
News from STATE SENATOR Liz Krueger



COMMUNITY BULLETIN

May 2009

New York State Senate - 26th District

Message from Liz . . .

On May 6th both houses of the New York State Legislature passed the Senate's MTA bailout and reform package (S.5451) which will save straphangers from draconian fare hikes, crippling service cuts and will finally enact much-needed oversight and accountability to an agency which has demonstrated poor fiscal management and dubious accounting practices for decades. It took longer than it should have and the deal is far from perfect, in that it only partially addresses the long-term capital needs of the MTA, but in the end there were compromises on all sides to get the deal done.

The bill outlines the following revenue plan to meet the MTA's needs:

- It creates the Metropolitan Commuter Transportation Mobility Tax which will be imposed on either the payrolls or the self-employment earnings of businesses within the MTA region. The tax will be imposed at a rate of 0.34 percent (\$3.40 per \$1,000 of payroll), providing \$1.53 billion in revenue on an annual basis, pledged for new capital spending, allowing the MTA to fund debt service of over \$400 million per year supporting \$6.8 billion in bonds for the first two years of the upcoming capital plan.
- School districts which are subject to the tax will be reimbursed by the State, subject to an appropriation. If an appropriation for the reimbursement is not made, school districts would not be liable for payment of the payroll tax for six months.
- New fees on drivers' licenses and vehicle registration within the 12-county MTA region will raise \$167 million in revenue on an annual basis.
- A surcharge of 50 cents-per-drop-off on rides in yellow cabs will raise \$85 million in revenue on an annual basis.
- An increase in the auto rental tax in the MTA region from 6 percent to 11 percent will raise \$35 million in revenue on an annual basis.
- A 10 percent fare increase will be imposed in 2009, making the single ride fare \$2.25 and the monthly pass \$89. On an annual basis, the fare increase will raise \$500 million.

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While I continue to believe that including East River tolls in the revenue mix for addressing the MTA crisis would have been a better way to address the long term capital needs, I was pleased that the Senate majority recognized the continued need for reform within the MTA. In addition to raising

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revenue, the final package included the following reforms within the MTA structure:

- Regular audits by outside auditors of the MTA's books, to be submitted to the Legislature and made available to the public;
- New standards to avoid conflicts of interest for MTA auditors;
- New disclosure requirements for: privileges or benefits granted to MTA board members; its board's and staff's use of livery cars and automobiles owned by MTA; and its hiring of outside law firms;
- MTA's budgets and capital plans to be based on Generally Accepted Accounting Principles (GAAP) and presented with detailed supporting documents available on its website;
- MTA to provide, in plain English, on its website and give to the Governor and the Legislature every year: a proposed mission statement and proposed measurements for how well the authority carries out the activities required of it; and a report on the MTA's financial condition, internal control procedures and an assessment of the current state of the authority;
- MTA to post on its website: quarterly revenue and expense targets; updated projections of revenues and expenses; important operating data; a comparison of actual vs. projected levels with an analysis of significant variances; gap-closing initiatives undertaken by the MTA; and status of its capital projects and costs;
- MTA Board members to be treated as fiduciaries who can be terminated by the Governor if they do not exercise loyalty and commitment to its mission; and
- An Office of Legislative and Community Input to be created within the MTA which reports to the legislative leaders and the public about public comments and concerns, and gives recommendations for addressing them.

Passage of this deal was not easy, and serves to highlight the continued difficulties we face given our small Democratic majority and the Republican minority's decided strategy to refuse to cooperate in addressing issues facing New York State. All 30 minority members voted against the MTA plan, with no alternative funding options submitted. I was pleased that despite these difficulties, my 32 majority colleagues in the end recognized that we had to address the MTA's budgetary shortfall. We didn't get it 100% right, but we did get it done, and have prevented the huge fare increases and service cuts which would have resulted from a failure to act.

COMMUNITY SPOTLIGHT

Tell the City How to Improve the Environmental Review Process:

The Bloomberg administration is using a slowdown in construction starts as an opportunity to solicit input about the environmental review component of the city's Uniform Land Use Review Procedure (ULURP) for evaluating major zoning changes. An online questionnaire is currently available through May 22nd. The survey solicits feedback on how development projects should be prioritized and how agency resources should be allocated, as well as how the city might improve inter-agency coordination, the completion of timely and efficient analysis, and communication among city agencies, applicants and the public, the release states. It does not, however, bring up the possibility of changes to ULURP or other policies. Via the questionnaire, the city is seeking input from a variety of stakeholders, including applicants, developers, community members, civic groups, consulting firms, agencies, community boards and elected officials. Individuals with experience in the city's environmental review process are especially urged to participate, the release says. To access the survey, go to

http://www.nyc.gov/html/misc/html/2009/environmental_questionnaire.html

Summer Youth Employment Program (SYEP) Applications Are Now Available:

Federal stimulus money recently allocated to New York City will allow for an additional 8,000 jobs to be provided through the Summer Youth Employment Program (SYEP). The SYEP provides summer employment and educational experience which will enable youth to acquire work skills, gain income and participate in activities which support their occupational goals. Eligible participants include youth aged 14 to 24 who are members of families in receipt of public assistance or members of non-public assistance families with income at or below 200% of the federal poverty level. Applications for the program are now available online at <https://application.nycsyep.com/>. Applications can also be obtained by calling 1-800-246-4646.

Become a Member of the First-Ever NYC Civic Corps:

Are you a recent college graduate interested in dedicating a year of service to New York City? Or an experienced professional looking to apply your skills and knowledge at a time when your city needs you most? Thanks to a partnership with the Corporation for National and Community Service and its AmeriCorps VISTA program, New York City will inaugurate its first class of NYC Civic Corps members this summer. Members will be dispatched in teams to local public and nonprofit organizations to help build sustainable-impact volunteer programs - something no city has ever done before. The NYC Civic Corps will help drive volunteer activity to the issues where the City's needs are greatest: strengthening neighborhoods and helping neighbors in need, education, health, emergency preparedness and the environment. NYC Civic Corps members will receive a \$1,129 monthly living allowance, health benefits, educational awards, and other benefits. For more information, or to apply, visit http://www.nycservice.org/nyc_civic_corps.php.

New Prescription Drug Discount Card Available:

The New York State Department of Health has issued a New York Prescription Saver (NYP\$) drug discount card which can reduce the cost of prescriptions for lower income New Yorkers who are disabled or between the ages of 50 and 64. The annual income limits for the program are \$35,000 for singles and \$50,000 for married persons. Members can save as much as 60% on generics and 30% on brand drugs. To obtain an application, call 1-800-788-6917 or visit the NYP\$ website at www.nyprescriptionsaver.fhsc.com.

Materials for a New City:

Rain Forest Relief, along with Senator Krueger and Assemblymember Kavanagh, invites you to learn about alternatives to tropical hardwoods for public outdoor infrastructure. The use of old growth tropical hardwoods by New York City agencies has been recognized as a significant contributor to global climate change. 25% of human-caused carbon emissions are caused by deforestation. Yet New York City remains the single largest consumer of tropical hardwoods in North America and likely in the world outside the tropics. Attend an afternoon of real solutions presented by the nation's leading experts in recycled plastic lumber and domestic hardwoods for public outdoor infrastructure. The event takes place on May 29, 2009, from 12-3:30 p.m. at the Manhattan Borough President's office, 1 Center Street, 19th floor south. For more info or to RSVP call 917-543-4064 or email rainforestsny@gmail.com.

Affordable Housing Opportunities in Manhattan:

312 Eleventh Avenue Apartments is now accepting applications for 78 studio, one- and two-bedroom apartments under construction in Chelsea for low and moderate income individuals and families. Rents for these units will be \$449 to \$740 depending on unit size and income. To be eligible, applicants must have incomes between \$19,920 to \$38,400, depending on unit and family size. Applications will be selected by lottery. Applicants who submit more than one application will be disqualified. Preference will be given to New York City residents. Applicants residing in Community Board 4 will receive priority for 50% of the units. In addition, visually/hearing impaired applicants will receive priority for 2% of the units, applicants with mobility impairment will receive priority for 5% of the units, and applicants who are New York City municipal employees

with receive preference for 5% of the units. Applications must be requested by postcard only from: 312 ELEVENTH AVENUE APARTMENTS, 303 Park Avenue South, PMB 1047, New York, New York 10010, or download the applications at www.phippsny.org/housing_app.html. Completed applications must be returned by regular mail only (no priority, certified, express or overnight mail will be accepted) to a post office box listed on the application, and must be postmarked by June 14, 2009.

38th Street West Towers is now accepting applications for 119 studio, one- and two-bedroom apartments under construction at 320 West 38th Street in Clinton for moderate income seniors. Rents for these units will be \$383 to \$631 depending on income. To be eligible, applicants must have incomes between \$17,294 to 38,400. Applications will be selected by lottery. Applicants who submit more than one application will be disqualified. Preference will be given to New York City residents. Applicants residing in Community Board 4 will receive priority for 50% of the units. In addition, visually/hearing impaired applicants will receive priority for 2% of the units, applicants with mobility impairment will receive priority for 5% of the units, and applicants who are New York City municipal employees will receive preference for 5% of the units. Applications may be requested by mail from 38th Street West Towers; One Penn Plaza, Box 6108, New York, NY 10119. Completed applications must be returned by regular mail only (no priority, certified, express or overnight mail will be accepted) to a post office box listed on the application, and must be postmarked by June 19, 2009.

SPOTLIGHT ON POLICY

Construction Safety

Late last month, the New York State Senate passed a bill (S.1664) I introduced which creates new guidelines for the re-inspection and monitoring of hazardous violations issued by the NYC Department of Buildings (DOB). The bill is carried in the Assembly by Assemblymember Brennan of Brooklyn.

Passing this bill was a necessary step toward ensuring the safety of our citizens. There have been too many instances when the DOB lacked the tools to fully ensure that construction sites remained safe, tragically leading to crane collapses and other deadly accidents. Hopefully, this legislation, along with other changes made by the DOB and City Council in the last year, will help to make construction significantly safer.

The bill requires the DOB to re-inspect all hazardous work sites that have received violations for posing an imminent threat to public safety within 60 days. There is currently no law which mandates the DOB to re-inspect sites, leaving little incentive for construction companies to correct the problem.

This bill also creates a major economic incentive for construction companies to correct violations by significantly increasing the civil penalty levels for uncorrected violations, and by preventing other work from continuing until all dangerous conditions have been abated. The bill grants the DOB the authority to issue civil penalties ranging from \$1,500 to \$5,000, and to continue to issue fines until the violation is corrected. Furthermore, the legislation prohibits the DOB from lifting a stop-work order or granting a certificate of occupancy until all fines are paid and all problems are corrected.

While the majority of building owners and construction companies are responsible, there are unfortunately some bad actors out there who, without the proper motivation, will continue to

disregard the law and public safety if it means they can make some extra money. Creating enforceable civil penalties should deter these people from making such decisions in the future.

Criminal penalties are also provided for in the bill for people who knowingly prepare, file, or offer for filing a false certification of correction of an immediate hazardous condition. These offenders will be subject to prosecution under New York State penal law for felonies and/or misdemeanors.

The Office of the Mayor along with community advocates were strongly in support of this legislation.

In the wake of recent construction accidents including the two deadly crane collapses a year ago, the DOB was in need of a major overhaul. Our first priority should always be the public's safety and I commend the new Commissioner and the Mayor for the steps they have taken so far. This bill will add to their progress and will help to ensure that DOB inspectors have the tools they need to enforce hazardous violations.

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