10 Meadowbrook Parkway, is -- is a parking lot, and
11 the same thing on the Hempstead Turnpike. And
12 we're talking about a project of that -- that
13 magnitude, probably brings in tens of thousands of
14 additional cars into the area.

15 Where -- where have you been with
16 this project and what commitments is the DOT
17 making, to make significant improvements in that
18 area?

19 MR. CHAKRABORTI: Well, we were
20 given the opportunity to review their --

21 SENATOR FUSCHILLO, JR.: You were?

22 MR. CHAKRABORTI: Yes. And we --

23 we looked at it, we commented, and the Governor
24 came down, and told that the State will be working
25 closely with them to -- to keep our -- our

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2 comments, which we have done. We don't know the
3 final plan, how it's going to come out. We
4 understand that there could be some effect of that
5 being on our roadways, which is the Meadowbrook
6 Parkway and Southern State Parkway.

7 And -- and when it happens, we
8 will see that -- what is available funding -- and
9 we'll work together with the County and the Town,
10 to make sure that the traveling public, you know,
11 doesn't suffer.

12 SENATOR FUSCHILLO, JR.: Has the
13 Governor or the State Department of Transportation
14 made any financial commitment to that project, or
15 the Heartland project as well?

16 MR. CHAKRABORTI: Are aware of it,
17 Wayne?

18 MR. UGOLIK: We -- we proposed the
19 engineering studies for the Hempstead Turnpike and
20 Meadowbrook Parkway Interchange, as well as the
21 Southern State and Meadowbrook Interchange.

22 SENATOR FUSCHILLO, JR.: Right.

23 MR. UGOLIK: And also for the

24 Sagtikos Parkway Corridor.

25 SENATOR FUSCHILLO, JR.: Right.

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MR. UGOLIK: Those are the necessary engineering studies that would meet the Federal, and State, Environmental requirements that -- that we need to advance first, before we can decide on what would be built.

SENATOR FUSCHILLO, JR.: To what cost, Wayne?

MR. UGOLIK: The Sagtikos Corridor is going to be approximately \$10 million, to look at everything from the Southern State all the way up to the Sunken Meadow -- all the way up to the Sunken Meadow Park.

SENATOR FUSCHILLO, JR.: Right.

MR. UGOLIK: And at Southern State and -- and Meadowbrook Parkway, those Interchanges are probably in the range from ten to twelve million dollars, I would estimate, are in the -- in the proposed program.

SENATOR FUSCHILLO, JR.: And historically, Subi, we've been at a 23 percent share to Long Island --

23 SENATOR FUSCHILLO, JR.: -- have
24 you received a commitment from the State DOT or the
25 government -- Governor that we'll stay at that

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share?

MR. CHAKRABORTI: Again, I think that question should be asked and it should be answered by them at Albany, because basically all the share business is dealt over there and we get our proportion.

SENATOR FUSCHILLO, JR.: You know, what concerns me greatly -- and I'll -- I'll speak for myself, but I'm sure my colleagues from Long Island are concerned about this as well -- is the notion of sweeps and taking away. And -- and, you know, we -- we seem to be on the short end of the stick all the time, here on Long Island, in many different categories. And it concerns me greatly and I ask that you make that a priority of your's, to ensure that we do get our fair share, and nothing less, but more.

You know, our infrastructure needs great improvements. And you stress that all the time and -- when we -- when we meet. And the economic benefits to our region are significant.

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2 that service our roadways is significant, greater
3 than any average nationwide that we're seeing at a
4 ten percent level. We're looking at a 30 percent
5 plus level of unemployment here, for individuals
6 that maintain our roads and bridges. And that
7 number is just wrong.

8 Where are we at with -- my final
9 question because I'm sure my colleagues have
10 questions, too.

11 Bridge conditions, Subi, where
12 are we -- where are we at? I mean, I've seen
13 estimates that 50 percent of our bridges are
14 deficient and needing repairs. And you and I have
15 talked about this many times, and your office and
16 your manpower, with limited resources, you know,
17 you're doing the best job possible. But -- but
18 where are we at with bridge maintenance, and could
19 you estimate the deficiencies.

20 MR. CHAKRABORTI: That is the good
21 news I can give to all here. Long Island is in the
22 forefront on the condition of the bridge rating.

23 We are about, I just mentioned, 70 percent and
24 higher. And we're lucky, not only lucky, but we
25 always continued to maintain the bridges here. If

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2 the funding continues to flow. We are positive
3 that we be able to maintain our bridge condition to
4 70 percent and higher.

5 SENATOR FUSCHILLO, JR.: We're --
6 just a final question, Mr. Chairman. Subi, where
7 are we at with Federal funding, with support of our
8 congregational representatives?

9 MR. CHAKRABORTI: I think,
10 Wayne knows --

11 MR. UGOLIK: Right -- right now,
12 the Federal Transportation Bill has -- it's -- it's
13 expired. And we're moving forward in increments
14 of -- of periodic -- I'm -- I'm trying to the
15 remember the term that's used -- the continuing
16 resolutions, and at -- at a much reduced level.
17 So, it's -- it's almost a month-to-month situation
18 right now.

19 And -- and we're looking forward,
20 however, to some -- there are some wonderful
21 proposals out there for extensive increases in the
22 Federal Bill.

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SENATOR FUSCHILLO, JR.: Okay.

24 Wayne, thank you very much. Subi, thank you very

25 much.

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MR. CHAKRABORTI: Thank you,
Senator.

SENATOR FUSCHILLO, JR.: Thank
you, Mr. Chairman.

MR. UGOLIK: Thank you, Senator.

SENATOR FOLEY: Thank you, Senator
Fuschillo. Before you leave the table, Senator
Hannon, I believe, has questions for you.

MR. CHAKRABORTI: Yes, sir.

SENATOR HANNON: You -- you
outlined three areas of critical investment areas,
core investments --

MR. CHAKRABORTI: Yes.

SENATOR HANNON: -- enhancements,
and then major projects?

MR. CHAKRABORTI: Yes.

SENATOR HANNON: And -- and you
didn't name any major projects, because, obviously,
in the process which goes beyond this region and
goes beyond your office, they didn't get adopted.
But I'd really be interested in -- in finding out

23 those major projects, because it would be a way of
24 evaluating the strength of the proposed Capital
25 Program. And it would be a way of evaluating what

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2 the needs are of the region, beyond that.

3 I -- I don't know if you are at
4 liberty or not to share with us what might be some
5 of those major projects, that are well beyond our
6 current resources?

7 MR. CHAKRABORTI: Well, the
8 major projects -- Senator, that's a good question.
9 But the Long Island major projects, we consider
10 many of the projects that we have in our book --
11 and we're working on it -- are -- are major
12 projects. And as, you know, major projects takes
13 time to, first of all, to get the design approval.
14 We need to -- a lot of coordination, and
15 communication with communities, and elected
16 officials, like you and the local --

17 So, a lot of major projects
18 have -- in our book, and we are working
19 one by one, 'cause -- like 495, projects that just
20 came out, the bridge. There's a big major project
21 is the 110, which we started. And we have the
22 next phase that we're hoping to let soon, next

23 year, so -- the Interchange of the 110 and the
24 Northern State Parkway. We also have the major
25 project that Senator Dilan mentioned, Roslyn

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2 Viaduct. That was one of the big major projects,
3 that we are working on it. We have 347, which is
4 the -- probably the top most major projects on
5 Long Island right now. And we have -- we are
6 planning to let first of that, this year, as our
7 former commissioner made a commitment. And we'll
8 be coming -- we are talking about seven to ten
9 segment of projects of that whole 347.

10 We are also going to have a
11 project coming out soon, on the Huntington -- the
12 water problem -- flooding problem, Halesite.
13 That's long overview, and we worked with the
14 County, the Local Town, and the communities. And
15 that project will be coming.

16 I mentioned about 878, which is
17 the Nassau Expressway Center, you know. And
18 Senator Skelos also is involved. We are working on
19 that thing. Again, all these projects, if funding
20 is available, we are working actively on these
21 projects.

22 SENATOR FOLEY: Senator Johnson?

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MR. CHAKRABORTI: Yes, sir.

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SENATOR JOHNSON: I am very

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interested, of course, in the Long Island bridges,

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2 et cetera. But one of the most vital bridges in
3 the State is the Tappan Zee Bridge, and it's
4 supposed to be number one on the list. We're
5 riding over steel plates when we go back and forth,
6 and we know that there are holes here and there.

7 And when Governor Pataki was
8 in office, he proposed private public --
9 public-private partnership on that. Now, I wonder
10 if anybody is pursuing that endeavor in Albany now,
11 to we get that bridge replaced with a public
12 private partnership.

13 MR. UGOLIK: You're speaking about
14 the Tappan Zee Bridge?

15 SENATOR JOHNSON: That's right.

16 MR. UGOLIK: That is -- that is in
17 our sister region, Region Eight.

18 SENATOR JOHNSON: Oh, I know, it
19 is, yeah, but --

20 MR. UGOLIK: They may have the
21 details on -- the details on it. There's a special
22 task force working on this project.

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SENATOR JOHNSON: They are working

24 on it?

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MR. UGOLIK: Yes, they are, yes.

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2 And -- and that's all the information that I have.
3 In terms of the way the funding is being shaped,
4 I'm not -- I'm not briefed on that.

5 SENATOR JOHNSON: But -- but
6 Albany is still pursuing that?

7 MR. UGOLIK: Yes -- yes. Yes,
8 sir, it is.

9 SENATOR JOHNSON: Yes, okay.
10 Thank you very much.

11 SENATOR FOLEY: Now, just -- just
12 a brief comment or two, and then a question, and
13 then we'll hear from the other presenters.

14 There certainly has been a lot of
15 focus this morning on -- on -- particularly on
16 bridges, and you mentioned TIGER grants earlier.
17 One of the most important, if you will, within my
18 Senatorial District, but one goes -- goes back over
19 25 years. Some years it was on the TIP Program,
20 and other years the Town of Brookhaven -- before I
21 was supervisor -- wasn't willing to put up its
22 local match and it fell off the TIP Program -- and

23 that's the Hospital Road Bridge. It is a crucial
24 bridge for transporting folks who go to and from --
25 from the hospital. It is probably the most

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2 antiquated bridges over Sunrise Highway anywhere,
3 in either Nassau or Suffolk Counties. And I know
4 the town has forwarded a \$24 million TIGER grant,
5 so that's a very, very, very important proposal.

6 Now, secondly, the -- the Motor
7 Parkway. Of course, when I used to be Chair of --
8 of Public Works in the County Legislature, going
9 back over 15 years now, that was on the list back
10 then. Can you give us any specific progress report
11 on that particular proposal, as it relates to the
12 Motor Parkway?

13 MR. CHAKRABORTI: Yeah, Wayne's
14 sharp communicates and works with the local bridge
15 program or something, so I think Wayne would be
16 able to answer that.

17 MR. UGOLIK: I'd be happy to try
18 and answer your question, Senator. The -- the
19 County Road 67 project, the Motor Parkway, the
20 bridge replacement over the Long Island Expressway,
21 is that what you're speaking of?

22 SENATOR FOLEY: Yes, yes.

23 MR. UGOLIK: We've been working
24 closely with Gil -- Commissioner Gil Anderson, and
25 his staff, to advance that project. And I believe

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2 Gil will be here in a minute. He can correct me.

3 But within the year, I believe that letting is

4 going to be incurring.

5 With respect to Hospital Road,
6 we've been working closely with the Town of
7 Brookhaven, and Lynn Weyant in particular, helping
8 them with the application to the extent that we
9 could. And we have been behind the -- that
10 application. With -- in terms of I think who
11 decides whether it gets the funding, that's --
12 that's something that will be decided in
13 Washington.

14 But we certainly hope -- hope
15 something will come forward.

16 SENATOR FOLEY: We on our -- our
17 side of the Legislature in the State, we've been
18 very, let's say, supportive of the project. I
19 think that goes a long way in Washington, to have,
20 you know, unequivocal support of the State.

21 And finally, enhancements in the
22 Sagtikos Parkway Corridor are absolutely crucial to

23 both for, again, traffic safety, but also as an
24 economic engine. Not only in the creation of
25 construction jobs, but long-term sustainable

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2 employment can occur in that particular corridor.
3 And if we had the right, I'd say construction and
4 engineering, that would -- that would occur along
5 that particular roadway.

6 So, whether or not, it needs to
7 extend all the way up to the Sunken Meadow, one
8 can -- one can argue that point. But certainly in,
9 I'd say the commercial portion of that corridor,
10 I think it's absolutely crucial that that
11 particular -- that those particular enhancements
12 move forward for -- for economic reasons both
13 short-term and long-term.

14 MR. CHAKRABORTI: Well, as --
15 as Wayne has mentioned, it's in our
16 Five-Year Program. So, we have allocated some
17 money. And we'll do whatever is necessary after
18 any study's done by the Suffolk County, which I
19 understand they will be taking that approach. And
20 then we'll -- we'll work together, whatever, to --
21 to make the Sagtikos Parkway Corridor as available
22 to all sort of -- of needs.

23 SENATOR FOLEY: Thank you -- thank

24 you, Gentlemen.

25 MR. CHAKRABORTI: Thank you.

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MR. FOLEY: Thank you very much. And I think that's the perfect segue, speaking about the County, our next speaker is Gilbert Anderson, who is the Commissioner of the Suffolk County Department of Public Works.

Welcome.

COMMISSIONER ANDERSON: Good afternoon, gentlemen.

On behalf of Suffolk County Executive Steve Levy, I want thank you for the opportunity to speak at this hearing.

Suffolk County is very aware and concerned with the progress of the New York State Department of Transportation's Capital Program Proposal, specifically, the new 2010, 2015 Capital Program. The County Executive is acutely aware of the difficult times we are all faced with throughout the State. We are aware of the impact that the slowing construction industry has had on our constituency and the ability to maintain an acceptable standard of living. This industry has

23 slowed the point where -- other than through
24 ARRA funding -- municipalities are the only
25 organizations, private or public, letting projects

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and keeping the industry working.

Over the past year, the County Executive has led the charge to bring more funding to Long Island. Of specific concern is the inequity in funding for Suffolk's public transportation program. While the population of Suffolk is comparable to the adjacent counties -- we are substantially larger in area -- we receive disproportionately less than our neighbors in funding our transportation program. To be specific, Suffolk County receives 22.1 million in aid, compared to 56.5 million for Nassau County and 47 million for Westchester. If our funding was able to be increased to comparative levels, we would be able to provide similar, comprehensive services that the MTA provides for our neighboring counties. Subsequently, ridership would improve with increased services.

I would note for the record that the Governor's proposed budget reduces aid to all three counties, that they can accept -- expect to

23 receive by about 3.6 percent. This will further
24 inhibit our ability to provide these needed
25 services to our constituents and should be

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reconsidered.

Another top issue to the -- to Suffolk County is the redevelopment of the former Pilgrim State Psychiatric Facility in Brentwood. The Heartland Project alone is just one of many that have been proposed or was already constructed within the Sagtikos Parkway Corridor, and is of great concern to the County. If developed as proposed, the area will increase in density to that of Manhattan, and the result could be greatly -- and the result could be greatly overburdened adjacent highways, transportation services and sanitary facilities.

The County Executive has specifically and repeatedly made mention of the need to expand and improve Sagtikos Parkway Corridor and adjacent highways, to increase capacity in anticipation of the impending -- impending development.

The State has a project in its program. Project Identification Number 033909, is

23 a \$13.9 million project providing scoping -- a
24 scoping report for the Sagtikos and Sunken Meadow
25 Parkway, which will look at traffic mitigation and

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2 identify alternatives for the corridor extending
3 from Southern State Parkway up to New York State
4 25A. The study is the first step that would lead
5 us to an -- an eventual Environmental Impact
6 Statement for the area. How -- however, this is a
7 project -- this is a proposed project and is not
8 funded at this time. We would request that this
9 project be progressed as quickly as possible, so
10 whatever recommendations are made can be
11 implemented as soon as possible.

12 Lastly, we approve of the
13 Capital Plan proposed, as long as the funding is
14 able to be provided without significantly impacting
15 our constituents through increased taxes. As
16 stated earlier, we promote Public Works and
17 recognize the need to maintain and improve our
18 infrastructure. We look forward to the Governor's
19 Study of the -- of the Intermodal Facilities for
20 this area. In general, we favor the idea of police
21 facilities, however, we will reserve any comments
22 or recommendations until after this report is made

23 public.

24 Thank you again for your time and

25 consideration of these matters.

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And if I may on a personal note, I would like to commend Subi, and Wayne, and their staff, for their help in getting us -- in helping us through the process of the ARRA funding and -- and getting us the funds that were needed. They were key in our ability to put \$28 billion worth of work on the street.

SENATOR FOLEY: Thank you, Commissioner. Before I some questions of the Suffolk County Commissioner, are there any members --

SENATOR FUSCHILLO, JR.: Yes.

Just --

SENATOR FOLEY: Yes.

SENATOR FUSCHILLO, JR.: -- just quickly, Commissioner, I -- is the State or the Federal Government withholding any money or delaying any money to Suffolk County right now? State -- when I say State, the Department of Transportation, or are the Federal funds --

COMMISSIONER ANDERSON: At this

23 point, nothing is being withheld. We're waiting
24 for the final determination, I believe of
25 Appropriations for some of the projects. But the

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2 local region has worked with us and continues to
3 work with us to, you know, make sure everything
4 flows the way it is supposed to.

5 SENATOR FUSCHILLO, JR.: Thank
6 you, Commissioner.

7 COMMISSIONER ANDERSON: Right.

8 SENATOR FOLEY: And just as a
9 quick follow-up to several points that you've --
10 I'm pleased, Commissioner, that you had mentioned
11 about the transit needs for -- for the County as
12 well, because, you know, both transit as well as
13 transportation go in hand-in-hand. And one of
14 things that I observed, again, when I used to
15 be in the County Leg was the disparity, the
16 disproportionality, if you will, of transit funding
17 among the three suburban counties, that were in
18 New York City. And both Nassau and Westchester
19 have had a sizable, I would say, transit subsidy
20 from the State, and for -- for a variety of
21 reasons.

22 And I know that one of our

23 priorities, going into the next budget season,
24 notwithstanding the fact that it will be a very
25 challenging fiscal environment, we do intend to

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2 look for ways, and find ways, to substantially
3 improve and increase the transit funding for the
4 County bus system in Suffolk. Because far too
5 long -- as I've stated in the past, but for the
6 first time now as Senator, far too long bus patrons
7 were stigmatized in the suburban city. And that is
8 wrong. So, and -- if we're going to improve
9 transit, Mr. Chairman, we can also improve
10 transportation at the same time.

11 Additionally, you mentioned the --
12 the Sagtikos Parkway area. Subi, you mentioned
13 that the County was working on a plan as well. If
14 you could, just comment on that for today's record,
15 please.

16 COMMISSIONER ANDERSON: There is
17 a -- we have received proposals for an initial
18 study of the overall corridor area, which are still
19 under review. And that's a -- I think it's, I
20 believe, it's a \$500,000 study at this point. And
21 that's really where it is.

22 SENATOR FOLEY: 500,000 for the

23 whole corridor, or just for the immediate corridor?

24 COMMISSIONER ANDERSON: Just for

25 the immediate corridor.

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SENATOR FOLEY: All right. And when do you intend to -- to award that particular proposal?

COMMISSIONER ANDERSON: I don't personally know. That's really going through the Planning Department right now.

SENATOR FOLEY: Is it?

COMMISSIONER ANDERSON: Yes. I can try to find out.

SENATOR FOLEY: That would be very helpful, if you could do that. Okay. Those were all the comments for today.

COMMISSIONER ANDERSON: And if I may just interrupt --

SENATOR FOLEY: Yes.

COMMISSIONER ANDERSON: -- just so you know, I would confirm what Wayne mentioned earlier about the Motor Parkway Bridge. We do anticipate letting it next year.

SENATOR FOLEY: Okay. I believe the Chair would like to ask a question.

23 SENATOR DILAN: Okay. I'm -- I'm
24 trying to allow the local Senators from the region
25 to ask the questions, but I'll -- I'll try and

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maybe just ask a couple of general questions.

First, I just want to note for the record, now, you indicated that although I heard the Regional Director testify that we're -- we're talking about a 40 percent increase in this Five-Year Capital Plan, you're indicating that you're getting a 3.6 decrease -- and we're not evening talking about the disparity between the counties. I heard you with respect to that. You said --

COMMISSIONER ANDERSON: I believe under the -- the Governor's proposed budget changes that just went out this week, these -- these, for -- for transportation, you know, public transportation, there is a 3.6 percent reduction proposed for all three counties.

SENATOR DILAN: Oh, okay. Now, another subject that was not touched upon or you did not mention, but, I mean, I'll ask, at one of the public hearings -- I believe it was in Greenburgh -- you know, the Commissioner there

23 testified that they had a problem with the letting
24 cap that's imposed by DOT. Does that impact you in
25 any way, with regard to your projects?

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COMMISSIONER ANDERSON: Well, I

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mean if -- if it's regarding funding for County

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projects, obviously, the more the better. But

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we'll -- we'll make due and we'll work with

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whatever, you know, we -- we can get.

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SENATOR DILAN: All right. Thank

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you -- thank you.

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SENATOR FOLEY: Well, certainly, I

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think what the Chair is implying is the fact for

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localities, if there is a cap, that -- that is a

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rather, let's say a low cap, particularly for what

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I call our major counties in the State -- and --

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it -- it impinges on, and comprises, the County's

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ability to put forward a robust transportation

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program; is that not correct?

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COMMISSIONER ANDERSON: Correct.

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You're right.

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SENATOR FOLEY: And that's where

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the Chairman was going, because certainly, he's

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heard similar testimony in other areas, but I think

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it's -- like I said to the Chair, that it's even

23 more compelling, if you will, and burdensome, for
24 the -- what I would call the major centers of
25 population, the major Counties in the State --

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2 that, that particular cap has had the impact of
3 delaying projects, because you have to extend them
4 out over a longer period of time.

5 So, I thank the Chair for asking
6 that question.

7 Are there any other questions for
8 Commissioner Anderson?

9 (No response.)

10 SENATOR FOLEY: Thank you.

11 COMMISSIONER ANDERSON: Okay.

12 Thank you.

13 SENATOR FOLEY: Okay. Our next
14 speaker is Senior Planner, Regional Plan
15 Association, Robert Freudenberg.

16 MR. FREUDENBERG: Good morning.

17 SENATOR FOLEY: Robert?

18 MR. FREUDENBERG: Good morning --
19 good afternoon. I guess it's afternoon right now.
20 My name is Robert Freudenberg. And I'm the Senior
21 Planner for Long Island -- for Long Island of
22 Regional Plan Association. We're a big center of

23 research and advocacy organization, that has
24 promoted the livability, vitality, and
25 sustainability of the Tri-state Metropolitan region

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for over 85 years.

We are really grateful for the opportunity to provide comments on the New York State DOT Five-Year Plan. And we commend you, Chairman Dilan, for your leadership in holding these statewide hearings. Thank you.

The -- the Plan that comes before us comes at a really challenging time -- an unpredictable economy, inflated construction costs, and budget shortfalls compound the already-difficult tasks of allocating these funds for the preservation, enhancement and expansion of the State's aging transportation infrastructure. But we cannot underscore enough the importance of investing in this critical regional network. We must focus on smart, effective investments that ensure our infrastructure remains safe and functional, so that it may continue to serve as the connective fabric of our regional economy, which is one of the world's -- one of the world's largest and most productive.

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2 maintenance, lost productivity due to congestion,
3 and additional fuel costs. Acting now is essential
4 to maintain our region's productivity, while
5 limiting the cost of future capital repairs.

6 RPA has reviewed the
7 Capital Program and we are pleased to see
8 progress being made in reaching towards more
9 sustainable policies. However, we also find a
10 number of areas for improvements that we'll make
11 suggestions on. We offer our comments on the best
12 way to prioritize spending for a robust regional
13 and statewide economy.

14 First and foremost, prioritize
15 repairs of highways and bridges. Because a
16 majority of our regional goods move via truck in
17 this region, New York State's highway and bridge
18 network is critical to the economy -- economy of
19 the Tri-state Metropolitan region, and here on
20 Long Island -- including Long Island. Yet, funding
21 has not been sufficient to keep conditions in the
22 steady state. And as a result, road and bridge

23 conditions have been worsening over time.

24 We strongly encourage the

25 New York State DOT to prioritize repairs of

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2 critical existing highways and bridges, over the
3 construction of new or expanded highways and
4 bridges. A full 90 percent of the funding in the
5 program is for the maintenance of the existing
6 infrastructure. But we ask that any large
7 projects, that include additional lanes or
8 interchange expansions come under close scrutiny,
9 as these projects often do little to alleviate
10 congestion in the long run.

11 Second, we'd -- we'd like to
12 see implementation of managed use -- managed use
13 lane strategies for the region. Currently,
14 New York State DOT is engaged in a managed use
15 lane strategy that includes the five boroughs of
16 New York City, Westchester and Nassau counties.

17 RPA recommends that the DOT set
18 aside funding to implement the recommended
19 strategies of this study which should be completed
20 sometime this coming year, including the strategies
21 to implement High Occupancy Toll or HOT lanes. The
22 Long Island Expressway's existing HOV lanes could

23 be an ideal location for a pilot project for these
24 lanes. We also suggest that the agency consider
25 commissioning a supplemental study to examine

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2 opportunities for limited managed use lanes
3 strategies in Suffolk County.

4 We think there should be increased
5 capacity for freight movement. I know we've heard
6 a lot about the forthcoming report, that -- that's
7 waiting to come through the Governor's office.
8 Truck traffic on Long Island significantly
9 contributes --contributes -- contributes to the
10 congestion on Long Island roadways, while current
11 rail capacity on Long Island is limited. We hope
12 that the forthcoming report on the potential sites
13 for intermodal facilities helps to serve a guiding
14 light to -- to what -- how we can move forward.
15 And we hope that if these actions are considered
16 worthwhile, that they can be acted on immediately.

17 We'd also hoped that, you know,
18 the effort can be made to identify corridors that
19 would benefit from enhanced bus service. RPA
20 recommends that New York State DOT work together
21 with the MTA, and Nassau Bus, and Suffolk Bus, to
22 implement enhancements to existing bus service.

23 These include -- these include the kinds of things
24 that we see on bus rapid transit, without actually
25 implementing bus rapid transit, including signal --

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2 signal goal -- signal prioritization or off-board
3 fare collection across the Island. These are
4 elements that can be implemented with a relatively
5 modest investment, but enable tremendous service
6 enhancements.

7 We'd also like to see investments
8 in the elements of the main line corridor
9 improvement project. You know, we hear a lot about
10 the third track, you know, and then that often
11 comes up in the MTA Plan. You know, the main line
12 corridor improvements can bring about many benefits
13 for Long Island, including job and job market
14 growth, improve -- improved rail service, and
15 reduction of the MTE vehicle miles traveled.

16 Given that financial resources are
17 not fully available to implement the full third
18 track project, RPA urges New York State DOT to
19 support other roadway projects that can set the
20 stage for third track implementation at a later
21 date. These projects include investing in the
22 existing grade-separated crossings that would need

23 to be widened, and the at-grade crossings that
24 would be eliminated. Attacking these projects now,
25 will lay the groundwork for the completion of this

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2 important main line corridor improvement. And we
3 were disappointed to see that reference of the --
4 the main line corridor improvement project which
5 had been in the prior program, was removed from
6 this -- this program.

7 Next is, we hope that there
8 would be development of a bikeway master plan for
9 Long Island. This is something that can be a
10 minimal investment and return -- and return large.
11 Biking is both a recreational and commuting
12 activity that should be encouraged and facilitated
13 on Long Island, and -- and it has in some cases.

14 RPA's is pleased to see the
15 efforts being made by New York State DOT to enhance
16 the biking experience along state roadways, but
17 would urge the Department to use funding to develop
18 a larger master plan for bikeways and facilities on
19 Long Island. Such a plan would prioritize key
20 biking routes, particularly, those that connect
21 residential areas to job centers, and bus and rail
22 stations. Capital funds will be better spent on

23 bike lane construction, if a master plan is first
24 developed.

25 We hope to see Complete Streets

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2 Legislation passed. You know, obviously, the
3 reports are out. Our recent Transportation for
4 America report, co-authored by our friends at
5 Tri-State Transportation Campaign, found that
6 pedestrians accounted for over 31 percent of the
7 New York City Metropolitan area, including New York
8 City, Long Island, and Northern New Jersey, traffic
9 fatalities. Yet, New York State spent only one
10 percent of its \$5.6 billion in Federal
11 transportation dollars for pedestrian safety
12 projects, between 2005 to 2008. A related
13 Tri-State Campaign analysis found that older
14 pedestrians face greater risks than their younger
15 counterparts.

16 RPA commends you, Senator Dilan,
17 for your leadership to improve safety on the
18 roadways by sponsoring Senate Bill 5711, or the
19 Complete Streets Legislation. This bill would
20 ensure roads are safe for all users, including
21 walkers, cyclists, transit riders, drivers,
22 seniors, and children. We support you in making

23 this bill a priority in the coming months.

24 The work with the local

25 communities that's included in the program

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2 is -- is really important. And we're pleased to
3 see that the Capital Program includes \$25 million
4 for community and corridor land use planning
5 initiatives, which provides technical assistance
6 and land use planning for corridor investment
7 strategies, as well as livable community planning
8 grants. New York State highways are a vital link.
9 They're a vital link to the economic success and
10 vitality of our regional communities.

11 At the same time, some highways
12 such as Sunrise Highway, particularly in Nassau
13 County, they've evolved over time to become
14 high-speed and high-volume roadways, which pass
15 through the heart of a number of important
16 downtowns which serve the community, impacting the
17 vibrancy and economic success. Working with the
18 local communities to -- to find out the best plans
19 for these roadways is really important. And plans
20 like those for the Long Island's Route 347 are
21 really promising in showing that working with the
22 community can reap great rewards, on small

23 investments.

24 RPA applauds the DOT's commitment

25 to community planning and urges expansion of -- of

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2 this program.

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SENATOR FOLEY: Could you

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summarize?

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MR. FREUDENBERG: Okay. Sure.

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Finally, I -- I would

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only mention one more thing that I would --

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mitigate the impacts of storm water runoff. This

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is an island, so we -- we would hope to see that

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there is serious consideration taken in working

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with the Roadway, in any construction or work

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that's done, to mitigate the impacts of storm water

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runoff, and use our roadways as an example for how

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we can protect the Island's waters.

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So, in conclusion, the safe,

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reliable, and effective transportation network is

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vital to sustain a robust economy, and assures a

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strong quality of life for area residents. All of

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the above issues we've mentioned represent critical

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ones that should be addressed with great care.

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We thank you, again, for the

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opportunity to testify.

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2 of insightful commentary, constructive criticism,
3 and good thoughts and ideas on how to improve both
4 transit and transportation needs in the
5 Metropolitan area.

6 MR. FREUDENBERG: Thank you.

7 SENATOR FOLEY: Are there any
8 questions?

9 SENATOR FUSCHILLO, JR.: Just two
10 quick comments.

11 SENATOR FOLEY: Yes.

12 SENATOR FUSCHILLO, JR.: I agree
13 with you, north, south corridors for enhanced bus
14 service is critically important. I -- I wrote
15 your comment down -- I hope I didn't write it
16 incorrectly -- lane expansion does not necessarily
17 alleviate traffic. Did you say that?

18 MR. FREUDENBERG: In the -- in the
19 long run, you know, it's -- it's not always -- it's
20 not -- if there are other solutions that you can
21 take, expansion is not always the best option in a
22 time of limited capital funds.

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SENATOR FUSCHILLO, JR.: Okay.

24 Thank you.

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SENATOR FOLEY: You know, just --

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2 Senator Fuschillo, we -- we used to hear the same
3 thing, that road widening does not necessarily
4 improve -- and I think that part of the dynamics
5 that I've heard from engineers over a period of
6 years is, there is initial improvement of the flow.
7 But within a short period of time, it's almost a
8 law of physics, you know, where it just takes up
9 certain -- let's say traffic will just take up
10 the -- the size of the road that's -- that's been
11 constructed. So, while there is, for a few short
12 years, a definite improvement --

13 MR. FREUDENBERG: Yeah --

14 SENATOR FOLEY: -- and there is a
15 definite improvement --

16 MR. FREUDENBERG: -- right.

17 SENATOR FOLEY: -- over a period of
18 time, it does fill up.

19 SENATOR DILAN: That's so true.

20 SENATOR FOLEY: But we can't just
21 discount that either, so -- good. Thank you.

22 MR. FREUDENBERG: Thank you.

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2 a panel of six, we'll probably have to go three at
3 a time.

4 But our -- our next panel is -- is
5 from the Long Island Contractor's Association, with
6 James J. Pratt, the Third, Tommy Ruttura -- and
7 that's written as Tommy, I'm not being informal --
8 Donald Leslie, Junior, Patrick Ahern, Stephen
9 Antaki -- a familiar name -- and Ann O'Neill.

10 Could you please come forward?

11 I apologize for the smaller table,
12 but I know that you're a resourceful group, so --

13 MR. PRATT, III: Senator,
14 Mr. Ruttura was expectedly called away. He will
15 not to be here, although his testimony has been
16 submitted.

17 SENATOR FOLEY: It has, thank you.
18 So Mr. Pratt, if you would like to start things?

19 MR. PRATT, III: Good afternoon.
20 Chairman Dilan, honorable members of the
21 State Senate, my name is Jim Pratt. I'm testifying
22 today as the Chairman of the Long Island

23 Contractors' Association. Please know that I am
24 also the President of the Pratt Brothers,
25 Incorporated, a general contractor member of LICA,

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2 and a past President of the New York State Chapter
3 of the Associated General Contractors of New York
4 State.

5 Thank you for allowing LICA to
6 testify before your Committee today.

7 As you know, LICA represents the
8 interests of over a hundred of Long Island's
9 premier heavy construction general contractors,
10 subcontractors, suppliers, and industry supporters,
11 focused primarily in the infrastructure
12 construction industry, such as highways, bridges,
13 sewers, other public works projects -- projects,
14 private site development. LICA's member companies
15 play a significant role, in sustaining the economic
16 engine that is Nassau and Suffolk Counties.

17 Marc Herbst, our Executive
18 Director I believe you're all are familiar with,
19 traditionally presents our testimony at panels such
20 as this. Since he addressed this Committee at the
21 State Capital on the 23rd, we thought it would be
22 beneficial for the members of this Committee to

23 perhaps to hear directly from the businesses that
24 are at work on our industry here on the Island. I
25 will introduce the panelists that represent general

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2 contractors, subcontractors, suppliers, associates,
3 and women-, and minority-owned businesses.

4 Before being so, to be frank,
5 Mr. Chairman, I want you to know that no one in
6 authority in Albany seems to understand or care
7 about the depth of the crisis that our industry
8 faces. As you gentlemen pointed out, make no --
9 make no -- no mistake, we are at an abyss. The
10 heart and soul of the region's middle class, our
11 members, and their workers, are right there on the
12 edge, with 30 percent unemployment in our industry
13 at this time.

14 There is no sense of urgency in
15 any of the State efforts, to put these men and
16 women in the construction trades back to work.
17 There is no appreciation of the crisis we face or
18 the ripple impact throughout the economy, when tens
19 of thousands of construction people are out of
20 work.

21 When the DOT professionals can
22 produce a thoughtful, comprehensive spending plan,

23 and then see it thrown away by the Governor, all
24 of us -- whether we are motorists, taxpayers, the
25 construction industry, or elected officials -- have

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2 a crisis of enormous dimensions on our hands.

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If it were just about this year's fiscal crisis, one might be able to make peace with the Draconian steps undertaken by Governor Paterson's administration. However, our infrastructure industry has been asked to take a bullet repeatedly, and now there are too many wounds to simply ask for another bandage.

Mr. Chairman, we are hoping this Committee will sound the alarm regarding the vital importance of maintaining a dependable, reliable, and safe infrastructure. By doing so, your efforts can directly aid in restarting our economic recovery. We hope the testimony you are about to hear will assist you in shaping your efforts and formulating a response to a crisis that will take down -- take down an industry and cripple the very recovery we -- that -- that we -- that will arrest the State's fiscal crisis.

The members -- the members of our panel that you immediately have before you --

23 I said, Mr. Ruttura was unable to present --
24 Don Leslie, Junior, President of Leslie-Johnson
25 Electrical, an electrical contractor, Pat Ahern,

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2 President of Edward Ehrbar, a heavy equipment
3 supplier, Stephen Antaki, member of Albrecht,
4 Viggiano, Zureck and Company, a accounting firm,
5 and Ann O'Neill, as the President of Island
6 Pavement Cutting, a minority subcontractor.

7 Donald?

8 MR. LESLIE, JR.: Mr. Chairman and
9 members of the Senate -- Senate's Transportation
10 Committee, my name is Don Leslie, Junior. I am
11 President of Johnson Electrical Construction
12 Corporation, a family-owned and operated,
13 Long Island based electrical firm, incorporated
14 in New York in 1958. I am a member and past
15 president of the National Electrical Contractors
16 Association, NECA, currently serving as governor of
17 the Long Island Chapter. Recognizing the
18 importance of all sectors of the region's
19 construction industry working together, we recently
20 became the newest member for the Long Island
21 Contractors' Association.

22 My testimony -- testimony is about

23 simple economics.

24 My company not only serves as a

25 subcontractor to many prominent general

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2 contractors, but also serves as a prime contractor
3 on many of the electrical contracts required by
4 every level of local government. As one of the
5 largest Long Island based electrical construction
6 firms, we normally employ about 50 to 60 employees,
7 year round, with few layoffs during the winter --
8 which, for the outside construction industry, is
9 very unusual.

10 In 2008, we were forced to
11 dramatically reduce our full-time workforce and
12 seriously downsize our fleet of over 100 plus
13 vehicles, as recession severely impacted
14 Long Island and its municipalities.

15 Based on the public promises made
16 by a battery of elected officials, we fully
17 expected 2009 to be the year that turns things
18 around. We expected projects to move quickly, move
19 forward, companies to re-hire those who were
20 quickly running out of unemployment benefits, and
21 begin repair of the devastated Long Island economy.

22 Much hope was put on the Federal

23 Stimulus program. It was going to provide hope for
24 the unemployed struggling to hold onto their homes.
25 But, as you are aware, that Federal program became

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2 a story of lost expectations. It made 2009 a year
3 of desperate survival.

4 So we are clear, Long Island
5 has received less in state projects from the
6 Federal program, than the amount DOT cut from the
7 disastrous 2008 regional program that was proposed.

8 As a result, between 400 and 500
9 Long Island union electricians remained unemployed
10 throughout the height of the construction season,
11 once again. They aren't out there helping to
12 stimulate the economy by shopping, or going to the
13 movies, or buying those few extras at the
14 supermarket. Instead of helping us out of the
15 recession, they are on the verge of becoming the
16 latest victims in a State that seems to have lost
17 its way.

18 While the State DOT proposed a
19 practical Five-Year Capital Plan, the Governor has
20 disposed of the entire proposal, saying we can't
21 afford it. And yet the truth is, gentlemen, we
22 can't afford not to implement it.

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2 ignored. And our motoring public cannot afford to
3 travel on roads and bridges that are neglected.

4 There are those that say
5 infrastructure is just another special interest
6 group, and that we are going to have to suffer our
7 share of the pain.

8 Roads, bridges, and Smart Highway
9 systems don't care how they are labeled. When they
10 fail, they do so without regard to political party,
11 lobbyists, or labels.

12 We need to continuously invest in
13 our infrastructure by building, rebuilding, and
14 maintaining that infrastructure, or be prepared to
15 turn the lights out on our economy. At a time of
16 crisis, at a time when far too many politicians
17 turn away from leadership, this Committee holds the
18 key to getting us from here to a future that works.

19 Thank you.

20 SENATOR FOLEY: Thank you,
21 Mr. Leslie.

22 MR. LESLIE, JR.: Thank you.

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MR. AHERN: Good afternoon,

24 Chairman Dilan.

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SENATOR FOLEY: I would ask you

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2 two to -- could you just change seats for the
3 moment? It's like going from one lane to the other
4 lane.

5 MR. AHERN: There we go. We can
6 handle that.

7 Good afternoon, Chairman Dilan --

8 SENATOR FOLEY: Hopefully, it will
9 alleviate congestion.

10 MR. AHERN: Yeah.

11 Good afternoon, Chairman, and
12 members of this important Senate Committee. My
13 name is Pat Ahern. I am a Long Island resident and
14 President of Edward Ehrbar, Incorporated. We're a
15 106-year-old, family-owned firm. We're a
16 distributor of construction equipment based in
17 Yonkers up in Westchester County, and out here in
18 Holbrook on Long Island.

19 While serving as a board member of
20 LICA, I am also an active member of other down
21 state heavy construction contractor associations --
22 the General Contractors of New York City, and

23 Westchester Construction Industry Council, as well
24 as a member of the Association of Equipment
25 Distributors.

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For the last century, our -- our firm has -- has experienced the ebbs and flows of economic cycles throughout the down state construction industry. One would think that we can safely say that we've seen it all, that we can simply fasten our seatbelts.

We will plow through this difficult economy we are now enduring. But, things are very much different than what we have -- than what we have experienced in past cycles. The reason is there's -- there's little hope. There seems to be a lack of clear vision and confidence. We see no plan for the future and it is -- it is frightening and very concerning.

Our -- our industry has never been so adrift because of the lack of -- of public leadership. They say that historic times of crisis bring forth men and women of genuine leadership -- elected officials who can throw off partisan labels and do the people's work, and get us back on track.

We keep waiting for that signal of

23 leadership. And quite frankly, we are doing so

24 from the back of an unemployment line.

25 You have repeatedly heard

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2 testimony about 30 percent unemployment among the
3 ranks of the construction workers. That should be
4 a major call for concern and action -- but even
5 more pronounced is the ripple effect of that
6 chilling number. Labor statistics indicate that
7 for every construction job, three additional jobs
8 are created in related fields. That would also
9 apply the reverse -- for every one lost, three
10 additional jobs may as well be cut.

11 My own company has reduced
12 its personnel by 25 percent in 2009. And
13 unfortunately, we're looking -- certainly looking
14 at an additional 10 percent as we head into this
15 winter, unfortunately. An even more revealing
16 figure for my business is sales receipts. The
17 purchase of equipment, new equipment sales
18 primarily, is down greater than the industry
19 unemployment rate -- a drop of 40 percent in the
20 sales, would actually -- will be 50 percent.

21 Contractors are not buying new
22 equipment, since there are very few jobs on the

23 horizon. The traditional equipment depreciation
24 trends are being extended indefinitely. This
25 phenomenon -- phenomena, excuse me, is also

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2 jeopardizing the contractor's ability to work, if
3 and when jobs eventually come through the pipeline.

4 Much of the aging equipment in the
5 field will not meet the new mandated emission
6 requirement. And the current recession simply
7 makes capital unavailable to make any emission
8 retrofits to this aging equipment, available. This
9 situation will have lasting negative effects for
10 the industry to move forward, even if the general
11 economic conditions do improve.

12 Walking away from infrastructure
13 spending is abdication of leadership. It is a
14 destruction of a vision. It is a cynical response
15 of government, hoping that the tough solutions will
16 be made on someone else's watch.

17 Now, is the time to put our
18 resources to work. We can not only protect our
19 infrastructure, but we can help a construction --
20 construction worker feed his family -- and, in
21 doing so, restart the economic engine that will
22 strengthen New York's ability to hopefully move

23 past the recession of '09.

24 Thank you very much.

25 SENATOR FOLEY: Thank you.

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MR. ANTAKI: Good morning,
Mr. Chairman, and good morning members of the
Committee. My name is Steve Antaki. I am a
partner in the firm Albrecht, Viggiano, Zureck &
Company, one of the largest certified public
accounting firms on Long Island.

We provide a wide range of
financial, accounting, auditing, tax and consulting
services, to a variety of businesses and
industries. Our client base includes many
businesses in the heavy construction industry,
as well as a large number of Long Island
municipalities. With this background, I believe
AVZ can offer the members of this Committee with
some valuable background about public
infrastructure spending in the Long Island region.

Our firm assists or advises a
majority of the region's towns and other municipal
governments in its budget preparation, forecasting,
audits, and other financial reviews. As you would
expect, the largest expenditures, other than

23 payroll and debt service, are typically dedicated
24 for investment in public works maintenance
25 programs, and infrastructure improvement and

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2 expansion. I have found that most of our
3 government clients have accepted our best practice
4 recommendations to establish long-range capital
5 programs.

6 We have seen an overall shift in
7 funding the last decade, whereby towns and counties
8 have now surpassed the New York State Department of
9 Transportation. Historically, the New York State
10 DOT has been the region's largest investor in
11 infrastructure. DOT now ranks last.

12 But, in these difficult economic
13 times, with declining receipt of mortgage taxes,
14 sales taxes, and other forms of revenues, certain
15 municipalities are scaling back public work
16 projects, or deferring them into the future. This
17 is a very serious and concerning situation.

18 Compounding this issue more
19 severely is the State's spending plan for the
20 region. Since the 1980's, the State's bridge and
21 highway funding allocation had been projected at
22 23 percent for Long Island. This is based on a

23 statewide formula regarding registered vehicles and
24 vehicle-miles traveled. The State's last five-year
25 program did not apply that formula to all eligible

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2 funds -- eligible funds -- those being Federal,
3 State, and Transportation Bond Act monies. All
4 eligible funding streams, again, those being
5 Federal, State, and Transportation Bonding Act
6 monies were below the 23 percent goal for
7 Long Island. Long Island's total share was just
8 14.2 percent. If this disproportionate funding is
9 permitted to continue in the next State
10 Transportation Capital Program, the State will
11 continue to remain in last place in the regional
12 bridge and highway market share.

13 As I've mentioned, our firm also
14 represents many construction firms. A review of
15 several of the books of these firms clearly
16 demonstrates an increase in material costs, a
17 lower profit margin, and a reduced cash flow
18 stream. While we cannot divulge proprietary
19 information about corporate accounts, I will say
20 that the financial strain on the stability of many
21 good-standing companies is real and of serious
22 concern.

23 I can appreciate the difficult
24 choices the State of New York is making in regards
25 to its deficit and revenue shortfalls. But it will

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2 not have a choice in the months to come. It will
3 need to make an infrastructure investment in its
4 future or face enormous consequences.

5 Thank you very much.

6 SENATOR FOLEY: Thank you,
7 Mr. Antaki. Before we hear from Ms. O'Neill, I
8 just want to also state for the record -- to thank
9 you and your firm. While I was the supervisor of
10 Town of Brookhaven, the very pivotal role you
11 played in helping us to reform that particular
12 municipality, I want to thank you for your
13 professionalism and expertise in that regard.

14 Ms. O'Neill?

15 MS. O'NEILL: Good afternoon,
16 Senator Dilan and the members of the Senate
17 Transportation Committee. I'm Ann O'Neill. I'm
18 the President of Island Pavement Cutting.

19 I have a small business that has
20 been a certified minority and woman-owned
21 enterprise since 1986. My company provides a
22 specialty service to the general contractors in saw

23 cutting, sealing, and waterproofing. I employ
24 between ten and thirty employees. Unfortunately,
25 this year, I'm only employing about 15 employees,

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2 so that will show you the reduction in -- in what's
3 available to me.

4 The New York Division of Minority
5 and Women Business Development, as you know,
6 promotes equality for economic opportunities for
7 M/WBEs, and eliminates barriers to their
8 participation in State contracts. I have been
9 very pleased with the agency's assistance
10 throughout the years.

11 However, I must report to you
12 that if the State DOT Capital Plan is not adopted,
13 the good work of this Division of Minority and
14 Women Business Development will simply disappear.
15 The equation is simple. If there are not
16 construction bid offerings for the general
17 contractors, there will not be any opportunity for
18 the specialized subcontracting work offered by the
19 women- and minority-owned businesses.

20 This program has helped me grow
21 a company and develop lasting professional
22 relationships with many of Long Island's

23 contracting firms. Island Pavement prides itself
24 on its workmanship, and our repeat business with
25 reputable firms, that has positioned us to grow and

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2 prosper. All of that will go away, a footnote in
3 the wreckage being created by Albany's fiscal plan.

4 And as -- as other speakers have
5 explained, the elimination of significant reduction
6 of the DOT program, will crush the achievements we
7 have begun to achieve.

8 I am fortunate enough to have
9 developed a loyal customer base throughout the
10 years. But those opportunities are just not there
11 for new M/WBES trying to break into the field.

12 Instead of achieving a higher
13 level and permitting other M/WBES to enter the
14 marketplace, the destruction of the Capital Program
15 creates a lethal business environment for all
16 concerned. I am faced with stagnation of my
17 business, or worse, the end of my business. My
18 loyal employees will go on unemployment -- their
19 fate become your problem. And by the way, the
20 infrastructure will continue to deteriorate. That,
21 too, will be your problem.

22 There can be no easy solution, but

23 there can be rational ones. Zeroing out the
24 Capital Plan eliminates Long Island's fair share of
25 dollars. Decimating the construction industry on

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2 all levels is not going to solve your crisis, but
3 it will unravel the fabric of our society and
4 ultimately make your job much tougher.

5 Thank you very much.

6 SENATOR FOLEY: Thank you,
7 Ms. O'Neill. And before we hear from some other
8 panelists, I know Linda Sparr (phonetic) was a
9 person who we knew quite well for a numbers of
10 years when she was with us, and was one of the
11 premier advocates for minority and women-owned
12 businesses. And she's missed and she was great --
13 just a great person we worked with in Brookhaven.

14 Mr. Chairman, do you have any
15 questions, or we'll ask our Ranking -- Ranking
16 member?

17 SENATOR DILAN: Well, I'm --
18 I'm going to reserve my comments for my closing
19 remarks.

20 SENATOR FOLEY: Senator Fuschillo?

21 SENATOR FUSCHILLO, JR.: Just
22 quickly, first of all, Chairman Pratt, Jimmy, thank

23 you for work with LICA, and Marc Herbst as well.

24 They're a great advocate and fighter.

25 Jimmy, have you seen -- Mr. Pratt

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have you seen the State delaying the implementation of projects, withholding funding, for certain projects that have been approved previously?

MR. PRATT, III: Well, I can't speak to where the delays is. But I can name two projects specifically, one in Nassau and one in Suffolk, that we know are supposedly shovel-ready and have been for quite some time. In Nassau, there's a project known as Jackson Avenue. The job was scheduled to be bid three times. Yesterday morning was the third time. And for the third time, the project was pulled at the eleventh hour -- meaning the morning of the bid.

SENATOR FUSCHILLO, JR.: And the explanation?

MR. PRATT, III: We do not have an explanation. It's stuck somewhere in what we know as the process. We don't know if it's a DOT issue, an FHWA issue. I believe, from my understanding, it's an FHWA issue.

In Suffolk, there is a project

23 that was due to be bid early in December. It's a
24 large job -- North Bay Shore Road. It's somewhere
25 between a seventeen and a twenty million dollar

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2 job -- very intense infrastructure improvements,
3 drainage, signals, curbs, walks. That job also has
4 left the County.

5 Again, I'm not that familiar with
6 the technical aspects. I believe it was left to
7 the County. I believe it's left DOT, with their
8 blessing. I do not know what the hold up is. But
9 I know that from my associates at the County, that
10 there is a hold up of some kind.

11 SENATOR FUSCHILLO, JR.: Has that
12 been put out for bid and then pulled back, as well?

13 MR. PRATT, III: That one was
14 never advertised, sir.

15 SENATOR FUSCHILLO, JR.: Okay.
16 So, who's unemployed? I mean, we've talked and --

17 MR. PRATT, III: Every trade.

18 SENATOR FUSCHILLO, JR.: What are
19 we looking at, what kind of --

20 MR. PRATT, III: You've heard from
21 Donald in the electrical trades, you've heard from
22 Ann who has the same trades. The operating

23 engineers are out, the teamsters are out, the
24 laborers are out, the carpenters are out. They're
25 all out.

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SENATOR FUSCHILLO, JR.: And the

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numbers are staggering.

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MR. PRATT, III: They're well

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north of thirty. Thirty was a number we ran

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through the summer. Now, we're in December. The

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weather's changing.

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If some of these shovel-ready

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jobs -- if you take a job like North Bay Shore Road

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for example -- a job with pipe, precast -- those

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jobs would be able to work through the winter, you

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know a reasonable winter. If it's a very, very

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cold winter, you can't work. But jobs of that

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nature, people could work all winter long. And

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that's what needs to happen.

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SENATOR FUSCHILLO, JR.: Right.

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Okay, thank you.

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MR. PRATT, III: One more

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observation if I might, Senator Foley, you

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mentioned the Motor Parkway bridge. Bids were

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received yesterday on that project, yesterday

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morning. So, assuming that the process of award is

23 as it has normally been, I think -- I think in the
24 spring, that job will be underway.

25 SENATOR FOLEY: Well, as I say, in

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2 the engineering field, we hope that the project
3 progresses. And I think, certainly by the
4 testimony today, we'll stay in close touch with,
5 with the DOT on it, and with your members as
6 well -- make sure it does move forward.

7 Senator Hannon has some questions.
8 Senator?

9 SENATOR HANNON: Two things --
10 there is one about the statistics. But the first
11 one is about the lettings. I know in the past that
12 people would talk about, they've been allocated so
13 much for the calendar year. And then the actual
14 lettings did not occur until the fall of that
15 calendar year, so the actual work really didn't get
16 done that year. It was delayed a whole year.

17 Do I take it from your discussion
18 of these two projects that perhaps that's changed,
19 it's -- perhaps the stimulus money has changed?
20 What's happening? What's the pace of the money
21 coming out?

22 MR. PRATT, III: That problem

23 you've referred to has been a historic problem,

24 almost in every agency with whom we work.

25 We have been advocating for a very

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2 long time, the importance of bidding jobs in the
3 late summer, early fall, so that the paperwork
4 process can go on over the course of the winter,
5 when we generally can't work anyway.

6 It takes probably 60 to 120 days
7 from the date of the bid, to get a project
8 underway, including receipt of bids, notice of
9 award, contract signing, bonds, insurance,
10 pre-construction meetings, utility meetings. It
11 takes a quite a bit of time, even once the project
12 is advertised and bids are received.

13 So, we've been advocating for a
14 long time, getting the bid during the fall. It's
15 our understanding that for various reasons at, for
16 example, DOT, the budget requirements force them to
17 bid a lot of work in the fourth quarter, which is
18 from January 21st to April 1st.

19 If you bid a job on April 1st, add
20 60 to 120 days, you're going to work that fall.
21 So, although it's encumbered in, let's say 2009,
22 it's built, at best, in 2010.

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2 funding stream has gone down to 14.2 percent for
3 all of Long Island -- and I would guess that's the
4 combination, Nassau and Suffolk. But that's a
5 dramatic drop.

6 Now, before I start taking up the
7 cudgel and arguing, is there anything -- is there
8 an asterisk to that statistic?

9 For instance, did they go repair
10 the Throgs Neck bridge -- which obviously became a
11 bottleneck when it was disrepaired -- so, that it
12 was helping Long Island indirectly, but -- or is
13 it just absolutely a drop to 14 percent from
14 23 percent?

15 MR. PRATT, III: It's clearly a
16 drop to 14 percent. And what happened was -- and
17 again, there's a lot of nuance as to how it played
18 out. There were issues of -- projects of statewide
19 significance that were in the last bond act, which
20 were areas not on Long Island -- the southern tier
21 corridor -- I-86 corridor conversion. Also the
22 Federal share, the Federal matching share that came

23 out about throughout the process of that period of
24 time. And when those funds were disbursed, the
25 State funding side versus the Federal funding side,

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2 we ended up coming up shortchanged.

3 MR. ANTAKI: We can provide to
4 the -- to the Senators, the resource of our
5 information here -- the statistics of where we
6 accumulate this information from.

7 The -- also, the danger that the
8 local governments are having with the percentage
9 share going down is, it does put far more pressure
10 onto the local governments, which I had stated
11 earlier -- that the county and the towns now are
12 the largest supplier for the infrastructure.

13 With Wall Street closely watching
14 bond ratings, which the -- with decreasing tax
15 basis, with percentage of debt service rising in
16 relation to the general tax being levied, those
17 percentages are going up. Those are also negative
18 indicators that are starting to affect the town.
19 And the towns are going to start having a far more
20 difficult time bonding these types of projects, to
21 getting them on the road and get going.

22 Towns are very conscious of their

23 debt limit. Wall Street is very conscious of their
24 debt limit. The new accounting standards coming
25 out with regard to OPEB and other required

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recording of liabilities onto the financial statements of these governments --

SENATOR HANNON: What's OPEB?

MR. ANTAKI: Other post employment benefits -- the retirement benefits these towns have to pay -- I'm sorry.

These are all issues that are putting a strain onto the financial wealth and health of these townships. That, coupled with Wall Street's pressure, is going to start impacting bond ratings at some point, as the revenues of mortgages and sales taxes continue to stay at their current levels.

So, the towns and counties may not be able to issue the debts that they have in the past, to even put the projects they're putting out on a consistent basis. They're coming under pressure, couple that with the ability to even float the bonds in the public market -- you know, you want to float a bond, you need a buyer. That's becoming under pressure.

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So, it's a whole perfect storm.

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SENATOR HANNON: Right. Thank

25 you.

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MR. ANTAKI: Thank you.

SENATOR HANNON: Thank you.

SENATOR FOLEY: I thank you for your testimony. It's certainly -- just one other comment from Ehrbar's testimony. I think as demonstrated by this Committee being here today, that we are exerting leadership in this area. And this Committee, and the Chair, who has gone throughout the State of New York, has done so as well. And what's really important is that this testimony is being -- is being given. And then it's -- it will be a body of testimony that we then can take to Albany, and really make the case of why we need to have a robust five-year program.

And I -- I think I could speak for this Committee and the fact that it is a bipartisan committee. I think we all realize that as Long Islanders, and who we represent, and where we live, and raise our families -- that infrastructure is absolutely integral to have in a healthy, viable, sustainable communities in both

23 Nassau and Suffolk.

24 So, I think -- think those who are

25 here present, are exhibiting -- exerting, if you

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2 will, leadership on this issue. It is a daunting
3 time, particularly given the economic stress that
4 we're under, the fiscal problems. But we full
5 well know -- and this is one of the examples --
6 where more government involvement is actually
7 pro-business. And this is one of those areas where
8 we can help to create thousands of jobs, by -- by
9 improving our infrastructure in the bi-county
10 region, so thank you.

11 Mr. Chairman?

12 SENATOR DILAN: I just want to
13 say that this Committee is definitely committed to
14 ensuring that there is a Five-Year Capital Plan, or
15 some funding for our roads and bridges.

16 And with respect to the bipartisan
17 efforts, I believe that the Transportation
18 Committee has been leading that effort in the
19 Senate. And Senator Fuschillo and I have been able
20 to successfully work on issues, sort of like
21 Leandra's Law and other issues within the
22 Transportation Committee. And I'm sure that we

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2 part for us is going to be the funding. And that's
3 something that we will be struggling with, between
4 now and when we pass our new budget. But we're
5 differently committed to doing that in a bipartisan
6 effort.

7 So, I just wanted reassure all
8 those that are present, and those who just
9 testified, that that's how we're going to operate
10 with this Committee. And we'll move forward with
11 that.

12 Thank you.

13 SENATOR FOLEY: Thank you,
14 Mr. Chairman. Okay. Our next speaker would
15 be Tawaun Weber, is here to represent Eric
16 Alexander.

17 There hasn't been any change in
18 name, has there, Tawaun?

19 MS. WEBER: Yes, it's been
20 changed.

21 SENATOR FOLEY: Oh, wonderful.

22 Please --

23 MS. WEBER: Okay. I won't be long
24 for you as you've already known that my director,
25 Eric Alexander, cannot be here with us today. So

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2 he's going to have me here in this place.

3 We just want to first say good
4 afternoon. We want to thank you all for inviting
5 us to be a part of the proceedings today. We do
6 want to testify in the hearing regarding the
7 Five-Year Capital Plan, and there's just some
8 things that we'd like to note.

9 First off, I work for Vision
10 Long Island. It's a Smart Growth planning
11 development organization. We are a small
12 non-profit on Long Island, but we do work
13 throughout the entire Long Island area, from
14 Southampton to Manhattan.

15 We do several projects throughout
16 Long Island. Senator Foley, you've been
17 experienced with us as far as your work in
18 Brookhaven, where we do downtown revitalization
19 projects. We focused on TOD planning, and projects
20 of that nature.

21 And we just wanted to take some
22 time to look at the budget and just give you some

23 of our ideas. We do support a majority of the
24 Capital Plan. We do think that there are some ways
25 that there can be benefits. Basically, in what you

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2 were saying, that the funding -- where you do have
3 some shorts in funding, we do have projects that
4 we believe can be reworked to create alternative
5 funding for more Smart Growth projects on
6 Long Island.

7 One of the things that we wanted
8 to talk about is the focus on Smart Growth.
9 Basically, Smart Growth believes that the right way
10 to forward -- the right way for it, excuse me, is
11 to create, and to nurture, and to strengthen
12 communities that offer residents their choices, as
13 far as their downtown connectivity from one
14 neighborhood to the next -- continuing to have
15 community identity. But we also want to make sure
16 that there's mixed-use housing, mixed-use income
17 and diversity, in this large area where we want to
18 try to create centers of density.

19 To have that, you need to have
20 connectivity. And that's really where we need the
21 support of DOT. A lot of our projects would be
22 even more successful, in, for example, the Mastic,

23 Shirley area, but we need roadway improvements.

24 And the timeframe that's been dedicated to these

25 projects has actually been a hindrance to the

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2 community, because the work is not getting
3 completed in scheduled times, which affects, of
4 course, the housing market that's in that area and
5 the economic development.

6 So, what we want to do is just
7 give you some of our ideas and some of what we feel
8 would be priorities. We wanted to have DOT take a
9 look at doing a fix-it-first model. There's a lot
10 of projects that have been started, haven't been
11 completed. There's some projects that exist right
12 now, that we can look at ways to revamp, and that
13 would help to save on some of the funding. We
14 don't want to start new projects, without
15 completing where we are.

16 Some of the other things are
17 Smart Growth corridors. We have a lot of down town
18 projects. There's a lot of Federal funding that's
19 being given, as far as TOD projects. Let's -- we
20 want to see POT focus more in TOD areas. The
21 transit-oriented development projects are what's
22 going to keep our young people on Long Island.

23 It's what's going to be a benefit to our seniors.
24 And those are really the people that we are losing
25 a lot. So, we wanted to do a focus towards that --

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obviously Complete Streets, SafeSeniors and suburban bus.

The Long Island Bus has always been a problem. Suffolk County Bus is -- for a lack of better words -- a nightmare at this point. We really need to work on our transit programs, because we want to keep our young people on Long Island. They're not going to be here if they can't get to jobs. They're not going to be here if they can't afford the housing, or if they can't commute to the areas that they need to be in. So we want to take a focus on that.

And some of the areas that we feel that there could be a partnership, that could be somewhat of an example with our work with the DOT, are the areas we're looking to do. Downtown Hicksville is one project that the community has come out, they're supporting. We have all the backing we need. We need corporation from DOT on that project.

Several of the projects in

23 Brookhaven that have been going on -- Middle County
24 Road Renaissance, that's been a project that's been
25 going on for quite some time, that can, again, use

23 for their work on 347. They have worked very
24 diligently with us in that, and their design plans
25 for that. SafeSeniors, we wanted to thank Heather

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Sporn and Margaret Conklin, for their work as well.

But we just would like to see, again, as I said, just a little more flex models in their development of projects, having it being catered more towards the community, versus their stead type -- every project being the same way.

So, we want to thank you.

SENATOR FOLEY: Thank you, Ms. Weber. And to the point, you know, we've worked very closely when we were both in the Township. And Vision Long Island has done an outstanding job, and as we both have said in the past, when we had discussions with Region 10, you know, these projects are not just about LOS -- they're not just about level of service. I mean, that's obviously an important part, but they have to look between the width of what's -- what's on the curb-way, so to speak. They have to look at the nexus between the project and planning in the area.

And that's something that Vision

23 Long Island and other planning groups have been --
24 have been in the forefront with. And I believe
25 we're making some headway with the DOT on that.

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As important as it is to move traffic through a given area, there has to be far greater emphasis given to the impact of these so-called improvements to the immediately adjacent areas, whether they are businesses or residential.

And your points are very well taken. We need to have more walkable communities. I think there are a number of times when we've seen some proposals that have not taken into consideration enough walkable community components to the overall project. And I know Vision Long Island has been in the vanguard of that particular area, as has, for instance, I know Councilwoman Kepert has been doing an outstanding job in the venue, in the town of Brookhaven.

MS. WEBER: Can we just also -- if I could just note as well, Tri-State Transportation could not be here, as well, today. They've been doing a lot of statistical work, as far as our downtown projects, and some tracking from the projects that have been going on with DOT. And

23 we've been talking as far as connectivity, but also
24 bike lanes, pedestrian safety, improvements in that
25 area -- and actually doing it to the design that's

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supported by the community.

A lot of communities are very open at this time, because they understand that these improvements will help their housing sales and things that of nature. They're just quality of life issues.

If we could get more involvement in projects like that, that's definitely something we want to show. But we do want to acknowledge that they, you know, they definitely were here today with us.

And we're going to provide written transcripts of our feelings and sentiments on this situation, on Monday.

SENATOR DILAN: Thank you. Thanks very much.

SENATOR FOLEY: Thank you. Okay.
Our next speaker is Eugene Daly, President of the ACEC, New York Long Island chapter. Hi, Gene.

MR. DALY: Good afternoon,
Senator Dilan, Senator Foley and Senator Fuschillo.

23 My name is Gene Daly, and I am the President of
24 Long Island region of the American Council of
25 Engineering Companies, known as ACEC throughout the

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state and the country.

The Long Island region covers Nassau and Suffolk counties. This is the same geographical area covered by Region 10 of the New York State DOT.

ACEC Long Island represents more than fifty engineering and related companies in the Nassau, Suffolk area, and we provide professional design and construction management services, primarily in the greater Metropolitan area. In all, we employ over 2,000 people on Long Island. I am a professional engineer, with nearly 40 years of experience, and started my career right here on Long Island with the New York State DOT. I have many fine memories of that experience.

And I think I understand, firsthand, the difficulties confronting the Department. I can assure you the challenges are more -- far more difficult today, than they were when I began my career in 1970. But I am confident that if we work together, we can meet these

23 challenges.

24 On behalf of AC -- ACEC Long

25 Island, I would like to thank you, Mr. Chairman,

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2 and the other members of the Committee, for
3 recognizing the importance of transportation. I
4 would also like to thank you for the opportunity to
5 present testimony on some of the critical issues
6 facing us here, on Long Island. I will be brief,
7 but there are a few important things I would like
8 to say.

9 Long Island's distinct needs -- as
10 you know, Nassau and Suffolk are both essentially
11 suburban counties with little mass transit service,
12 except for the Long Island Rail Road, which
13 essentially serves our workforce going to New York
14 City. However, it should be clearly understood
15 that most Long Islanders work on Long Island.
16 Thus, we are very dependant on our roadways and
17 bridges, for our work trips, shopping and
18 recreational activities. We have a population of
19 nearly three million people, and are confronted
20 with an aging transportation infrastructure,
21 coupled with growing congestion, with levels of
22 services -- service that are deplorable,

23 particularly during the peak commuter hours. This
24 affects the quality of life here on Long Island,
25 and is another contributing factor as to why many

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of our young people are moving off the Island.

Funding -- the DOT, in recent years in the Long Island region, is struggling to keep pace with our infrastructure needs, in spite of a Transportation Bond Act on the state level, and an economic Stimulus package this year on the national level. You may ask why. There are several reasons. The primary ones are the draconian Paterson transportation budget, and the disproportionate lack of funding we see -- we receive here on Long Island. Let me explain.

Disproportionate funding -- based on a funding formula established in 1983, Long Island traditionally receives 23 percent of the transportation funds allocated by the New York State, in spite of having 25 percent of the total vehicle registrations, estimated to be over 2.3 million vehicles. In fairness, according to the New York State Department of Environmental Conservation, the vehicle miles that are traveled in the region, match the 23 percent figure, so

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five-year program. Only 8.3 percent of Federal dollars were allocated to the Nassau, Suffolk region. This resulted in a 64 percent shortfall of Federal dollars to our area. This was further exacerbated by the Paterson transportation policies.

Budget Directive B-1184 -- this directive halted all planned projects that were not at least funded by Federal pass-through funds or designed to correct immediate safety concerns. Several of our member firms, mine included, were negatively impacted by this directive, as design projects were either suspended or ultimately cancelled. Given that only 36 percent of the Federal funds that Long Island would normally receive were allocated this year, the capital construction program was whittled down from 225 million to 140 million. This would have been much worse, if not for the efforts of DOT, who worked diligently to move every dollar possible from federal funding pots, to maximize the number

23 of projects that could be let in the Long Island
24 region. Despite their efforts, we only received
25 62 percent of the funding we're -- we were

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projected to receive.

The Economic Stimulus Package --
this funding was intended to provide a new
injection of capital, to promote investment and
growth. This was not the case for Long Island.
Here, the DOT only received 80 -- 69 million for
State roadways and bridges, which didn't even
offset the -- the \$85 million hole put in the
budget by the Draconian Budget Director of the
Governor.

In addition, there are some
inherent difficulties with the economic stimulus
package, due to its requirements that projects be
shovel-ready in 90 days. While well intended to
get work out on the street, the rigorous rules left
little opportunity for design services to be funded
on a local level. In addition, much of the work
here on Long Island wound up to be repaving
projects and replacement of traffic signals with
energy-efficient LED signals. While having merit
in their own right, these types of project are

23 considered short-term capital projects, with
24 service life of generally ten years or less. The
25 major capital projects were few and far between,

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2 and only included projects that were already
3 designed and ready to go. With regard to the DOT,
4 essentially no new funding came to Long Island --
5 only some replacement funding.

6 The New York State Five-Year
7 Capital Program -- I think it's fair to say that
8 the Department's Five-Year Plan addresses our very
9 basic needs to attempt to get our facilities in a
10 good state of repair -- SOGR, as they call it. But
11 we are concerned about the ability to fully fund
12 these very basic needs and keep our members
13 employed. Comptroller DiNapoli's recent report
14 confirms what industry experts have been saying for
15 years -- funds intended for bridges and highways
16 have been diverted from their intended purposes, to
17 fund ancillary government services. This lost
18 funding has hurt the ability of DOT to do their job
19 as well as they could, resulting in further
20 deterioration, lost time, and more money needed to
21 take care of the infrastructure problems.

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I believe that most important

23 issue -- the most important issue we face today is
24 to get our funding house in order. Let us begin by
25 restoring funding levels here on Long Island and

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fully funding our State highway dedicated fund.
Absent this, there is little need for debate on
project priorities and so forth, since with reduced
funding and spending, our needs will increase
exponentially. Let's not continue down that road.

And we believe ACEC can help.

Critically important in the process to -- is the --
is to utilize private sector resources, from design
to construction. New York's professional design
community of engineers, architects, land surveyors
and landscape architects, have the available
resources today to provide the design inspection
and construction management of most, if not of all,
of the required services to implement the proposed
Capital Plan. With agency resources scarce, using
private sector design community makes sense. A
report by the Polytechnic Institute, determined
that using the private sector can save DOT more
than 14 percent of their design costs. And when
you include the recent estimates by the Governor
and Comptroller regarding higher pension costs, the

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2 forth by the DOT. But with the deficit and the
3 Governor's disapproval, how will it be funded?
4 Please keep in mind that studies have consistently
5 shown that investment in infrastructure can be a
6 catalyst to boost the economy, which is something
7 solely needed today. Investing in our
8 transportation infrastructure will have a domino
9 effect. It will create jobs for New Yorkers,
10 increased tax revenues, improve quality of life,
11 reduce unemployment, put our members to work, and
12 create safer roads and bridges for all New Yorkers.
13 Additionally, transportation design and
14 construction activities cannot be off-shored, and
15 the work that's hired and designed, construction,
16 and material supplied, will be local.

17 We recognize that this Committee
18 has a difficult task in rectifying all the
19 transportation funding problems of the state.
20 However, we ask you to begin right here on
21 Long Island, with a modest first step on the road
22 to recovery. We implore you to restore the

23 traditional regional funding allocation formula to
24 all Federal and State dollars here on Long Island.

25 In closing, again, I want to thank

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2 you on behalf of ACEC Long Island, for allowing us
3 this opportunity to appear before you today. As
4 the transportation professionals in the area, we
5 believe we are a major part of the solution. We
6 stand ready to work with you and the Department of
7 Transportation, to make this Capital Program a
8 reality for all New Yorkers.

9 Thank you.

10 SENATOR FOLEY: Thank you,
11 Mr. Daly. I also want to thank the engineering
12 societies for the fine work.

13 Any questions from the panel?

14 There are none. Thank you.

15 MR. DALY: Thank you.

16 SENATOR FOLEY: Thank you very
17 much.

18 Our next speaker will be Michael
19 White, Executive Director of Long Island Regional
20 Planning Council. Michael, welcome.

21 MR. WHITE: Good afternoon.

22 Good afternoon, Mr. Chairman and members of the

23 Committee. Thank you very much for this

24 opportunity.

25 I am the Executive Director of the

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2 Long Island Regional Planning Council. We are
3 indeed a collaboration of Nassau and Suffolk
4 counties, with 12 voting board members which now
5 also include two supervisors and two village
6 mayors, incorporating local government into that
7 regional planning process, as well as our
8 ex-official members which are led by our planning
9 executives.

10 We have been working on real
11 solutions to regional problems. We have been very
12 active in the infrastructure issues on both
13 planning and funding challenges. We're in the
14 process of developing a Long Island 2035 regional
15 comprehensive sustainability plan, along the
16 traditional sustainability plan efforts of economy,
17 environment, and equity. And one of our key
18 thematic areas, of course, besides economic
19 development, is infrastructure. We're working
20 through identifying our assets, our challenges, and
21 goals, and, of course, sustainable strategies.

22 Over the last year, we have been

23 specifically involved in developing a Long Island
24 strategy with respect to the Federal stimulus
25 dollars that came to us. Working with our Federal

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2 delegation, State agencies and the Governor's
3 office, and actually working on -- hopefully
4 advancing what we will look toward as a major
5 transportation funding bill, the Safety Lieu
6 Reauthorization.

7 We've also established, through
8 those committee meetings, a tracking system with
9 the help of the DOT and the Governor's office, with
10 respect to exactly what Federal Stimulus dollars
11 have done for Long Island. And we've made a
12 request to really do an update of that, perhaps by
13 the end of the year, so we can see where we are,
14 and what's going to be happening for next year.

15 We've been also very active with
16 respect to the advocacy [sic] of -- or advocating
17 a very robust MTA Capital Program. There's no
18 doubt that we need more transit improvements on
19 Long Island. We've maintained strong support for a
20 third track. We've been engaged in dialogue with
21 respect to a very important transit improvement for
22 double tracking on Long Island, from Ronkonkoma to

23 Farmingdale, with the opportunity for a new

24 Republic train station.

25 And of course, there's a DOT

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involvement in many of those facets, such as with double track, the rail crossings will be a major DOT issue, and issue in the -- in the local communities.

As to the DOT, and the issues for the testimony of today, first, we acknowledge a great working relationship with -- with the DOT and also acknowledge their difficult task here, particularly on Long Island. With respect to Capital Program, I think the first and most important element is that it has to be viewed as essential to the economy, and as economic development in creating jobs.

During the time of the recession -- recession or economic downturn, public investment in infrastructure is a tried and true successful tool. We should be reminded of the Robert Moses era -- at least some of the positive aspects of the Robert Moses era -- and the Triboro Bridge, where thousands of employees were put to work, dozens of state -- states were involved in

23 manufacturing materials for that critical public
24 works project in the Depression -- not in a
25 recession -- in the Depression.

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And so really, that's really what our labor force is looking for -- to be put to work on projects -- perhaps not as extravagant as the Triboro Bridge, but many of them that appear on the regional transportation plan.

Also, it's clear that we must streamline the process with respect to how these monies get to contract and literally get people work on the street. We've heard that time and time again, with respect to the economic Stimulus dollars. It simply takes too long. The process this perverted and just bureaucratically challenged, to actually get this money going and get these projects going.

Also, our Capital Program, has to be a lot more than state of good repair. Although the record shows that the amount of money in the program seems to ever increasing for state of good repair, it simply cannot be just that. We need to create innovative solutions, improve capacity, expansion, reduce -- reduce congestion and really

23 revitalize our aging infrastructure. So, I'm not
24 talking about the Robert Moses car is king, more
25 roadways for inspiring sprawl, as we strive every

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2 day to reverse and change that paradigm that we
3 are still left with, in today's transit and the
4 transit situation on Long Island.

5 But what is needed a direct
6 link -- and the Capital Program is one of the ways
7 to do this -- between land use planning and
8 transportation, between roadway transportation and
9 transit -- not building roads to create development
10 and sprawl, but improving transportation
11 infrastructure to support the smarter growth,
12 downtown revitalization in identified growth areas
13 toward economic development, and linked with
14 transit.

15 We simply need to also reduce
16 congestion and reduce our carbon footprint. There
17 is an environmental element to the Capital Program
18 in these infrastructure improvements. If we look
19 at our carbon footprint on Long Island, yes, it's
20 buildings, as it is in the City, because we're
21 heating much too much still with just high-sulfur
22 heating fuel. But our transportation footprint

23 looks like Big Foot and we really need to change

24 that around.

25 And to create transportation

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2 reliability and -- and reduce congestion --
3 congestion, we need real result-orientated
4 projects -- not, quite frankly, a simply extension
5 of the INFORM system that tells you how long you're
6 going to be sitting in traffic. We need to do
7 something about changing the amount of time you're
8 sitting in traffic. And so the investment must be
9 made to indeed do that.

10 And again, getting trucks off the
11 road, we've talked a lot about, and we've heard a
12 lot about rail freight. And this is absolutely a
13 key element to the transportation situation on
14 Long Island. We need to create rail freight. Two
15 important problems -- one is getting the rails on
16 and off Long Island. You know, we deal with a
17 system that's comes through Selkirk New York over
18 the Hudson, or a barging systems that, quite
19 frankly, looks like it did a century and-a-half
20 ago.

21 We are advocating a link, with
22 that aspect of identifying solutions to the rail

23 freight problem, with putting Long Island in direct
24 connection with the Cross Harbor Freight project.
25 The fact is, is that we need to be looking more,

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2 even at intermodal opportunities or multimodal
3 opportunities on Long Island, and one of the ways
4 to do that might indeed be through a link, through
5 the analysis that's being done through Port
6 Authority of New York and New Jersey, with respect
7 to that Cross Harbor link.

8 Of course, this will not negate
9 the work that DOT, and our local agencies, and
10 governments, need to do on that. I mean frankly,
11 we've been waiting for, I think it's almost two
12 years now, for this report on the multimodal at --
13 at Pilgrim State. I mean, we need to get that
14 out and we need to understand what other
15 opportunities -- if it's not that location, or if
16 it's not that location at that site, we need to
17 understand more of the other sites. Again, I still
18 think that the opportunity might be a link to the
19 Cross Harbor Freight project.

20 As to funding, I think that we
21 have to take the approach that everything has to be
22 on the table. As we've said to -- with respect to

23 the MTA Capital Program, is it congestion pricing,
24 is it East River Bridge tolls, is it fuel tax, is
25 it vehicle miles travel tax? It may be a

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2 combination of those things. It's also everyone's
3 responsibility to try to figure that out -- this
4 Committee, the Governor's office, and all of us out
5 in the government and government planning.

6 And it's not just looking to
7 Washington, but we cannot neglect the fact that we
8 need to keep the pressure on Washington. Almost a
9 year ago, we started those discussions with respect
10 to a reauthorization of the Safety Lieu, the
11 Federal Transportation bill. Of course, that's
12 been extended a couple of times now. We're hoping
13 that some more attention gets focused on that. And
14 we know they're very busy in Washington with health
15 care and Afghanistan -- but it's the economy and
16 infrastructure. And transportation funding is a
17 key part of the economy.

18 I'll give you two examples of what
19 could make a difference to Long Island in terms of
20 the Capital Program, connected to what's been
21 mentioned before and identified in our Metropolitan
22 planning organization, NYMTC, growth center

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2 they're no longer as they were originally
3 intended -- driving through parks to get to parks.
4 They are sophisticated, and need to be more
5 sophisticated and more capacity-built, as real
6 arteries for transportation -- and again, not only
7 for their transportation, but -- but links to -- to
8 transit.

9 Another outside-the-box idea,
10 although seemingly not so outside-the-box, and this
11 goes to something Senator Fuschillo said about
12 public, private partnerships, we've had
13 presentations and continued dialogue with Polimeni
14 International about a Cross Harbor tunnel.

15 There's no doubt that our bridges
16 and tunnels that get on and off Long Island are
17 overwhelmed. Every public agency will tell you, we
18 can't just handle anymore trucks, perhaps anymore
19 cars.

20 Is that tunnel part of the answer?
21 We would suggest that be a close working
22 relationship with all the agencies involved -- DOT,

23 NYMTC, and so forth -- to really provide a close
24 look at whether that presents an opportunity.

25 Finally, with respect to our

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2 Metropolitan planning organization, the New York
3 Metropolitan Transportation Council, we need to let
4 them loose to be a true planning agency. We need
5 to know that they're doing more than just part of
6 DOT's operations with respect to the funding --
7 that mechanism for Federal dollars.

8 We've had the opportunity to work,
9 this past year, with NYMTC. We need to -- we need
10 to have them more closely linked to actual planning
11 efforts.

12 And thank you for this
13 opportunity. We remain available to work very
14 closely with this Committee on regional
15 transportation issues.

16 SENATOR FOLEY. Thank you,
17 Michael. Any questions?

18 (No response.)

19 SENATOR FOLEY: We appreciate your
20 comments and we know that the Planning Council will
21 continue to play a vital role in developing plans
22 and the like for both transit and transportation.

23 And we appreciate your comments and your testimony
24 today.

25 MR. WHITE: Thank you.

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SENATOR FOLEY: Thank you very much.

The next speaker is Roger Clayman, Executive Director for the Long Island Federation of Labor. And then on deck would be Dave Wolkoff, and then our final speaker will be Bruce Lieberman.

Mr. Clayman?

MR. CLAYMAN: Thank you. First of all, I want to welcome you, Mr. Chairman, to Long Island.

And I know your colleagues here know us well, and we -- the issues that we've been bringing to their attention, particularly about transportation, over the last several months, with a sense of urgency.

But I want to express our thanks for coming to Long Island, to hear the kind of a twist that we give and the concerns that we have, that are, we think, somewhat unique.

And I think it's clear, after listening to the -- the groups up here, that we're

23 all talking to each other, and some of our info is
24 somewhat similar. But we all are hitting some
25 similar themes.

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The Long Island Federation of Labor, represents 250,000 union members and their families in Nassau and Suffolk counties. We have two overriding concerns about the DOT Capital Program -- its impact on jobs, and the opportunities it will create for economic growth.

Our membership in the building and construction trades is experiencing unprecedented unemployment -- greater than 30 percent and even higher in some of the trades. It's caused by the worst national economic failure in our lifetime, and by a breakdown in the State's infrastructure program across the board on Long Island. 20,000 to 30,000 construction workers and their families are experiencing prolonged unemployment. They are losing their homes, and in some cases, putting their families under tremendous stress.

Two recent studies shed light on the reasons why Long Island is not getting the economic recovery that infrastructure money ought to bring, in these hard economic times.

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2 Trust Fund: Where Did the Money Go?' Comptroller
3 DiNapoli's report exposes the declining share of
4 trust fund revenues being applied to actual
5 construction. According to the report, since 1991,
6 just 34.9 percent or 11.6 billion of the trust fund
7 money went to toward repair and improvement of the
8 State's roads and bridges. The rest has been
9 siphoned off to pay for debt service and
10 operational cost and the D -- DMV and the
11 Department of Transportation. Allowing this
12 situation to continue, will cost jobs and undermine
13 our economy.

14 The Long Island Contractors'
15 Association has worked closely with the Long Island
16 Federation of Labor, to highlight the percentage of
17 State and Federal dollars that do make their way to
18 Long Island. Representatives from labor and the
19 industry have pointed out to the Transportation
20 Committee, the DOT, and the Governor, that State
21 funding for Long Island transportation projects has
22 dropped in proportion to the rest of the State,

23 from 23 percent to 14 percent. Based on the
24 transportation revenues generated on Long Island,
25 this formula is completely unfair. In the Capital

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Funding Program for 2005 to 2009, Long Island has been disadvantaged in all categories of funding -- State, Federal, Stimulus, ARRA, and Bond Act funds. Long Island needs to get its fair share.

Highway projects are essential on Long Island. The industry is one of Long Island largest, and the residual jobs created by construction activity are major factors in vitality of our communities and other sectors of our economy. Highways are also a major component of private sector development, including some major initiatives here on Long Island.

There is a general agreement among community leaders about the region's economic priorities. Housing, mass transportation, sewers and roadways are all components of preserving and building middle class life -- a central aspect of Long Island's history and values. The declining population of young adults, symptomatic of housing and transportation deficiencies, represents a major challenge for our workforce needs, for our

23 children, and for our grandchildren. Long-term
24 under -- underinvestment and the failure of State
25 lawmakers to provide Long Island with a fair share

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of State dollars, will undermine community efforts to keep this economy strong.

Two projects, the Lighthouse project in Nassau County and the Pilgrim -- the Heartland Town Square in Suffolk County, illustrate the need for State infrastructure dollars to leverage private investment and create jobs. They're certainly not the only ones. These are two good examples because they highlight the interrelatedness of the different kinds of programs the MTA, the DOT, and sewer programs that -- and their impact on our future.

The Lighthouse project is a \$3 billion private sector initiative to develop 150 acres of land around the Nassau Coliseum in Uniondale. I think you're all very familiar it. The project is expected to produce 50,000 constructed -- construction-related jobs over the eight- to ten-year construction period, and 20,000 permanent jobs. It would create a new civic center, a gathering place for entertainment and

23 commercial activity in Nassau County. The project
24 will create affordable housing, link nearby
25 communities and universities through modern

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2 transportation networks, and rebuild the Nassau
3 Coliseum, creating a new home for the New York
4 Islanders. The traffic recommendations made by the
5 development group to ensure that surrounding
6 neighbors are not impacted negatively, include a
7 widening of the Meadowbrook State Parkway and
8 improving access routes from the parkway to the
9 site. The Lighthouse project has widespread
10 support across Long Island. And it is one of the
11 best examples of the need to link Federal and State
12 highway resources to a private initiative to create
13 jobs and renovate the -- the community, in the Town
14 of Hempstead. We cannot emphasize emphatically
15 enough, the importance of moving State DOT money
16 toward this project, which ought to be labeled a
17 project of major significance.

18 The Heartland project, I under --
19 I see from the schedule, there's somebody from the
20 project speaking after me, so I can -- I'm sure he
21 can answer the issues related to that project
22 better than I can. But I will -- I would just say

23 that it's -- it's within the town of Brentwood, in
24 that Brentwood area, town of Islip. It was -- will
25 provide 9,000 units -- up to 9,000 units as its

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designed now -- of very much needed housing for the entire area.

The transportation needs in that area around it, are significant. It is likely that a parallel roadway to the Sagtikos Parkway will be required to ease the burden of commercial traffic to the surrounding neighborhoods. It is our hope that this roadway will permit a reconsideration of the intermodal facility that's been proposed on the same site.

There's been a lot of community discussion about it. And the community has been very understanding, although with some reservations. They-- they are awaiting the Governor's office and the State DOT to come back with some ideas, after taking a lot of the statements about that facility. It will help take trucks off the Long Island Expressway, and support businesses which need a freight rail link to ship off of Long Island.

There are many more roadway

23 projects on the books which ground to a halt under
24 the current Five-Year Capital Plan. The DOT 2010,
25 2015 Plan was encouraging, but as you know, it will

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2 be rewritten by the Department.

3 We ask for your input in the
4 process, and we know that will be very helpful.
5 And I hope you will keep in mind the concerns
6 expressed by Long Island workers and their
7 families.

8 And I would just add that this
9 week, I spoke to the -- the Public Works Committee
10 of the Nassau County Legislature and they -- this
11 is the second year in a row, we've talked about the
12 importance of getting what -- the Capital Programs
13 that they have moving as quickly as possible. And
14 they did fairly well last year. They need to do it
15 again.

16 It's not really the answer to --
17 to the jobs question -- what one county can do.
18 You know, the same goes for Suffolk. But they
19 understand their role, I think, and will make that
20 effort. And I hope the State will do the same.

21 SENATOR FOLEY: Thank you
22 Mr. Clayman. Thank you for your advocacy, on

23 behalf of the quarter of million union families and
24 trade unions and the like, that your organization
25 represents.

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And I know that you also had an event yesterday on more transit-related matters. And you made the comments yesterday of how a billion dollars worth of investment in transit, translates to about 30,000 construction jobs that are created. And certainly, when we look at both the transit needs of the region as well as the transportation needs, we need, again, to have a robust Capital Program for both, to meet a whole host of needs that have been amplified in today's testimony. So, thank you.

MR. CLAYMAN: Thank you.

SENATOR FOLEY: Okay. Thanks.

Okay. We're now moving to the world of the Sagtikos Parkway and we have David Wolkoff. Do you want to step forward, please? Is David here?

MR. WOLKOFF: Yes.

SENATOR FOLEY: Okay.

MR. WOLKOFF: Senators?

SENATOR FOLEY: Please.

23 MR. WOLKOFF: My name is -- hello.

24 My name is David Wolkoff, Vice-president of

25 Heartland Town Square. Thank you very much for

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inviting us to speak to you this afternoon.

What makes Heartland Town Square regionally significant -- quite simply, timing. Heartland Town Square could not have come at a more important time for Long Island. All one has to do is read the '08 Long Island Index, to see in concrete facts that Long Island is on the precipice, if not already in the middle, of a housing, economic, and social crisis.

We plan to give Long Island -- especially Suffolk County -- what it wants, desires and needs. Gone are the days of old, tired, suburbia, with single-family homes and a quarter-acre plots of land. A new paradigm is needed.

Our eighteen- to thirty-four-year-olds are leaving Suffolk County. Why? First, there is a lack of affordable units to live in. We lag behind every major metropolitan suburb in New York, in the number of rentals per total housing unit.

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socialize with each other, at all hours of the day and night. They are demanding -- demanding walkable downtown communities, with nightlife, shopping, and other social amenities.

On the other end of the spectrum, our empty-nesters are demanding the same things. They want to leave their large, four-bedroom, family homes where they have to drive to get to everything, for the ease and excitement of walkable downtown communities.

Heartland Town Square answers these problems. We have been all over the country, and the world, researching Smart Growth communities. We have combined the best all these communities had to offer.

We also learn from their failures and drawbacks. To have a successful Smart Growth community, you need to have a large, highly dense area with three components, or what we call legs -- one, residential; two, retail; three, office. If you want -- if you lack one of the legs, the

23 community usually fails.

24 Heartland Town Square will have

25 all three of these legs to make a live, work and

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2 play community. Plus, what makes Heartland so
3 unique is our location and size, which adds to the
4 strength of a successful Smart Growth project.

5 Heartland Town Square is 460 acres ideally located
6 in the center of Long Island, right off of the LIE
7 and Sagtikos Parkway. The Deer Park train station
8 is on site, as well as bus routes that access all
9 of Long Island. The project will try to begin to
10 change the dependency on the automobile. Studies
11 indicate that residents in a compact neighborhood
12 drive to 20 to 30 percent less than residents of a
13 neighborhood half as dense. Also, a national
14 personal transportation survey found that doubling
15 density decreases the number of miles that people
16 drive by 38 percent. Given these facts, extensive
17 thought from some of the nation's premier
18 development and traffic consultants, has led to a
19 package of ideas to reduce the automobile traffic
20 impact of the project.

21 My family has already spent over
22 \$50 million -- without any loans -- to purchase,

23 clean up, and design what we believe will be the
24 foremost example of Smart Growth planning in the
25 nation.

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Heartland Town Square will meet a demand for jobs, housing, and a reduction in traffic that is essential to Long Island's future. Heartland would create more permanent jobs -- 26,000 -- build more units of affordable -- over 2,000 -- and rental housing -- over 8,000 -- than any other project in Suffolk history.

Heartland Town Square, or any Smart Growth project for that matter, is premised on the notion that density and mixed-use create a synergy that reduces development costs, taxpayer costs, environmental costs and reduces traffic. The theory holds that the positive economies of scale, grow in direct correlation to the size of the project.

Therefore, it is imperative that we get the density we are asking for. It is the density that will drive the success of the town. The fifteen to eighteen thousand residents will act as a catalyst to ensure that the one million square feet of retail is successful, while 3 million

23 square feet of office ensures that the residents
24 have a place to walk to work. The success of this
25 dense live, work, and play community provides

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Suffolk County, Long Island, and New York with a strong tax base that spurs economic growth, and lures and keeps small and large businesses locally.

The grand scale of our project will have an immediate impact, a positive impact on New York, and specifically Long Island's economy. As a shovel-ready project, our three-phase development over fifteen years, will employ an average of 1,100 construction workers, and we will spend north of \$3.2 billion. When it is complete, Heartland Town Square will permanently employ over 26,000 workers. Our housing components will have 9,000 units, 90 percent of which will be rental and 23 percent will be affordable housing.

To sum up, Heartland Town Square directly addresses the needs that the '08 Index brought up. It will create a positive social waterfall effect. It will produce 9,000 new rental units, 23 percent of which will be affordable. This new housing, along with a vibrant, walkable downtown, will attract our youth and empty-nesters

23 to remain on the Island. This, in turn, will
24 create a strong and stable tax base, with
25 approximately 26,000 permanent jobs, and create a

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2 large and diverse labor pool that will encourage
3 corporations to locate and stay on Long Island.

4 Heartland's density and close proximity to public
5 transportation will encourage its residents to
6 either drive considerably less, or not need any
7 automobile at all.

8 It is time to take the steps
9 necessary to immediately implement this project
10 to help ensure a prosperous Long -- future on
11 Long Island. Please spend the resources a to study
12 Sagtikos Parkway corridor. Heartland Town Square
13 offers the State of New York the ability to veer
14 away from decades-old path of suburbia, and offers
15 an important vital, new paradigm.

16 You cannot delay. The government
17 agencies cannot delay. The time is now to give all
18 this project all the support that is needed to take
19 it to the next level. Long Island is literally
20 dying for this project. In front of you, you have
21 a family, an organization, that has taken the time
22 to develop a plan that starts to solve the housing

23 job, youth drain, and traffic problems that plague
24 Long Island. The plan is smart, efficient and
25 aesthetically pleasing. You have a family, an

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2 organization, that is willing to commit hundreds of
3 millions of dollars of its own money, to see this
4 project started and done in the right way.

5 We are committed and excited to
6 make sure that Long Island remains vibrant and
7 continues to be one of the preeminent areas in the
8 country.

9 Thank you.

10 SENATOR FOLEY: Thank you,
11 Mr. Wolkoff, for your presentation.

12 Any questions?

13 SENATOR FUSCHILLO, JR.: No.

14 Thank you.

15 SENATOR FOLEY: You were very
16 complete --

17 MR. WOLKOFF: Thank you very much.

18 SENATOR FOLEY: -- and no doubt
19 there'll be plenty of follow up, and we look
20 forward to working with the organization. Thank
21 you.

22 SENATOR DILAN: Thank you.

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MR. WOLKOFF: Thank you.

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SENATOR FOLEY: Thank you very

25 much.

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Our final presenter this afternoon now, is Mr. Bruce Lieberman, Chair of New York and Atlantic Railway.

MR. LIEBERMAN: Good afternoon, Senators.

SENATOR FOLEY: Please?

MR. LIEBERMAN: New York and Atlantic is the exclusive rail freight operator on the Long Island Rail Road system. We operate in Suffolk, Nassau, Queens, and Kings counties, and serve approximately a hundred companies in that area. New York and Atlantic only moves the products that are used by, or generated by, Long Island and New York City. There is no through-traffic here, we're an island.

New York and Atlantic has demonstrated a good growth record. Rail traffic has grown from 9,500 car loads in 1997 -- when we commenced operations -- to over 20,000 annual car loads. Even with this record of growth -- which is quite substantial by railroad industry percentage

23 growths -- rail freight is a very small percentage
24 of freight traffic on Long Island. The low
25 percentage of freight moving by rail is

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2 unfortunate, not only for New York and Atlantic,
3 but for Long Island. Rail freight provides many
4 benefits to the businesses and people of
5 Long Island.

6 Rail freight is the most
7 energy-efficient and environmentally-friendly way
8 to move goods onto Long Island. Rail freight also
9 helps to reduce truck-generated highway congestion
10 and road deterioration. In the twelve years of
11 New York and Atlantic's operation, the freight
12 traffic that we have moved has resulted in
13 1.7 million fewer big truck trips on the highways
14 and roads of Long Island and New York City.

15 Another benefit of rail freight --
16 and one that is often overlooked down state -- is
17 rail freight's importance to generating and
18 preserving jobs, especially middle-class jobs.
19 Rail freight not only provides good jobs for
20 our employees, but it supports a wide range of
21 distribution and warehousing businesses, that would
22 otherwise be at a disadvantage to competitors in

23 neighboring states, if they did not have access to
24 rail freight.

25 When we commenced corporations in

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2 1997, we determined that the rail freight portion
3 of the Long Island Rail Road system needed
4 significant investment, to bring it to a state of
5 good repair. Investments over the years which had
6 been funded by the Port Authority, the State of
7 New York, and New York and Atlantic, have resulted
8 in a marked improvement to the condition of the
9 freight-only rail lines and yards. Most of these
10 past investments were focused on the western
11 portion of the Long Island Rail Road system, which
12 would be New York City. There is still more --
13 more work to be -- to -- to do, to bring all the
14 sections of the rail freight system on Long Island
15 to a good state of repair.

16 There are, however, two issues
17 which, in my opinion, affect the long-term
18 viability of rail freight on Long Island. We need
19 to gain capacity for rail freight, and the ability
20 to move heavier and larger rail cars.

21 Gaining capacity for rail freight
22 requires additional yard space dedicated to freight

23 or more improved freight sidings. These
24 improvements require investment. Some of these
25 type of investments have been done with private

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funds, but the construction of new yards or the installation of main line switches will require government funding.

The ability to move heavier cars, cars that are 286,000 pounds versus 263,000 pounds, is a competitive issue -- and a very important competitive issue. It is often cheaper to move a heavier car from, say the Pacific Northwest to Pennsylvania, and then truck its goods from Long Island -- onto Long Island, than it is to move a lighter car all the way onto Long Island. It's a 9 percent difference over 3,000 miles. The parties that lose in this scenario are the Long Island Rail Road distributor, and the people who sit behind the trucks driving onto Long Island to deliver the freight. This issue is becoming more acute, as old rail cars are being replaced by rail cars capable of moving more goods. In addition to moving more weight, rail cars have been getting larger, taller mostly, in the past few -- the last few decades. The clearances on the Long Island Rail Road

23 restrict the use of many types of small cars in
24 certain places.

25 While these issues have immediate

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and long-term impact on the use of rail freight on Long Island, there are several projects underway which are beginning to address these constraints. And I thought you would be interested in hearing some positive news on things that -- things that are actually happening now.

First is the Enterprise Park at Calverton -- recently announced rail habilitation project at EPCAL will provide the largest increase in decades, of rail-served space on Long Island. The project which New York and Atlantic has supported for many years is being sponsored by the town of Riverhead, and funded by both State and Federal programs. The Enterprise Park is an excellent location for a rail-served business park. Suffolk County, as you know, is a growing area for companies, particularly those that use -- that distribute heavy or bulky products. EPCAL also has sufficient size to attract businesses that need a large footprint. It has existing buildings on the site, that are the right type to house modern

23 warehouses and distribution facilities. There are
24 already businesses located at the site that want
25 rail freight, and several others that have said

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they would move in when the rail access is complete. New York and Atlantic appreciates the support this project has gotten from the town and from numerous elected officials.

Heavier cars -- as I said earlier, the -- a critical step for moving to 286,000-pound cars, has been the testing and the rehabilitation of certain Long Island Rail Road rail bridges.

On the freight-only lines which are located in New York City, an engineering study determined that if only two bridges were rehabilitated, the rail lines could receive heavy cars. This project is scheduled to be completed in 2010, which will allow heavier cars, rail cars, to move into Queens and Brooklyn. This is an excellent step, but it only affects a small portion of the Long Island Rail Road rail system. The next step is a -- is to finalize a complete study of the rail bridges on the other portions of the system, and make the selective improvements to Long Island Rail Road bridges that would allow the transport of modern

23 rail cars into Nassau and Suffolk County.

24 In conclusion, rail freight -- the

25 rail freight picture on Long Island is much better

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2 than when we took over twelve years ago. But there
3 remain significant challenges to continuing to grow
4 the use of rail freight. The opportunity to grow
5 rail freight on Long Island, and the benefits
6 associated with the use of rail freight, will
7 require consistent investment in the rail freight
8 portions of the Long Island Rail Road system. I
9 hope that you would consider these needs in the
10 future transportation budgets.

11 Thank you for the opportunity to
12 talk today.

13 SENATOR FOLEY: Thank you,
14 Mr. Lieberman, for your presentation, again,
15 showing that the nexus between rail and
16 transportation is a very, very important
17 connection.

18 SENATOR FUSCHILLO, JR.: Thank
19 you.

20 SENATOR DILAN: Thank you.

21 SENATOR FOLEY: Mr. Chairman?

22 Before we have the Chair conclude the remarks, is

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2 Mr. Chairman?

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SENATOR DILAN: Okay. First of

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all, I would like to thank everyone in the region

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who testified this morning and afternoon. I can

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sense that Long Island is really on the same page.

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And there were certain issues that I think I heard

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here, and everybody's on the same page with regard

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to the fair share for the region. And I think

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that's definitely something that we, in the

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Committee, will be looking at.

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This is the final hearing of the

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Five-Year Capital Plan, but I can tell you that

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it's not the end of the process. Originally, the

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final hearing was supposed to be held up in Albany

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where we were going to back -- go back to the

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Commissioner with many of the concerns that were

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brought up, throughout the different locations and

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regions where we heard testimony.

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And I can indeed ensure everyone

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out in Long Island that we will go back to the

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Commissioner and make sure that your concerns are

23 shared with Commissioner Gee. We do have with us a
24 representative from his office, Diane Lombardi, who
25 is here from New York State DOT, and she has been

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to several of the hearings.

So, we will be working in a bipartisan effort, to make sure that we do indeed have a Five-Year Capital Plan, or some sort of Capital Plan that will put us through these hard economic times.

We have compiled all the testimony that have been given us at all the six hearings. They will be available through my office, or any of the members of the Committee, for anyone in the public that wishes to have that.

We will have a very transparent process. We will utilize whatever means we need, to ensure that there is a funding for the Five-Year Capital Plan. And as I indicated, we will work together to do that.

This Committee working together, ensured that New York State Department of Transportation released its Five-Year Plan. Originally, it was an effort -- the facts are what they are -- to hold back on that plan. We

23 immediately joined forces and fired a letter off to
24 the Department of Transportation indicating that
25 New York State law requires that a plan be

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2 submitted to the Legislature by October 1st. And
3 us working together ensured that DOT and the State
4 of New York complied with the law.

5 We must make sure that we have
6 roads that are in a good state of good repair, and
7 we cannot work on an emergency basis with our
8 infrastructure. And we will not let that
9 happening.

10 The Highway and Bridge Trust Fund
11 is broken, as we all know it, as the Comptroller of
12 the State of New York has indicated. Somehow, some
13 way, with more oversight and more work by all of
14 us, we will make sure that we can come up with a
15 solution to -- to correct that. So, I look forward
16 with working with all my colleagues, to ensure
17 that, that happens.

18 I want to thank Senator Hannon,
19 Johnson, and especially my Ranker, Chuck Fuschillo,
20 who, we have worked well together in this
21 Committee, and I look forward to continuing for
22 that work. I'd like to thank Senator Brian Foley

23 for assisting me here today. And as a new Senator,
24 I can tell you, he has hit the ground running in
25 Albany to make sure that Long Island is represented

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well.

And with that said, I would just like to say I would love to continue to hearing from everyone. I would like to thank all the regional directors that I heard out from throughout the entire State. In each case, they stayed from beginning to end, to listen to the stakeholders' concern. And we're open to continuing this process.

In conclusion, we will have a Capital Plan for our roads and bridges, just like we came up with a plan for MTA.

So, at this time, I would like to turn it over to Senator Fuschillo.

SENATOR FUSCHILLO, JR.: Thank you. Just briefly, let me just thank you Mr. Chairman. I really appreciate the time and the effort that you made in these hearings, with coming to Long Island and hearing directly from those that testified, to the significant needs that we do have here, and how critically important it is that we

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2 we've been shortchanged. And with the growing
3 population here, we need to do as much we can
4 to maintain and continually improve our
5 infrastructure.

6 So, as we move forward, I just
7 want to thank you for your greater understanding of
8 our needs, and for holding the hearing here, at
9 Farmingdale. Thank you.

10 SENATOR DILAN: Thank you.

11 SENATOR FOLEY: And in conclusion
12 from Suffolk County's side of the delegation, I
13 also want to, once again, express our gratitude to
14 the Chair for holding this unprecedented hearing on
15 Long Island.

16 We heard some very powerful
17 testimony today from a variety of speakers about
18 the need for a robust Capital Program, and for
19 the -- and for the many multiple benefits of
20 putting forward a program that will create jobs,
21 that will improve our infrastructure, and most
22 importantly, improve the safety of our roadways.

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2 Island plays a very, very important role in the
3 overall state of the State economy, and in the
4 overall state, if you will, of transportation
5 needs. Throughout the State, we see that Long
6 Island is really in the forefront of a Capital
7 Program that will certainly help the bi-county
8 area -- and really the whole Metropolitan area as
9 well, it will help.

10 SENATOR DILAN: Thank you very
11 much. And once again, I just want to thank
12 everyone involved, and especially all the staff and
13 our essential staff for all their support and help.

14 So, I look forward to seeing you
15 in the near future, after we have a Capital Plan.

16 Thank you very much and have a
17 good afternoon. This meeting is adjourned.

18 SENATOR FOLEY: Thank you.

19 (At 1:56 p.m., the proceedings
20 were concluded.)

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