

BEFORE THE NEW YORK STATE SENATE FINANCE  
AND ASSEMBLY WAYS AND MEANS COMMITTEES

---

JOINT LEGISLATIVE HEARING  
In the Matter of the  
2020-2021 EXECUTIVE BUDGET  
ON TRANSPORTATION

---

Hearing Room B  
Legislative Office Building  
Albany, New York

January 28, 2020  
9:36 a.m.

PRESIDING:

Senator Liz Krueger  
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein  
Chair, Assembly Ways & Means Committee

PRESENT:

Senator James L. Seward  
Senate Finance Committee (RM)

Assemblyman Edward P. Ra  
Assembly Ways & Means Committee (RM)

Senator Timothy M. Kennedy  
Chair, Senate Committee on Transportation

Assemblyman William B. Magnarelli  
Chair, Assembly Committee on Transportation

2020-2021 Executive Budget  
Transportation  
1-28-20

PRESENT: (Continued)

Senator Leroy Comrie  
Chair, Senate Committee on Corporations,  
Authorities & Commissions

Assemblywoman Amy Paulin  
Chair, Assembly Committee on Corporations,  
Authorities & Commissions

Assemblyman David G. McDonough

Senator Joseph Robach

Assemblyman Jonathan G. Jacobson

Senator George M. Borrello

Assemblyman Charles D. Fall

Senator Andrew Gounardes

Assemblyman Edward C. Braunstein

Senator Jessica Ramos

Assemblywoman Karen McMahon

Assemblyman Joe DeStefano

Senator James Skoufis

Assemblyman Phil Steck

Senator Diane J. Savino

Assemblyman Steven Otis

Assemblywoman Jaime R. Williams

Senator Sue Serino

Assemblywoman Aileen M. Gunther

1 2020-2021 Executive Budget  
Transportation  
2 1-28-20

3 PRESENT: (Continued)

4 Assemblywoman Jo Anne Simon  
5 Senator Anna M. Kaplan  
6 Assemblywoman Nily Rozic  
7 Senator Gustavo Rivera  
8 Assemblywoman Alicia Hyndman  
9 Senator Todd Kaminsky  
10 Assemblyman Robert C. Carroll  
11 Senator John C. Liu  
12 Assemblyman Kevin Byrne  
13 Assemblywoman Patricia Fahy  
14 Senator Kevin Thomas  
15 Assemblywoman Kimberly Jean-Pierre  
16 Senator Brad Hoylman  
17 Assemblywoman Tremaine Wright  
18 Senator Jamaal T. Bailey  
19 Assemblyman Jeffrion L. Aubry  
20 Senator Betty Little  
21 Assemblywoman Taylor Darling  
22 Assemblyman Billy Jones  
23 Senator Roxanne Persaud  
24 Assemblyman Charles D. Lavine

1 2020-2021 Executive Budget  
 Transportation  
 2 1-28-20

3 PRESENT: (Continued)

4 Assemblywoman Sandy Galef

5 Senator James Gaughran

6 Assemblyman John T. McDonald III

7 Senator Thomas F. O'Mara

8 Assemblyman Michael J. Norris

9 Senator Jen Metzger

10 Assemblyman Colin Schmitt

11 Senator Patrick M. Gallivan

12 Assemblyman Philip A. Palmesano

13 Senator Monica R. Martinez

14 Assemblywoman Yuh-Line Niou

15

16 LIST OF SPEAKERS

17 STATEMENT QUESTIONS

18 Patrick Foye  
 President

19 Robert Foran  
 Chief Financial Officer

20 Janno Lieber  
 Chief Development Officer

21 Metropolitan Transportation  
 Authority (MTA)

10

24

22 Marie Therese Dominguez  
 Commissioner

23 Ron Epstein

24 Exec. Deputy Commissioner

NYS Department of Transportation

191

198

1 2020-2021 Executive Budget  
 Transportation  
 2 1-28-2020

3 LIST OF SPEAKERS, Continued

4	STATEMENT	QUESTIONS
5	Mark J.F. Schroeder Commissioner	
6	New York State Department of Motor Vehicles	345 350
7		
8	Matthew J. Driscoll Executive Director	
9	NYS Thruway Authority	406 412
10	Bill Carpenter CEO, Rochester-Genesee Regional Transportation Authority	
11	President, New York Public Transit Association	476 481
12		
13	Joel Kie Town of Dickinson Commissioner of Public Works	
14	President NYS Association of Town Superintendents of Highways	
15	-and-	
16	Todd Gadd Wyoming County Commissioner of Public Works	
17	President NYS County Highway Superintendents Assn.	
18	-and-	
19	William Geary Erie County Commissioner of Public Works	
20	Legislative Cochair NYS County Highway Superintendents Assn.	487 493
21		
22	Lisa Daglian Executive Director Permanent Citizens Advisory Committee to the MTA	501 506

1 2020-2021 Executive Budget  
 Transportation  
 2 1-28-2020

3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5	Jaqi Cohen		
	Straphangers Campaign		
6	Director		
	Karen Padua		
7	Policy Associate		
	NYPIRG	508	514
8			
	Scott Wigger		
9	Executive Director		
	Railroads of New York	517	
10			
	Grant Sussey		
11	President		
	New York Aviation		
12	Management Association	523	
13			
	Campbell H. Wallace, Esq.		
	Director, Government Relations		
14	ACEC New York	528	
15			
	Lauren Bailey		
	Director of Climate Policy		
16	Tri-State Transportation		
	Campaign		
17	-and-		
	Rachel Fauss		
18	Senior Research Analyst		
	Reinvent Albany	533	541
19			
	Mitch LaRosa		
20	Program Director		
	Mobility Development	543	549

21

22

23

24

1                   CHAIRWOMAN WEINSTEIN: Good morning.  
2                   I'm Helene Weinstein, chair of the New York  
3                   Assembly Ways and Means Committee and cochair  
4                   of today's hearing.

5                   Today we begin the second in a series  
6                   of hearings conducted by the joint fiscal  
7                   committees of the Legislature regarding the  
8                   Governor's proposed budget for fiscal year  
9                   2020-2021. The hearings are conducted  
10                  pursuant to the New York State Constitution  
11                  and Legislative Law.

12                  Today the Assembly Ways and Means  
13                  Committee and the Senate Finance Committee  
14                  will hear testimony concerning the Governor's  
15                  budget proposal for transportation.

16                  I'll now introduce the members from  
17                  the Assembly, and Senator Krueger, chair of  
18                  the Senate Finance Committee, will introduce  
19                  members from the Senate, and in addition  
20                  Ranking Ways and Means Member Ra will  
21                  introduce members from his conference.

22                  So we have with us Assemblyman  
23                  Magnarelli, chair of Transportation;  
24                  Assemblywoman Paulin, chair of our

1 Corporations Committee; Assemblyman Carroll,  
2 Assemblywoman Rozic, Assemblyman Braunstein,  
3 Assemblyman Jacobson, Assemblyman Steck,  
4 Assemblywoman Williams, Assemblywoman  
5 Hyndman.

6 Senate members?

7 CHAIRWOMAN KRUEGER: Thank you.

8 Good morning, everyone. I'm joined by  
9 Senator -- I'm so sorry. Excuse me. Leroy  
10 Comrie is the chair of Corporations,  
11 Authorities and Commissions; Tim Kennedy is  
12 the chair of Transportation. Senator Liu,  
13 Senator Kaminsky, Senator Thomas, Senator  
14 Savino, Senator Rivera and Senator Kaplan are  
15 all with us today.

16 And Senator Seward will introduce his  
17 members who have joined us.

18 SENATOR SEWARD: Yes, thank you, Madam  
19 Chair. We're joined today by the ranking  
20 member of the Transportation Committee,  
21 Senator Robach. Also Senator Borrello,  
22 Senator Little, and Senator Serino will be  
23 joining us shortly.

24 CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

1           ASSEMBLYMAN RA: Thank you. We're  
2 joined this morning by Assemblyman Dave  
3 McDonough, the ranking member on the  
4 Transportation Committee; Assemblyman Kevin  
5 Byrne; and Assemblyman Joe DeStefano.

6           CHAIRWOMAN WEINSTEIN: So before  
7 introducing our first witness, a few  
8 guidelines for today. I want to remind all  
9 witnesses testifying today to keep your  
10 statements within your allotted time limit so  
11 all can be afforded an opportunity to speak.

12           And in terms of the members,  
13 chairpersons of relevant committees have a  
14 10-minute allotment for questions and answers  
15 of government witnesses. All other  
16 legislators who are members of relevant  
17 committees receive five minutes for questions  
18 and answers. For nongovernmental witnesses,  
19 all legislators have five minutes for  
20 questions and answers, and the  
21 nongovernmental witnesses have up to five  
22 minutes for their presentation.

23           And witnesses that have submitted  
24 their testimony are reminded that that

1 testimony will be part of our record and will  
2 be posted online, so please do not feel  
3 compelled to read word for word. And a  
4 concise summary of your highlights will allow  
5 the members' questions to be more productive  
6 and focused and allow all of the witnesses  
7 testifying to have an opportunity to do so --  
8 maybe not all in daylight, but to a more  
9 attentive audience.

10 So with that, I would like to call our  
11 first witnesses that are sitting at the  
12 table, ready to go. From the Metropolitan  
13 Transportation Authority, Patrick Foye, MTA  
14 president; Janno Lieber, chief development  
15 officer; Bob Foran, CFO.

16 The floor is yours, Patrick.

17 MTA PRESIDENT FOYE: Thank you. Good  
18 morning, members of the Senate and the  
19 Assembly. Thank you for having us today,  
20 particularly Chair Weinstein, Chair Krueger,  
21 Chair Comrie, Chair Kennedy, Chair  
22 Magnarelli, and Chair Paulin, for your  
23 leadership and for the invitation today.

24 I'm here with my colleagues MTA Chief

1 Financial Officer Bob Foran to my right, and  
2 Chief Development Officer Janno Lieber to my  
3 left. When we were here last year, I think  
4 it's fair -- it's not an overstatement to say  
5 the MTA was at a historic crossroads. Since  
6 then, we've made tremendous progress in  
7 improving operations and changing the way we  
8 do business, with the beginning of  
9 transformation underway. But still our core  
10 mission remains the same: providing safe and  
11 reliable transportation to keep the region  
12 moving.

13 Our new chief transformation officer,  
14 Anthony McCord, is leading the transformation  
15 process -- he's been on the job approximately  
16 three weeks -- and assembling the team that  
17 will chart the course for the new MTA. We've  
18 recently brought on Mario Pélouquin as chief  
19 operating officer and Mark Dowd as chief  
20 innovation officer, with several more  
21 additions to the senior leadership team  
22 coming soon. Under Anthony McCord's  
23 leadership, the Transformation Management  
24 Office will lead the MTA's reorganization

1 effort and enact the changes necessary to  
2 create a leaner, more efficient and  
3 centralized agency.

4 This reform is already driving toward  
5 meaningful results. For example, Janno  
6 Lieber oversees our newly consolidated  
7 Construction and Development Division, which  
8 serves as a single, central point responsible  
9 for planning, development and delivery of  
10 capital projects. Four hundred thirty  
11 employees have already been reassigned to  
12 this Construction and Development department,  
13 in a first phase of transformation. Under  
14 Janno's leadership, we've started bundling  
15 construction projects to expedite project  
16 timelines and reduce costs.

17 A day after our latest Capital Plan  
18 was approved, we issued an RFQ on January  
19 2nd, the first business day of the year, for  
20 23 accessible station projects on our  
21 subways. We've issued another RFQ for Penn  
22 Station Access. The total cost of this work  
23 amounts to \$2 billion in the 2020-2024  
24 Capital Plan.

1           This coordinated approach to capital  
2 projects is already paying off at Grand  
3 Central Terminal, where the integrated 42nd  
4 Street Connection project has combined eight  
5 separate rehab projects, including a major  
6 overhaul of the 42nd Street Shuttle, into one  
7 comprehensive plan. The work is now expected  
8 to be finished 13 months ahead of the  
9 original schedule, with approximately  
10 \$10 million in savings from the original  
11 budget.

12           These are the kind of efficiencies we  
13 expect to see with transformation. Where the  
14 MTA may have once been known for delayed  
15 projects that went over-budget, we're now  
16 operating more creatively, efficiently, and  
17 economically, to deliver projects on time and  
18 at or under budget.

19           On the Capital Plan, we're committed  
20 to delivering on our commitments outlined in  
21 the historic \$51.5 billion Capital Plan,  
22 which was unanimously approved by the MTA  
23 Board in September, and then deemed approved  
24 by the Capital Plan Review Board at the start

1 of this year. This was the first time an MTA  
2 Capital Plan was approved on time since 1981.  
3 Thanks again to Governor Cuomo, Speaker  
4 Heastie and Senate Majority Leader  
5 Stewart-Cousins for their continued support.

6 The 2020-2024 Capital Plan represents  
7 an unprecedented investment in this region's  
8 future. The allocation for New York City  
9 Transit alone is larger than the entire  
10 current capital program, and focuses on  
11 priority projects including signal  
12 modernization on six line segments -- the  
13 largest investment in signal modernization in  
14 the world. No other transit network in  
15 history has done something to this scale in  
16 such a condensed period of time.

17 We're also buying 1,900 new subway  
18 cars. Together with signaling updates, this  
19 investments will deliver faster, more  
20 reliable, and more frequent service.

21 The plan also includes continued  
22 investments in accessibility, with 70 new ADA  
23 stations, more than fulfilling our goal to  
24 ensure that no rider is ever more than two

1 stations away from an accessible station. We  
2 strategically chose the locations of these  
3 new ADA stations so more than 60 percent of  
4 our ridership will benefit from these  
5 upgrades.

6 Additionally, the Capital Plan  
7 advances our commitment to a cleaner, greener  
8 bus fleet, with the purchase of 2,400 new  
9 buses, of which 500 buses will be  
10 all-electric, kicking off our transition to a  
11 zero-emission fleet throughout the network by  
12 2040. After 2029, all MTA bus purchases will  
13 be of electric buses. Having a younger fleet  
14 of buses will increase the distance they can  
15 go between failures. That means more  
16 reliability and more reliable service for  
17 riders.

18 On Long Island, customers will benefit  
19 from the construction of a third track on  
20 10 miles of the Mainline Corridor, which  
21 serves 40 percent of Long Island Rail Road  
22 customers. We're also completing East Side  
23 Access in this program, extending Long Island  
24 Rail Road service for the first time to

1 Grand Central Terminal. Together with  
2 Jamaica capacity improvements, this will  
3 enable a 50 percent increase in peak service  
4 between Manhattan and Long Island.

5 For Metro North, we'll be funding Penn  
6 Station Access, bringing four new Metro North  
7 stations to the Bronx. This new route will  
8 carry up to 50,000 passengers to Penn Station  
9 every day. We're also investing nearly  
10 \$900 million in the Park Avenue Tunnel and  
11 Viaduct and Grand Central Trainshed, the  
12 backbone of the Metro-North system that  
13 carries over 80 percent of riders in over 700  
14 trains every day.

15 We simply wouldn't be able to fund the  
16 Capital Plan without the expected funds  
17 raised by Central Business District Tolling  
18 and the other new revenue streams passed in  
19 the last legislative session. Thank you to  
20 everybody who supported the development of  
21 this first-in-the-nation program, including  
22 Majority Leader Stewart-Cousins, Speaker  
23 Heastie, as well as Chair Kennedy, Chair  
24 Comrie, Chair Krueger, Chair Paulin, and

1 Chair Magnarelli.

2 So far, the rollout of Central  
3 Business District Tolling is proceeding on  
4 track. In October -- a month ahead of  
5 schedule -- the MTA selected TransCore to  
6 design, build, operate and maintain the  
7 tolling system.

8 By getting people out of cars and onto  
9 mass transit, Central Business District  
10 Tolling will help us create a more  
11 economically vibrant and environmentally  
12 friendly New York City. The expected  
13 reduction in roadway congestion will be a  
14 game-changer for our buses. We've seen how  
15 quickly things can turn around when there are  
16 fewer cars on the road. Since establishing  
17 the 14th Street Busway last fall, which  
18 banned most cars from that street, customer  
19 journey times have fallen and riders are  
20 flocking back to the system.

21 I'm proud to say that we ended last  
22 year with significant performance  
23 improvements across all our agencies, all the  
24 while completing major repairs and projects

1 through the Fast Forward, Long Island Forward  
2 and Metro-North Way Ahead plans.

3 The \$800 million Subway Action Plan  
4 played a critical role in stabilizing the  
5 subway system by dramatically expediting  
6 essential maintenance work. Since 2017,  
7 we've sealed more than 4,000 leaks, cleaned  
8 more than 40,000 street grates, and repaired  
9 almost 20,000 minor track defects that, if  
10 not repaired, can cause customer delays.

11 This infusion of funds, along with our  
12 sustained focused in operations, paved the  
13 way for our recent rebound in on-time  
14 performance. In the subways in 2019, annual  
15 on-time performance exceeded 80 percent for  
16 the first time in six years. Running times  
17 in December improved on nearly every  
18 non-shuttle line compared to the year before.  
19 As a result, annual subway ridership beat  
20 estimates last year, climbing to nearly  
21 1.7 billion -- defying national trends. New  
22 York City Transit is one of only two agencies  
23 in the country, according to APTA, where  
24 ridership increases occurred in 2019.

1           The 7 Train, which goes from Hudson  
2           Yards to Flushing, is now one of the system's  
3           best performing since communication-based  
4           train control was installed. The improvement  
5           is stark. On-time performance on the 7 was  
6           55.5 percent in March 2018, a dreadful  
7           number. By March 2019, it had skyrocketed to  
8           91 percent. The 7 Line now runs 29 trains  
9           per hour during peak times, up from 25 to 27  
10          the year before. We're able to serve  
11          thousands of additional customers per hour as  
12          a result and get them to their destination on  
13          time.

14           On the Long Island Rail Road, on-time  
15          performance for the year hit a three-year  
16          high of 92.4 percent in 2019, with 44 percent  
17          fewer train cancellations. And Metro-North's  
18          on-time performance rose to 94.4 percent  
19          overall, recording 55 percent fewer train  
20          cancellations. The credit goes to Metro  
21          North President Cathy Rinaldi, Long Island  
22          Rail Road President Phil Eng, and outgoing  
23          New York City Transit President Andy Byford,  
24          and their teams, for their leadership -- and

1 of course the 52,000-strong hardworking  
2 front-line employees across all our agencies.

3 Buses also got a significant boost  
4 last year. A few moments ago I mentioned the  
5 positive results we've seen from the  
6 14th Street Busway. In 2019, thanks to your  
7 legislative support, we also began  
8 implementing Select Bus Service and expanding  
9 the use of automated bus lane enforcement.  
10 Thanks to Assemblymember Nily Rozic and Chair  
11 Krueger for sponsoring the bill. And those  
12 who supported it, including Speaker Heastie  
13 and Majority Leader Stewart-Cousins.

14 The introduction of Select Bus Service  
15 on the M14, M15, and B44 lines has led to  
16 great improvements in bus speeds. On the  
17 M14, there was a 55 percent increase to  
18 street speeds, which in turn led to a  
19 19 percent increase in weekday ridership.  
20 Our riders are noticing and changing their  
21 commuting patterns.

22 This year, our bold vision for  
23 improving bus service continues with  
24 borough-by-borough network redesigns. We're

1 taking a holistic community-driven approach  
2 to create a more efficient system that works  
3 for our millions of customers. Some of these  
4 routes have not changed in a century. We  
5 simply can't wait any longer to make the  
6 necessary changes, we need a system that will  
7 work for the future.

8 The redesign has already been  
9 completed on Staten Island and has shown  
10 improvements in bus speeds, reliability, and  
11 increases in frequency of trips. The final  
12 Bronx redesign has been released, and we've  
13 begun the process in Queens and in Brooklyn.  
14 We know that there are issues with bus  
15 redesign in Queens that have to be addressed.  
16 We've been listening carefully and will  
17 continue to listen to your concerns and those  
18 of your constituents. We've been holding a  
19 series of meetings in Queens that will  
20 continue in coming weeks and months.

21 Forging ahead with a new way of  
22 thinking can be challenging, but it's  
23 necessary as we work to bring the MTA into  
24 the 21st century. We've seen the benefit of

1 taking a new approach with the L Train  
2 Project, which is now trending ahead of  
3 schedule since the full-line shutdown was  
4 called off last year. The L is maintaining  
5 regular service for more than 80 percent of  
6 customers on nights and weekends while crews  
7 are busy working. The complete  
8 rehabilitation of the Canarsie Tunnel is  
9 expected to be finished in April, three  
10 months ahead of the original projection.

11 Looking ahead, while much has improved  
12 throughout our transit networks, we still  
13 face challenges, including a looming  
14 operating deficit. I'd like to thank  
15 Governor Cuomo for increasing state operating  
16 aid to the MTA in his Executive Budget this  
17 year, and for his commitment, including, in  
18 the Executive Budget, \$3 billion in capital  
19 investment for accessibility projects. We're  
20 asking you to help secure these important  
21 funds.

22 We're also hoping the city follows  
23 suit so this critical work -- \$3 billion also  
24 from the city, so this critical work can be

1 fully financed.

2 This investment will go a long way to  
3 continuing the enhancement and improvement of  
4 our system for all New Yorkers. Ongoing  
5 investment is vital to maintaining a healthy  
6 transit network and to the region, to the  
7 economy and, importantly, to the 8 million  
8 people who depend on us every day.

9 To that I'll add the 350,000 jobs that  
10 will be created in every part of the region  
11 from the \$51.5 billion Capital Plan. I know  
12 that's important to each of you.

13 In addition to our Capital and  
14 Transformation Plans, we have a robust  
15 legislative agenda for 2020 that includes  
16 legislation cracking down on toll violators  
17 in anticipation of the start of Central  
18 Business District Tolling.

19 We also support the Governor's  
20 proposal for tougher criminal penalties for  
21 those who attack our hard-working employees,  
22 by expanding the list of protected employees  
23 and making several forms of aggravated  
24 harassment a Class A misdemeanor. We also

1 support the Governor's plan to ban repeat  
2 sex offenders who target our riders, as well  
3 as those who are high-level sex offenders or  
4 attack transit employees. I hope you'll  
5 support these important pieces of legislation  
6 this session.

7 We look forward to working with each  
8 of you on our shared priorities. Thank you  
9 for your time and the invitation today.  
10 We're now happy to answer your questions.

11 CHAIRWOMAN WEINSTEIN: Thank you. And  
12 we are going to go to the chair of our --  
13 well, before we go to our chair of the  
14 Corporations Committee, let me just introduce  
15 some new Assemblymembers who joined us since  
16 we began: Assemblyman Otis, Assemblywoman  
17 Gunther, Assemblyman Aubry.

18 And some Senators also have joined us.

19 CHAIRWOMAN KRUEGER: Thank you. We've  
20 also been joined by Senator Gustavo Rivera,  
21 Senator Brad Hoylman, Senator Roxanne  
22 Persaud, Senator Andrew Gounardes, and I  
23 think Senator Sue Serino. Anyone else? Oh,  
24 excuse me, and Senator Ramos from Queens.

1           CHAIRWOMAN WEINSTEIN: We've also been  
2 joined by Assemblywoman Fahy and  
3 Assemblywoman Darling.

4           Now, Assemblywoman Paulin, chair of  
5 the Assembly Corporations Committee, for  
6 questions.

7           ASSEMBLYWOMAN PAULIN: So thank you.  
8 This is my third hearing, and I look forward  
9 to, as we always have, a very productive  
10 conversation about, you know, what is  
11 happening. And appreciate your  
12 straightforward answers, as always.

13           So the first thing I wanted to ask  
14 about was the deficit. You know, the  
15 projected deficit over the next five years.  
16 Last year, Pat, in your testimony you had  
17 indicated there was a billion potential --  
18 astronomical, really -- deficit projected  
19 forward. And with the Transformation Plan,  
20 we're thinking it's much less, and other  
21 factors.

22           And I just wondered now what the  
23 trajectory is for the next five years.

24           MTA CFO FORAN: Yes. What we're

1 projecting now is basically a break-even for  
2 this year and next year, a \$212 million  
3 deficit in 2022, and a \$426 million deficit  
4 in 2023. So we've brought it down  
5 significantly. The transformation --  
6 anticipated transformation savings have  
7 helped, and also the ongoing budget reduction  
8 program that we have.

9 ASSEMBLYWOMAN PAULIN: So the  
10 difference between 2022 and 2023, is that due  
11 primarily to East Side Access because of the  
12 205 million estimate that is projected for  
13 when it begins?

14 MTA CFO FORAN: There are two things  
15 that are going on. Really, the deficit  
16 reflects the \$200 million cost in 2023 --  
17 2022, really -- but it has been growing. The  
18 East Side Access expenditures are roughly  
19 about 60 million this year as we ramp up. It  
20 will be about 130 next year, it will be 188  
21 the next year, and in the fourth year it will  
22 be about 200 million.

23 But also embedded in that deficit in  
24 the outyears is the additional debt service

1 on the bonds that we're issuing to finish out  
2 the '15 to '19 capital program. So I can't  
3 say that it's just one thing, it's a  
4 combination of a number of things.

5 ASSEMBLYWOMAN PAULIN: And that  
6 includes the savings -- that takes into  
7 consideration all the savings that we expect  
8 from the transformation.

9 MTA CFO FORAN: Yes.

10 ASSEMBLYWOMAN PAULIN: Yes. You know,  
11 now that the state is scheduled to be paying  
12 off the 7.3 billion that we committed in this  
13 fiscal plan going forward, I wondered, you  
14 know, how that -- how we're going to be  
15 leveraging the 1.8 from the city and what's  
16 going on with those negotiations, as well as  
17 I know that there are negotiations on the  
18 3 billion that we have committed them to in  
19 this upcoming plan, as well as the  
20 100 million for paratransit. And I just  
21 wondered where those city negotiations are.

22 MTA CFO FORAN: Okay. Well, with  
23 regard to the additional capital  
24 contributions for the '15 to '19 -- 7.3 from

1 the state and the 1.8 from the city, as you  
2 recall, those dollars were to be spent last,  
3 committed last and spent last. And right now  
4 we have roughly about 70 percent of both of  
5 those amounts already committed.

6 So we've committed about 70 percent  
7 for the city, 70 percent for the state for  
8 the total amount, and we've started to draw  
9 down funds and receive cash from them.

10 So if you look to the fact that we  
11 started the capital program '15 to '19 a year  
12 and a half late, we're really right on track  
13 in terms of committing against those funds.

14 ASSEMBLYWOMAN PAULIN: No, I just  
15 wondered where -- you know, has the city  
16 committed their funding like the state has  
17 this year, you know, to the 1.8?

18 MTA CFO FORAN: Yes. Yes. We are  
19 drawn -- we have an agreement with them and  
20 we're starting to commit against those funds,  
21 and we're starting to receive funds from  
22 them.

23 ASSEMBLYWOMAN PAULIN: And what --

24 CHAIRWOMAN WEINSTEIN: Excuse me, one

1 quick interruption. Legislators, members,  
2 the people online can hear if your mic is on  
3 if you're talking, so please check to make  
4 sure your mic is off unless you're the  
5 speaker.

6 ASSEMBLYWOMAN PAULIN: I'm adding  
7 10 seconds to my time.

8 (Laughter.)

9 CHAIRWOMAN WEINSTEIN: We'll give you  
10 15.

11 (Laughter.)

12 ASSEMBLYWOMAN PAULIN: And what about  
13 the 3 billion and the 100 million for  
14 paratransit, where are those negotiations?

15 MTA CFO FORAN: We've had  
16 conversations with the city. We fully expect  
17 that the city will come forward with the  
18 \$3 billion contribution to the capital  
19 program.

20 With regard to paratransit, we think  
21 it's only fair that that be split evenly, and  
22 so we'll continue to have discussions. But I  
23 expect that those will be wrapped up in other  
24 discussions that we will continue to have

1 with the city over time.

2 ASSEMBLYWOMAN PAULIN: Also on  
3 financing, the MTA submitted two bond  
4 resolutions to the CPRB. How much savings  
5 are anticipated from that?

6 MTA CFO FORAN: For the PMT, we expect  
7 that there would be about \$800 million of  
8 savings. Again, what's happening is we have  
9 the same amount of revenue coming in for the  
10 PMT. If we borrow against the transportation  
11 revenue bonds -- that's our single A-rated  
12 credit -- we'll receive X amount of funds.  
13 If we borrow against the PMT resolution,  
14 which we expect to be a AA-rated credit,  
15 saving us about a half-percentage point a  
16 year in interest, that would give us about  
17 \$800 million more of proceeds for the same  
18 expenditure of debt service.

19 On the sales tax, we think that the  
20 difference between the ratings -- again,  
21 about one-half of 1 percent -- would generate  
22 about \$300 million of additional proceeds.  
23 Again, the same revenue, but because it's a  
24 lower interest rate, we're going to generate

1 more. So between those two, we could  
2 generate about a billion-one additional  
3 proceeds.

4 And I would point out that the PMT is  
5 a funding source that we really first started  
6 to look at in the '10 to '14 capital program  
7 and then in the '15 to '19. So it is  
8 something that we would really ask to be  
9 seriously considered for this.

10 ASSEMBLYWOMAN PAULIN: And that  
11 billion, spread over how many years?

12 MTA CFO FORAN: That amount was going  
13 to be used for both capital programs for the  
14 '10 to '14 and the '15 to '19. We're making  
15 up for it. But it is something that will be  
16 valuable going forward, so it still has use  
17 for us.

18 ASSEMBLYWOMAN PAULIN: So that money.  
19 Is that now going to replace other monies?  
20 You know, how -- or is it additional money  
21 that you have to spend on the Capital Plan?

22 MTA CFO FORAN: What we've done is  
23 when we didn't have that money in earlier  
24 programs, we advanced other funds, so this

1 will replace funds that we advanced for that  
2 purpose.

3 ASSEMBLYWOMAN PAULIN: I understand.

4 Congestion pricing. Are we on track,  
5 timeline? You know, where are we? We know  
6 that the transit mobility -- what do we call  
7 it, the Traffic Mobility Review Board has not  
8 been appointed yet, and wondered since their  
9 report is due end of November or December,  
10 wondered where we are just on that entire  
11 timeline, but particularly on that issue.

12 MTA PRESIDENT FOYE: So, Chair,  
13 Central Business District Tolling was taken  
14 to the MTA board in October, a month early.  
15 We had originally planned it in November. It  
16 was unanimously approved. A company called  
17 TransCore, part of the consortium, was  
18 awarded the work. That happened a month  
19 early. The notice to proceed was given a  
20 month early. And the TransCore team has  
21 started its design work, which was a first  
22 phase. Right now the project's on time and  
23 on budget. We're managing it very -- very  
24 closely.

1           In terms of the Traffic Mobility  
2 Review Board, it has not yet been  
3 constituted. We have a list of names. One,  
4 obviously, nominee/designee will come from  
5 the mayor of the City of New York, the other  
6 five will be appointed by the board of the  
7 Triborough Bridge and Tunnel Authority. And  
8 we're working to have the board constituted  
9 in sufficient time for it to do its work,  
10 remembering that the TMRB's work is advisory,  
11 to make recommendations to the TBTA board.

12           ASSEMBLYWOMAN PAULIN: So is it the  
13 plan to have that body be open following the  
14 recommendation of the Open Meetings  
15 Committee?

16           MTA PRESIDENT FOYE: So there's a  
17 dispute among counsel. The TBTA board will  
18 clearly meet in public. The TMRB will hold  
19 public meetings. Whether its deliberations  
20 are in public, I think there's conflicting  
21 advice between counsel, given the fact that  
22 the TMRB is an advisory board and doesn't  
23 make substantive decisions, but rather  
24 recommendations to the board of TBTA.

1           ASSEMBLYWOMAN PAULIN: Debarment. Is  
2 the MTA planning on revising its emergency  
3 debarment regulations? You know, it's been  
4 -- they've been renewed twice. Which, you  
5 know, we believe is not even following  
6 current state law, and believe that the  
7 current regulations go far beyond the  
8 framework of the law that we passed in the  
9 budget last year -- and also, furthermore,  
10 believe that it's stifling competition and  
11 might cause a problem going forward with the  
12 Capital Plan.

13           So wondered what the plan was for  
14 revising those regs.

15           MTA PRESIDENT FOYE: So the regs have  
16 not been finalized, as you suggested. No  
17 company has been debarred. There's no,  
18 frankly, pending debarment proceeding. And  
19 I'll let Janno speak to the effect, if any,  
20 on competition.

21           MTA CDO LIEBER: I think that the  
22 question you've raised is a fair one.  
23 Obviously we have to make sure that we  
24 optimize competition. We have a program

1           that's 70 percent larger than the prior  
2           program, and we have to make sure that every  
3           -- you know, that it's all hands on deck in  
4           terms of contracting community capacity --  
5           especially the union contracting community.

6                        So the resolution -- so we are  
7           anticipating that everybody is settling down  
8           in their expectations of debarment and the  
9           debarment issue, and that to the extent that  
10          the rule can be finalized -- and I think  
11          there are discussions going on -- that that  
12          will help to kick off, you know, a much  
13          bigger participation.

14                       On the positive side, I would say in  
15          the work that we've had so far that we've put  
16          to the contracting community, we've had  
17          healthy competition, but everybody obviously  
18          wants to know what the rules of the road are  
19          vis-a-vis the debarment issue, and we expect  
20          that will be resolved positively so that we  
21          can really push more competition.

22                       ASSEMBLYWOMAN PAULIN: Thank you. My  
23          time's up; I'll come back for a second round.  
24          Thank you.

1                   CHAIRWOMAN WEINSTEIN: Thank you.

2                   We've been joined by Assemblywoman  
3 Simon. And now to the Senate.

4                   CHAIRWOMAN KRUEGER: Thank you. And  
5 the first questioner will be Senator Leroy  
6 Comrie, chair of Public Authorities, which  
7 includes the MTA.

8                   SENATOR COMRIE: Good morning,  
9 gentlemen. I'll start where Assemblymember  
10 Paulin ended, on debarment. Can you drill  
11 down a little bit more on exactly how you're  
12 going to allay the fears of folks that are  
13 feeling that they no longer want to bid on  
14 projects because they won't have any real  
15 opportunity to have a discussion about what  
16 the issues are and what's going to be  
17 different so that they can feel more  
18 comfortable about bidding? Because there  
19 seems to be a chill in the industry about  
20 folks wanting to bid, because there's no way  
21 to argue if there's a conflict in a project.

22                   MTA CDO LIEBER: Look, as I said,  
23 everybody understands the rules are --  
24 there's a fair expectation that you're going

1 to deliver when you sign up to do it, and  
2 you're going to do it on schedule and on  
3 budget. The question --

4 SENATOR COMRIE: Right, but most  
5 projects, once you get into the ground, it's  
6 different -- there's walls that weren't there  
7 that they didn't know were there 400 years  
8 ago, or there's track work that has to be  
9 done. There's a difference of opinion, 99  
10 times out of 100, about what the change  
11 orders should be. And I'm getting feedback  
12 from people from all across the spectrum that  
13 want to do contracting that are concerned  
14 about bidding. And I want to make sure that  
15 we have a maximum pool of bidders, not just a  
16 certain select few.

17 MTA PRESIDENT FOYE: So, Senator -- or  
18 Chairman, on that I'd add the following.  
19 There are well-known contractual ways of  
20 dealing with preexisting conditions, changes  
21 in circumstances, change in scope that can be  
22 dealt with in the RFP process or the  
23 contractual negotiating process that would --  
24 if, for instance, investigation reveals a

1 preexisting condition, it's dealt with in the  
2 contract. The price may be higher, the time  
3 period may be longer, but that itself would  
4 not implicate in any way or create a  
5 debarment.

6 So there are ways to deal with those  
7 issues that you raise -- which are inherent  
8 in construction -- that don't take us down a  
9 debarment road.

10 MTA CDO LIEBER: And I would just add  
11 two things. One is that we have tried and we  
12 are already doing a lot of different things  
13 to make the terms and conditions of MTA  
14 contracting fair and more attractive to  
15 contractors, doing things that we promised to  
16 do, like eliminating the one-sided dispute  
17 resolution provision that has prevailed for a  
18 long time, where the agency gets to decide if  
19 there are disputes. We're changing that so  
20 there is a third-party neutral.

21 We're also engaged in really a large  
22 contractor outreach effort to try to make  
23 sure that there's optimal competition. And  
24 I've actually met with a dozen-plus companies

1 already to talk about what the Legislature  
2 has enacted in terms of the program and the  
3 opportunities to get more work and to do work  
4 quicker and, frankly, to get in, do work, and  
5 get out, for contractors.

6 So we're very focused on making sure  
7 there's competition and making sure that the  
8 rules of the road support that.

9 SENATOR COMRIE: Okay. I look forward  
10 to hearing the feedback from the folks,  
11 because I want to increase the pool, I want  
12 to make sure that we have more MWBE work than  
13 ever before. And to do that, they have to  
14 feel that the agency is being responsive to  
15 all of their concerns, both at the beginning,  
16 during and throughout the project. So I hope  
17 that that happens.

18 We -- I have a lot of questions, and  
19 we already ate four minutes. You've got an  
20 increase of approximately \$311 million in  
21 your budget this year from the city -- from  
22 the state, rather. And can you explain how  
23 you're going to utilize that money and how  
24 that can be part of the opportunities to

1           reduce your budget -- your forecast for  
2           budget deficits in the future? You talked  
3           about it in the beginning.

4                     There's two separate questions, but --  
5           you alluded to having not as large a deficit  
6           in the upcoming years. Can you talk about  
7           that a little bit more, please?

8                     MTA CFO FORAN: Yes. We are looking  
9           at those revenues right now to try to  
10          determine their character -- are they just a  
11          one-shot for this year, or does that indicate  
12          that the trend line going forward on those  
13          revenues should be higher?

14                    To the extent that those trend lines  
15          are adjusted, that will certainly help for  
16          outyear deficits. What we're looking at now  
17          is how we can best use that money -- and it  
18          may be that we use it in the transformation  
19          process, because we are now working  
20          with Anthony McCord, our chief transformation  
21          officer, to implement recommendations from  
22          the AlixPartners report and also his own  
23          observations having come to the MTA.

24                    So the timing of some of the

1 expenditure savings that we were looking at  
2 may get shifted, and if so, that money could  
3 certainly help us be able to do a better job  
4 of the transformation. But right now we're  
5 just evaluating the options.

6 But the most important thing is to try  
7 to figure out is that indicative of an  
8 increase in future revenues or is that really  
9 just, you know, \$300 million available today.

10 SENATOR COMRIE: Okay. And -- so you  
11 talked about bonding also, and you need to  
12 bond out a lot of money, and you're looking  
13 at doing a couple of things that I wanted  
14 to -- are you considering restructuring of  
15 debt? And if so, what will you save in the  
16 near term and what do you think it will cost  
17 you and the future system users in the long  
18 term? Are you going to be able to  
19 restructure debt now? And with a large  
20 capital budget over the next five years, is  
21 it going to be -- will it be easier to  
22 restructure your debt and do bonding now,  
23 with the bankers knowing that you're looking  
24 to bond out a lot of money over the next five

1 years as well?

2 MTA CFO FORAN: Yes, we are looking at  
3 our total debt portfolio. The main  
4 restructuring that we're considering is tied  
5 to the '20-'24 capital program, the  
6 \$9.7 billion that the MTA has committed to  
7 fund with its own resources.

8 If you look at our debt service  
9 profile -- that is, our annual debt service  
10 by year -- when you get out to 2030, 2032,  
11 that drops off significantly. Our debt  
12 service is more front-loaded.

13 So what we're anticipating doing is  
14 restructuring some of the debt in that '26,  
15 '27, '28, '29, '30 period. That will give us  
16 the ability to sell additional debt, pay the  
17 interest on the additional debt, but not  
18 increase debt service above what we're  
19 currently projecting, and then amortize those  
20 new bonds in the outyears, where we have  
21 much -- significantly less debt service.

22 And also the projects that we're  
23 financing, as you know, are very long-lived  
24 assets, so it's a very fiscally prudent

1 approach to kind of balance the needs to get  
2 the capital investment, but not burden the  
3 farebox revenue. So that's primarily what  
4 we're looking at, sir.

5 SENATOR COMRIE: And will you be able  
6 to go back and refinance the old bonds?  
7 Because you said your debt service now is  
8 over -- what was it, a large -- over  
9 40 percent of your budget as it is. Can you  
10 go back and restructure your debt from the  
11 previous capital years, or are you locked  
12 into that?

13 MTA CFO FORAN: No, we have callable  
14 bonds. The tax law that was passed last year  
15 doesn't allow us to refund bonds prior to  
16 their call date. We used to call it advance  
17 refundings. Now we can only call bonds when  
18 their call date occurs, or within 90 days of  
19 it.

20 So we have bonds that have significant  
21 savings available, and as we get to the call  
22 dates, we are taking those bonds out, and we  
23 will take those savings into the budget.

24 In the past, we always used savings

1 from refundings to put against the capital  
2 program -- in other words, to use those  
3 dollars to support bonds for the next capital  
4 program. Well, right now with our projected  
5 budget deficits, we're going to use those  
6 savings to reduce the deficits going forward.  
7 So that's a change.

8 SENATOR COMRIE: Okay, I only have two  
9 minutes left, so I'm going to fire a lot of  
10 questions at you, and then I'll come back on  
11 the second round.

12 You said in your testimony that you  
13 already have the RFQ for 23 accessible  
14 station projects. I'd like to get that list  
15 distributed to us as quickly as possible.

16 Also, you talked about Queens bus  
17 redesign. I want to remind you gentlemen  
18 that when we had our last hearing, we talked  
19 about the fact that the bus redesign plan had  
20 to be fully implemented and be able to  
21 service our communities before congestion  
22 pricing spigots are turned on.

23 As you know, there was a firestorm of  
24 negative comments from the original plan that

1           was -- but it's just a proposed plan. And I  
2           want to say that it's been made clear to us  
3           that there was a proposed plan, but the  
4           proposed plan needs a lot of changes. So I  
5           hope that -- I was heartened that there have  
6           been meetings already. I know in my district  
7           there have been two meetings, Senator Ramos  
8           has had a meeting. I know Assemblymembers  
9           Rozic and -- and -- and -- I'm blanking -- Ed  
10          is -- I forgot your last name -- Braunstein.  
11          I'm acting like Liz now, so we're all  
12          starting to -- it's starting to affect all of  
13          us.

14                         (Laughter.)

15                         SENATOR COMRIE: But -- I've got to  
16          blame somebody.

17                         (Laughter.)

18                         SENATOR COMRIE: Anyhow, we want to  
19          make sure that -- and clearly, my main point  
20          is that bus redesign has to be fully  
21          satisfactory for Queens residents. It was  
22          part of the promise with congestion pricing  
23          that there would be no limits to what we  
24          needed to get done so that we could give

1 people real alternatives to get into the  
2 Central Business District. And --

3 MTA PRESIDENT FOYE: So, Senator, let  
4 me take your questions in order.

5 SENATOR COMRIE: Well, I just want to  
6 throw those out. I've got a second round and  
7 you can answer. I just wanted to put it on  
8 the table right now.

9 And then there's -- the last thing is  
10 the pilot program for Access-A-Ride needs to  
11 be expanded, not diminished. We do not need  
12 to limit the amount of rides or the type of  
13 accessibility and the destination. For one  
14 person to just get from one side of Queens to  
15 another side is more than \$15.

16 So I just want to respect my time on  
17 the first round, since I do have a second  
18 round. Thank you.

19 Thank you, Madam Chair.

20 MTA PRESIDENT FOYE: Thank you,  
21 Senator.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 We've been joined by Assemblywoman  
24 Buttenschon, Assemblywoman Seawright, and we

1 go to Assemblyman Carroll for five minutes.

2 ASSEMBLYMAN CARROLL: Good morning.

3 Thank you, Madam Chair. Thank you, Chair  
4 Foye, Mr. Lieber, Mr. Foran. Thank you all  
5 for coming this morning.

6 My first question revolves around, of  
7 course, what happened in the last week with  
8 the resignations of Andy Byford and Peter  
9 Tomlin. Much fanfare and ink has been given  
10 about Andy Byford's resignation, but not  
11 nearly as much to Mr. Tomlin's resignation.

12 My question is, the fact that he was  
13 the main person tasked with redesigning the  
14 signals for the subway system, who now is in  
15 charge of resignaling the system? And what  
16 are we looking to do in the coming future to  
17 make sure that that stays on track?

18 MTA CDO LIEBER: So I spoke to Pete  
19 Tomlin yesterday. We're actually going to  
20 spend more time together this week talking  
21 about exactly the issues that you're raising.

22 But I just want to assure you, one, we  
23 were already creating a collaborative  
24 approach to all of the resignaling projects.

1           While Pete was the signaling expert who was  
2           driving thinking about the design, we were  
3           also responsible -- my group at the new  
4           Construction and Development organization was  
5           responsible for figuring out the procurement  
6           and the logistics of how it would be built,  
7           the outage schedule, the bond, the bundling  
8           process and so on. So we were already in  
9           collaboration.

10                   Pete has significant signaling  
11           expertise, but there is real signaling  
12           expertise at the Transit Authority, at other  
13           parts of the MTA, as reflected by the fact  
14           that they are well on the way to getting  
15           Queens Boulevard Line and the No. 7, all of  
16           which predates Pete Tomlin.

17                   ASSEMBLYMAN CARROLL: But before  
18           Mr. Tomlin came in, we had resingaled one of  
19           22 lines in the history of the MTA. Where  
20           are we now with those? We have the L and the  
21           7. Where are we with the other 20 lines?  
22           Who is the point person to actually make sure  
23           that gets done in the next five to seven  
24           years? I think that's what people care most

1 about. They don't care who's in charge, they  
2 care that that gets done.

3 MTA CDO LIEBER: Well, I'm going to be  
4 responsible for making it get to -- but I  
5 just want to assure you that the type of  
6 signaling expertise that Pete Tomlin  
7 represents is, one, we have significant  
8 signaling expertise at the MTA. And I  
9 personally have, you know, some significant  
10 consultants who have been working for me on a  
11 full-time basis for some time now who have  
12 worked for SYSTRA, who have worked for  
13 Alstom, who have worked for Siemens, who are  
14 themselves signaling experts, world-class  
15 signaling experts. And we're going to  
16 augment that team.

17 Now, that is not to say that, you  
18 know, we don't miss somebody like Pete  
19 Tomlin. But I am confident that we will have  
20 the expertise and, importantly, the  
21 construction, the logistics and the planning  
22 knowhow to execute on those projects. We've  
23 already moved forward with CBTC for the 8th  
24 Avenue Line, and that was a collaborative

1 project that my organization and Pete's  
2 organization set in motion with the new  
3 bundling strategy. There was \$200 million  
4 worth of work that was going to be left  
5 behind -- for more outages and another date  
6 with more inconvenience to customers -- but  
7 my team figured out how to combine that with  
8 the CBTC work and get it all done.

9 ASSEMBLYMAN CARROLL: In that same  
10 vein, switching to bus redesign, it looked,  
11 at least from a political point of view, that  
12 there was a lot of frustration, that there  
13 were multiple hands kind of trying to move  
14 the redesign, and it caused lots of  
15 consternation and frustration on the MTA's  
16 part. Can you tell us today that the bus  
17 redesign plan in Brooklyn and Queens is going  
18 to be bold, is going to actually change what  
19 we're doing and not be small window dressing  
20 and have the same bad routes, multiple stops,  
21 that cause our buses to be the slowest in the  
22 world?

23 If you go to a place like London that  
24 doesn't have a grid, you can get across town

1 so much faster than Brooklyn, Queens or  
2 Manhattan, most of which are actually on a  
3 grid. Is it going to be bold? Is it going  
4 to be revolutionary? Or is it now just going  
5 to be window dressing because Mr. Byford has  
6 left?

7 MTA PRESIDENT FOYE: No, I don't think  
8 Andy's departure is going to have any role of  
9 any reduction in the momentum of bus  
10 redesign. I don't think we've gotten it  
11 right in Queens. I think the comments of --  
12 and I grew up in Queens. For instance, the  
13 74th Street-Roosevelt Avenue subway station  
14 is very -- is one I spent a lot of time in as  
15 a -- when I lived in Jackson Heights, which  
16 was most of my life. I think the comments of  
17 elected officials and customers that there's  
18 not enough connectivity to 74th Street and  
19 Roosevelt Avenue -- which is an accessible  
20 station -- I think those comments are right.

21 The team which issued the draft on  
22 December 30th for Queens is fully cognizant  
23 that significant changes have to be made and  
24 will be made. The town halls that

1 Senator Comrie mentioned are going to  
2 continue in the weeks and months ahead.

3 Brooklyn is obviously further along.  
4 There's some tension, Member Carroll, between  
5 being bold and taking out, for instance,  
6 stops, and the concerns of passengers with  
7 physical infirmities or senior citizens who  
8 very much like more stops rather than  
9 fewer -- there's a balancing that I think the  
10 Queens -- that the bus redesign process has  
11 struck a pretty good balance. I think in  
12 Queens we've got a lot of work to do.

13 ASSEMBLYMAN CARROLL: I'll come back  
14 for a second round.

15 CHAIRWOMAN WEINSTEIN: We've been  
16 joined by Assemblyman Jones.

17 And now to the Senate.

18 CHAIRWOMAN KRUEGER: And we've been  
19 joined by Senator Gaughran.

20 And, I'm sorry, it's now Senate's  
21 turn, and our next questioner is Senator  
22 John Liu.

23 SENATOR LIU: Thank you, Madam Chair.

24 Good morning, gentlemen.

1 MTA PRESIDENT FOYE: Good morning.

2 SENATOR LIU: You've already gotten a  
3 lot of great questions. On the issue of bus  
4 redesign, I'm glad to hear that Chair Foye  
5 has mentioned at least in Queens there are  
6 significant changes due to the draft plan.

7 Now, you know, the MTA has -- I think  
8 you've done a relatively good job of becoming  
9 much more focused in recent years, the last  
10 couple of years, and that focus has been on  
11 improving service. Improving service for  
12 subways or improving service on railroads or  
13 would you say improving service systemwide?

14 MTA PRESIDENT FOYE: I'll choose  
15 systemwide, Senator.

16 SENATOR LIU: Systemwide. Would that  
17 include buses as well?

18 MTA PRESIDENT FOYE: Yeah, I think  
19 we've made improvements in buses. I think  
20 14th Street is a huge success. I think the  
21 Staten Island Express Bus redesign has been  
22 well-received. I think your colleagues in  
23 the Bronx are pleased with the way the Bronx  
24 redesign has gone.

1           SENATOR LIU:  Would improvements in  
2           areas of the region that rely more on bus  
3           service require expansions of service, or  
4           would it just be shifting service around?

5           MTA PRESIDENT FOYE:  No, I think where  
6           we have -- we adjust service based on  
7           customer demand.  The --

8           SENATOR LIU:  But the whole redesign  
9           process -- you're not talking about  
10          adjustments, you're talking about complete  
11          redesign.

12          MTA PRESIDENT FOYE:  Well, look, a  
13          number of things have happened.  The  
14          Legislature last session passed an important  
15          piece of legislation, which was the automated  
16          bus lane enforcement.  I think that's really  
17          important.  I think the 14th Street Busway  
18          has been an unqualified success, and we ought  
19          to be looking at other --

20          SENATOR LIU:  You're welcome.  We're  
21          always looking to support the MTA in any way  
22          we can.

23          MTA PRESIDENT FOYE:  Thank you.

24          SENATOR LIU:  The concept, the idea

1           that the bus redesigns should be  
2           revenue-neutral, or perhaps more aptly called  
3           cost-neutral, does that make sense? Does  
4           that make sense in a system where we are  
5           investing billions of dollars of more money  
6           and you're looking to improve service, not  
7           simply rejigger the lines? How could you  
8           improve service by having this cost-neutral  
9           approach?

10                   MTA PRESIDENT FOYE: Well, Senator, we  
11           are obviously facing budget deficits. The  
12           chief financial officer described the current  
13           year and the outlook beyond that.

14                   SENATOR LIU: Yes, but you're looking  
15           at --

16                   MTA PRESIDENT FOYE: But -- but let me  
17           finish, if you would. Where there are needs  
18           to invest additional money in bus service in  
19           the City of New York, we are prepared to do  
20           that, and to add service and to adjust it.

21                   One of the things that's really  
22           important about the whole bus redesign  
23           project, if you will, is that the New York  
24           City Transit bus team took a look at bus

1 routes that in many cases had not been  
2 reviewed for decades.

3 SENATOR LIU: I know that. I know.

4 If you're looking to improving service  
5 systemwide, you have to look at increasing  
6 bus service in areas that don't have subway  
7 service. It's plain and simple. Subways are  
8 getting a huge infusion of capital dollars,  
9 but we all understand that bus service is  
10 much more demanding on the operating cost  
11 side, per capita.

12 MTA PRESIDENT FOYE: Of course. But  
13 the capital --

14 SENATOR LIU: Well, then therefore you  
15 need to invest more operating money in buses.  
16 And to have a bus design that's going to be  
17 cost-neutral or revenue-neutral, that doesn't  
18 quite make sense in the overall scheme of  
19 improving service systemwide.

20 MTA PRESIDENT FOYE: Well, Senator,  
21 the Capital Plan provides not only  
22 significant capital for subways on the New  
23 York City Transit side, but the same is true  
24 of buses, 2400 buses being purchased,

1 including --

2 SENATOR LIU: Yeah, but the proportion  
3 is much smaller than for the subways. As we  
4 said before, as you agreed to before,  
5 operating funds for buses are much more  
6 per-capita intensive.

7 MTA PRESIDENT FOYE: Well, let's not  
8 minimize the amount of operating expense it  
9 takes to run the subways. But --

10 SENATOR LIU: I implore you to look at  
11 increasing --

12 MTA PRESIDENT FOYE: Your point,  
13 Senator --

14 SENATOR LIU: -- increasing the  
15 operating budget for buses. Because again,  
16 there are large portions of the region that  
17 don't have subway service. So as much as  
18 much more capital funding is being geared  
19 towards rapid transit, we need more operating  
20 funds for bus services. Because we're  
21 looking to get people out of their cars. If  
22 you're redesigning a bus system that's going  
23 to drive more people back into their cars,  
24 you're going to be moving backwards.

1           So please, we need more operating  
2 money for buses, especially for the  
3 redesigned areas.

4           A quick question for Bob: \$55 billion  
5 to \$90 billion is what the MTA would like to  
6 be able to go to the capital markets for. Is  
7 that at all realistic? Well, you know what,  
8 I don't have that much time left.

9           Has the bond rating for MTA been  
10 restored to the pre-2018 levels?

11           MTA CFO FORAN: We are at the same  
12 level we were at the beginning of the year.

13           SENATOR LIU: At the beginning of 2019  
14 or '20?

15           MTA CFO FORAN: '19.

16           The rating agencies are aware of the  
17 size of the capital program. What the rating  
18 agencies view very favorably is the fact that  
19 the Legislature and the Executive have given  
20 us lockbox money -- congestion pricing money,  
21 sales tax money, and the mansion money -- to  
22 support this --

23           SENATOR LIU: Do you think increasing  
24 the borrowing capital from \$55 billion to

1           \$90 billion is going to have a positive  
2           effect or a negative effect on the bond  
3           ratings?

4           MTA CFO FORAN: It will have a  
5           positive effect if those monies are properly  
6           invested into the modernization of the system  
7           so that it's reliable and delivers the  
8           service that people want, because I think  
9           then it's going to be reflected in ridership,  
10          increased ridership. So it's how money is  
11          spent that is the most important thing.

12          SENATOR LIU: Thank you.

13          Thank you, Madam Chair.

14          CHAIRWOMAN KRUEGER: Thank you.

15          CHAIRWOMAN WEINSTEIN: Thank you.

16          Now we go to Assemblyman Braunstein.

17          ASSEMBLYMAN BRAUNSTEIN: Thank you.

18          And good morning. My question is  
19          going to concern Queens bus redesign. I have  
20          a feeling you'll be hearing from a lot of my  
21          colleagues about this today.

22          So your stated reason for congestion  
23          pricing in your testimony today was to  
24          encourage people to get out of cars and take

1 mass transit. And along that line, we worked  
2 together to agree to a 20 percent reduction  
3 in the monthly fare for Long Island Rail Road  
4 customers in New York City. And I think  
5 that's a good thing; we're encouraging people  
6 to take mass transit.

7           Unfortunately, with the Queens bus  
8 redesign proposal, it calls for significantly  
9 gutting Express Bus service in Queens,  
10 including the elimination of service during  
11 off-peak hours and during weekends. And I  
12 have a lot of constituents who are seniors  
13 who take the Express Bus to go to the doctor  
14 or people who don't work traditional  
15 nine-to-five jobs who moved to parts of my  
16 district specifically because they had access  
17 to the Express Bus.

18           Now these commuters are -- they have  
19 no other option, they're going to be forced  
20 to drive into Manhattan. So how is cutting  
21 Express Bus service consistent with the goal  
22 of congestion pricing, which is to encourage  
23 people to take mass transit?

24           MTA PRESIDENT FOYE: So let me start

1 with the Queens bus redesign is going to need  
2 continued input from elected officials and  
3 customers, to be clear, and significant  
4 changes are going to have to be made. That  
5 would be point one.

6 With respect to your specific  
7 questions, as I understand it, the Express  
8 Bus service will be eliminated only on  
9 weekends when the Queens --

10 ASSEMBLYMAN BRAUNSTEIN: And off-peak.  
11 And off-peak.

12 MTA PRESIDENT FOYE: But the Queens  
13 team tells me that on weekends the average  
14 Express Bus ridership on some of these routes  
15 is literally two or three customers. That's  
16 not an expenditure that can be adjusted.

17 I think what we have to do, and really  
18 what the bus redesign at heart is is taking a  
19 look at a -- a holistic look at bus service  
20 in Queens and beyond. And that hasn't been  
21 done in a long period of time.

22 I think the draft -- the team ought to  
23 be commended for the boldness of the first  
24 draft. It needs a lot of work in many areas,

1 including Express Bus, including connectivity  
2 to 74th Street and Roosevelt Avenue and other  
3 things, and it's an ongoing process.

4 ASSEMBLYMAN BRAUNSTEIN: Okay. I  
5 mean, when you're saying two or three people,  
6 that's not the response I'm getting from  
7 constituents. There's a lot of people who  
8 still work on weekends, there's people who go  
9 to Manhattan on weekends. They moved to  
10 these parts of Queens specifically because  
11 they had Express Bus service, and they don't  
12 have any other way to get to Manhattan.

13 So I think with the implementation of  
14 congestion pricing, it's unacceptable that we  
15 should be asking these commuters to drive.  
16 And at a bare minimum, we should at least be  
17 waiting till we implement congestion pricing  
18 to see if the goal takes place where people  
19 do start taking mass transit. We should see  
20 if we charge \$15 to drive into Manhattan, are  
21 more people going to be taking Express Buses  
22 on weekends?

23 I think it's a terrible idea that we  
24 should be moving forward cutting Express Bus

1 service at this time, and I just wanted to  
2 make that clear to you. And then --

3 MTA PRESIDENT FOYE: So, Member  
4 Braunstein, I think all these issues ought  
5 to be looked at carefully in the review to  
6 come of the draft Queens redesign bus plan.

7 ASSEMBLYMAN BRAUNSTEIN: And then  
8 finally, do we have a timetable on when the  
9 20 percent discount for the Long Island Rail  
10 Road monthly pass will be implemented?

11 MTA PRESIDENT FOYE: I believe around  
12 the middle of the year.

13 ASSEMBLYMAN BRAUNSTEIN: Do you have a  
14 month?

15 MTA PRESIDENT FOYE: I don't. I'll  
16 come back to you with a more specific date.

17 ASSEMBLYMAN BRAUNSTEIN: Okay, thank  
18 you.

19 MTA PRESIDENT FOYE: Sure.

20 CHAIRWOMAN WEINSTEIN: Senate?

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Jim Seward.

23 SENATOR SEWARD: Thank you,  
24 Madam Chair. And Mr. Foye and your team,

1           it's good to see you again.

2                       I had a couple of questions on some of  
3           the construction costs at the MTA. You know,  
4           it's been widely reported that MTA  
5           construction costs have frequently been up to  
6           seven times more expensive than the global  
7           average. Additionally, the MTA was not able  
8           to spend billions from its last Capital Plan  
9           in a timely fashion.

10                      So my question is, why then did the  
11           MTA move forward with a new Capital Plan --  
12           of course, some of it tied to the commuter  
13           tax that's funding part of it -- why move  
14           forward before taking significant action to  
15           reduce the massive construction costs that  
16           have traditionally been associated with MTA  
17           projects?

18                      MTA CDO LIEBER: Okay, let me first  
19           address your comment about the fact that  
20           there's work remaining from the prior Capital  
21           Plan.

22                      I think that some of the folks who  
23           talked about this may have misled members of  
24           the Legislature about this. We're currently

1           3½ years since the Legislature enacted the  
2           2015 to '19 capital program, and 75 percent  
3           of the work has been -- 75 percent of the  
4           dollar amounts of that capital has been  
5           committed. So 70 percent into a five-year  
6           period, we have 75 percent of the project  
7           dollars committed.

8                     And at the end of this year -- last  
9           week at the board meeting, I rolled out our  
10          plan for 2020 to accomplish \$6.5 billion of  
11          the remaining work. So by the end of this  
12          year, you will have in excess of 90 percent  
13          of the remaining work completed, physically  
14          completed. And if you discount the second  
15          phase of Second Avenue Subway and the Penn  
16          Station Access project, two projects that are  
17          meant to go forward in the 2024 Capital Plan,  
18          we will be in the mid-90-percent range.

19                    So let there just be some clarity on  
20          this point that the MTA doesn't get its  
21          dollars spent and doesn't get its work  
22          accomplished. It's not true of the current  
23          Capital Plan. At this point in the '10 to  
24          '14 Capital Plan, we were 57 percent in. So

1 we're getting the work done.

2 Now, that said, on the construction  
3 cost issue -- I think I've spoken to this  
4 committee and the committees of the  
5 Legislature about this -- we have a very  
6 aggressive plan of how to run projects  
7 better, faster and cheaper. I'm not going to  
8 take all of your time, but it certainly  
9 starts with issues of how do we restructure  
10 contracts to make them fair and more  
11 attractive to contractors so they will give  
12 us better pricing and better schedules; more  
13 accountability by the project CEOs, who have  
14 the power to drive budget and schedule and  
15 not have people come tell them, Change the  
16 design, do this work, add that work, which  
17 constantly delays things.

18 And to just more aggressively manage  
19 projects, getting rid of red tape -- I'm not  
20 going to go through that litany for you. But  
21 it's already paying off on what we're seeing  
22 on projects like the L Train and the  
23 Third Track Project, which your colleagues  
24 from Long Island know so well, and the

1 Grand Central project, which has now taken  
2 eight separate projects which were being  
3 handled separately and somewhat willy-nilly,  
4 I brought them under one leadership, they are  
5 being delivered in two-thirds of the amount  
6 of time with significant cost savings, and we  
7 are opening the projects up so people in  
8 Grand Central and Times Square, the two  
9 busiest stations, can have the benefit.

10 We're addressing those issues,  
11 Senator.

12 SENATOR SEWARD: So both -- you  
13 mentioned projects committed or completed  
14 90 percent?

15 MTA CDO LIEBER: Committed.  
16 Committed. And honestly, there's -- there  
17 is five years -- the commitment of the  
18 dollars in five years, so the projects are  
19 fully underway, is the right standard. You  
20 cannot just throw all the work on the  
21 marketplace at once and shut down the system  
22 to do it physically once. It needs to be  
23 staged and managed strategically.  
24 Commitments is the right standard.

1           SENATOR SEWARD: I wanted to slip in  
2 one more quick question. You know, there's  
3 a -- what I consider a worrisome piece of  
4 this proposed budget regarding the MTA  
5 procurement. Part of the budget allows the  
6 MTA to make a change to the specifications or  
7 other terms or requirements of the bid if it  
8 is determined in the best interests of the  
9 authority, without any additional public  
10 advertisement.

11           How will, under these conditions, will  
12 the MTA ensure that this does not result in,  
13 you know, bid rigging and other potential  
14 problems and abuses?

15           MTA CDO LIEBER: It's a fair question.

16           You know, we have now these -- what  
17 we're moving towards, in the design-build  
18 era, is very complex procurements that have a  
19 lot more elements and scope of work in them.  
20 So what you don't want to do is to bid a job  
21 and as you go along, as you continue to learn  
22 about what elements of work to bundle into  
23 that, you may decide, I should include this  
24 work because it will be more efficient to do

1 done with these contractors. You don't want  
2 to, every time that happens, to stop and have  
3 to go back and re-procure the entire  
4 procurement, because these design-build  
5 procurements take time. They really do take  
6 more time because they're more complex.  
7 They're not simple low-bid procurements.

8 So all we're doing is giving ourselves  
9 the power to add additional work within the  
10 framework of the design-build competition  
11 that we've already done. And I'm confident  
12 that we can provide protections for the  
13 public through that.

14 SENATOR SEWARD: Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.  
16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Assemblyman  
18 Jacobson.

19 ASSEMBLYMAN JACOBSON: Thank you.  
20 Thank you, Madam Chair.

21 I represent the Hudson Valley,  
22 including Beacon and Poughkeepsie. So we're  
23 part of Metro-North. When are we going to  
24 get the new trains?

1 MTA PRESIDENT FOYE: The -- sorry,  
2 give me just a minute, if you would.

3 The additional 68 M8s will begin  
4 arriving on-property in spring of this year.  
5 All those cars will be accepted into service  
6 by the end of 2020.

7 ASSEMBLYMAN JACOBSON: Huh. Okay.  
8 That's good new news.

9 Now, back in December there was a  
10 surprise proposal for Saturday parking fees  
11 at the train stations. And luckily Chair Amy  
12 Paulin found out about it and organized the  
13 Assemblymembers who represent areas of  
14 Metro-North to write a letter, and this was  
15 withdrawn.

16 The surprising thing about this is  
17 that two weeks earlier, we, the  
18 Assemblymembers, had meetings with  
19 Metro-North and they were telling us what  
20 they wanted to do and so forth. This was  
21 never raised. And it was just a shocking  
22 thing that it came up. And if member --  
23 Chair Amy Paulin wasn't paying attention, we  
24 wouldn't have known about it and it would

1 have been wrong.

2 See, these parking lots are used not  
3 just for commuters, but on weekends there are  
4 festivals by the river, both in Beacon and  
5 Poughkeepsie, and this would hurt us a great  
6 deal. And if your purpose is to encourage  
7 riders, particularly on weekends when less  
8 people use the trains, it doesn't do any good  
9 to raise the parking fees.

10 And one other thing. In the past,  
11 there was a -- about getting more parking at  
12 the Beacon station. And the response we had  
13 locally was that, Well, the local people  
14 didn't want to have it because they were  
15 worried about the development there. There's  
16 a new administration now, so I hope to be  
17 working with them and you to see what we can  
18 do. They do want to get things -- I think  
19 now there's a new attitude that if we do some  
20 development down there on the river in  
21 Beacon, it's not going to hurt the rest of  
22 the city.

23 So thank you.

24 MTA PRESIDENT FOYE: In addition,

1 member Jacobson, I ought to mention that the  
2 M3 fleet that the 2020-'24 Capital Plan  
3 provides for the beginning of replacing -- of  
4 bringing in the replacement of the M3 fleet,  
5 which won't be completed in this Capital  
6 Plan, but significant steps, and expected to  
7 be completed in the Capital Plan following,  
8 the next one.

9 ASSEMBLYMAN JACOBSON: As long as I  
10 have time, I want to ask a wild question. So  
11 when do you think we might get semi-parity  
12 with the Long Island Rail Road as far as  
13 trains, as far as the stock, the rolling  
14 stock?

15 MTA PRESIDENT FOYE: I think this  
16 Capital Plan, as I mentioned, just those two  
17 -- the M3 replacement and the next Capital  
18 Plan, I think we'll see the replacement of  
19 all the M3s in addition to the 68 M8s that I  
20 mentioned.

21 ASSEMBLYMAN JACOBSON: The next  
22 Capital Plan.

23 MTA PRESIDENT FOYE: It will start in  
24 this Capital Plan and -- with respect to

1 replacing the M3s, and completed in the next  
2 one.

3 ASSEMBLYMAN JACOBSON: So that would  
4 be about 2029, the next one?

5 MTA PRESIDENT FOYE: Well, this one it  
6 will start, in substantial part, and complete  
7 it in the next one.

8 ASSEMBLYMAN JACOBSON: All right.  
9 Thank you.

10 MTA PRESIDENT FOYE: Sure.

11 CHAIRWOMAN WEINSTEIN: Senate.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Tim Kennedy.

14 SENATOR KENNEDY: Thank you very much.

15 Thank you, Chairman, thank you, Janno  
16 and Bob as well for being here, also for your  
17 leadership and your responsiveness. As we've  
18 reached out on so many different issues, you  
19 have demonstrated your commitment to working  
20 with us to resolve these issues, whether  
21 they're very hyperlocal for the respective  
22 Senators or Assemblymembers in their  
23 respective districts, or if it's systemwide.  
24 So again, thank you for your leadership.

1           Last year was a big year, as you've  
2 articulated. We were able to get the  
3 congestion pricing plan put forward, we were  
4 able to get it completed, finally, and once  
5 and for all put in place a \$51.5 billion  
6 Capital Plan that was recently approved.

7           Earlier this year we had you out to  
8 Western New York to talk to folks about the  
9 statewide economic impact of this MTA Capital  
10 Plan. Can you touch a little bit on that and  
11 talk about what the MTA is doing to ensure  
12 that this money is being spent in New York?

13           MTA PRESIDENT FOYE: Sure. So,  
14 Chairman, the \$51.5 billion Capital Plan, as  
15 I mentioned briefly in my opening remarks,  
16 will create 350,000 jobs and result in  
17 \$75 billion dollar of total economic activity  
18 across the state. It will create investment  
19 and job creation in every region of the  
20 state.

21           I was happy to join you in Buffalo a  
22 couple of months ago, and I thought that was  
23 a successful trip in terms of getting the --  
24 and you and I visited several manufacturing

1 and fabrication plants together, and I  
2 thought it was successful in terms of getting  
3 the word out about the impact of the MTA  
4 Capital Plan throughout the entire state.

5 More than one in four of the jobs  
6 created from the Capital Plan will be outside  
7 the city of New York and will occur in  
8 literally every region of the state. And I  
9 think while the commuting benefits will be  
10 realized in the MTA region, the investment  
11 and job creation results -- benefits -- will  
12 occur in every part of the state.

13 SENATOR KENNEDY: Prior to the  
14 implementation of the Capital Plan, there was  
15 a statistic that was used regularly by the  
16 MTA, and that was an 89 percent figure. Can  
17 you talk about where that number is today and  
18 where we expect that number to rise as far as  
19 jobs in the City of New York?

20 MTA PRESIDENT FOYE: Yes, Senator,  
21 last time -- when we first met, it was  
22 89 percent. It is trending above 90. And  
23 our goal and I know the goal of everybody on  
24 the panel is to drive that higher.

1           The Governor has introduced  
2           legislation obviously to buy New York  
3           provisions, which I think is incredibly  
4           important and will itself have an impact in  
5           terms of driving that number even higher.

6           SENATOR KENNEDY: Thank you.

7           I want to revisit one of the issues  
8           that a couple of my colleagues have brought  
9           up, and that is the bid process. One of the  
10          complaints often heard is that very few  
11          vendors are able to bid on these contracts  
12          which drive the overall cost up. And I know  
13          that you've been working to get the message  
14          out, increase the pool of vendors.

15          But subsequently some of the  
16          complaints that I've heard, not just from  
17          individual contractors but whole contracting  
18          associations downstate that have regularly  
19          bid on these projects over many years, has  
20          been that the debarment rule that we  
21          implemented is too punitive and that  
22          contractors, simply because they're afraid of  
23          being debarred if in fact things don't work  
24          out precisely as they anticipated during the

1 bid process, that they will be cut out for  
2 years to come. So they just won't bid on the  
3 process, which decreases the pool.

4 Is there something that we can do with  
5 your leadership, both internally and from a  
6 legislative standpoint, that maintains the  
7 integrity of the process? We want to make  
8 sure that those that are bidding are  
9 responsible bidders, but that we are not  
10 being overly punitive in cutting out bidders  
11 when in fact there may be some issue that  
12 arises during the course of reconstruction.

13 MTA CDO LIEBER: So I'm not going to  
14 make specific suggestions to the Legislature,  
15 but I will say this. The issues that we've  
16 heard from the contracting community are in  
17 the areas of -- that it not be retroactive,  
18 that was one issue that came up, that this  
19 rule shouldn't apply to contracts that have  
20 already been made or that are under  
21 construction, because the contractors might  
22 have bid them differently or looked at the  
23 risk differently.

24 That the fairness of the determination

1           whether a contractor has, you know, gone  
2           beyond the schedule and budget limitations to  
3           the extent of warranting debarment should be  
4           a neutral assessment, there shouldn't be all  
5           one-sided MTA solo determinations.

6                     And that there should be plenty of  
7           provisions to recognize -- I think Chair  
8           Comrie made some references to this, that on  
9           individual projects there are frequently  
10          reasons that -- whether it's an unforeseen  
11          condition or additional work or other  
12          circumstances that cause projects to go  
13          longer or to grow in budget. And all of  
14          those issues, I think, Senator, are  
15          legitimate, and we hope and expect that  
16          through the rule-making process they will be  
17          appropriately addressed so that we can have  
18          contractors really excited to work on MTA  
19          projects.

20                    SENATOR KENNEDY: Well, I agree, and  
21          that is our collective goal. So my  
22          suggestion would be if you can make this a  
23          priority of the MTA, because it is a real  
24          concerning problem out there. And as we're

1 rolling into this five-year Capital Plan, we  
2 want to make sure we get it right and we're  
3 not going back and saying, well, we didn't  
4 have enough bidders here, or that project  
5 slowed down because of this or that, or that  
6 the cost is way higher than we expected  
7 because there wasn't the amount of bidders.

8 So if we can prioritize getting to a  
9 conclusion, whether it's through an appeals  
10 process of some sort or some sort of change  
11 in what it is that we've ultimately  
12 implemented, I think it would be appreciated  
13 by all involved.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Assembly.

16 CHAIRWOMAN WEINSTEIN: Before we go to  
17 Mr. Byrne, who will be next, I want to just  
18 acknowledge some Assemblymembers who have  
19 joined us: Assemblywoman Wright, Assemblyman  
20 Fall, Assemblyman Lavine, Assemblywoman  
21 Jean-Pierre.

22 Now Mr. Byrne.

23 ASSEMBLYMAN BYRNE: Thank you,  
24 Chairwoman.

1           I first want to thank my colleague  
2 Mr. McDonough for allowing me to steal his  
3 seat for a few moments. Thank you, Dave.

4           And gentlemen, thank you for being  
5 here, as always. I ask this question I think  
6 each and every year regarding positive train  
7 control, and specifically for my district. I  
8 represent an area that the Metro-North is an  
9 important lifeline to the folks that live in  
10 my district but work perhaps in New York City  
11 or in southern Westchester. And we've read  
12 about these derailments over the past few  
13 years and we've made some progress, I know,  
14 with other technologies. And I believe we've  
15 met the minimum requirements from the federal  
16 government to meet the last deadline, but it  
17 just seems we keep inching this forward. And  
18 people want to know when is this going to get  
19 done. You know, I know there's weekly  
20 reports from the group that's working on it,  
21 and they come out with -- I guess it's like  
22 their level of confidence as to when it's  
23 going to be done, if it's going to be done by  
24 2020, and they say 95 percent, 85 percent for

1 Long Island Rail Road and Metro-North.

2 I want to know what your level of  
3 confidence is that this is going to get done  
4 before December 2020, because we've been  
5 talking about this for years. I mean, I feel  
6 like it's well over a decade now since they  
7 first started talking about this, and we want  
8 to make sure this is done. And so could you  
9 just give us your level of confidence, is  
10 this going to get done by December 2020?

11 MTA PRESIDENT FOYE: So the short  
12 answer to your question with respect to  
13 Metro-North and Long Island Rail Road is yes,  
14 both railroads are going to make the  
15 December 2020 deadline.

16 We did have -- and this is public and  
17 played out in our board meetings -- issues  
18 with Siemens and Bombardier. Those issues  
19 are behind us.

20 The Metro-North is -- 50 miles of  
21 revenue track service had been outfitted with  
22 PTC, four of nine segments are in revenue  
23 service, 75 percent -- the following lines  
24 are 40 to 75 percent complete: Harlem and

1 Hudson to Grand Central Terminal, New Haven  
2 Segment 1, New Haven Segment 2, and the  
3 New Canaan branch.

4 Both -- in short, both Long Island  
5 Rail Road and Metro-North will make the  
6 deadline.

7 We are reporting to the board and the  
8 joint Metro-North and Long Island Rail Road  
9 Committee monthly. We've had senior  
10 representatives from both Bombardier and  
11 Siemens come to our board meetings. We are  
12 in constant touch with them. It is something  
13 that I am personally involved in overseeing,  
14 and both railroads will make the deadline.

15 ASSEMBLYMAN BYRNE: Thank you.

16 MTA PRESIDENT FOYE: You're welcome.

17 CHAIRWOMAN KRUEGER: The next person  
18 in the Senate is --

19 CHAIRWOMAN WEINSTEIN: Kaminsky.

20 CHAIRWOMAN KRUEGER: Yes,  
21 Senator Kaminsky.

22 SENATOR KAMINSKY: Hi. Thanks for  
23 your increased attention to the Long Island  
24 Rail Road. I just have a few questions on

1           that score, please.

2                     Can you please tell us if some of the  
3           extra police officers that you're going to  
4           hire will also be patrolling Long Island Rail  
5           Road stations to handle issues that may occur  
6           there?

7                     MTA PRESIDENT FOYE:   Senator, Long  
8           Island Rail Road and Metro-North, yes.

9                     SENATOR KAMINSKY:   Thank you.   And can  
10          you also -- I guess specifically Mr. Lieber,  
11          are you able to tell us an update on Belmont,  
12          what some of the -- where we are now and what  
13          some of the next milestones are that we're  
14          hoping to reach for the Belmont new station?

15                    MTA CDO LIEBER:   Well, I think that  
16          the important thing is that we've selected a  
17          contractor and we're ready -- and that award  
18          has been approved.   We have to finalize the  
19          financing relation, the financing backstop to  
20          make sure that the full amount of that  
21          contract is covered.   But other than that,  
22          we're ready to go and to start work on this  
23          important project.

24                    SENATOR KAMINSKY:   Okay.   And when

1 will riders first be able to use the station,  
2 either one side or the other?

3 MTA CDO LIEBER: I want to get back to  
4 you on that one.

5 SENATOR KAMINSKY: Okay. Just a  
6 specific thought overall with respect to  
7 Long Island Rail Road interacting with the  
8 Climate Leadership and Community Protection  
9 Act that was passed last year. There's some  
10 questions raised about the purchase of some  
11 diesel engines for the Long Island Rail Road.

12 And obviously you guys have a lot of  
13 questions to figure out as to how soon you  
14 need things versus when new technology is  
15 available, but I was hoping that at some  
16 point the railroad would be able to come out  
17 with an overall plan in terms of how its  
18 trying to decarbonize -- when it will be  
19 electrifying more tracks, when it will be  
20 taking diesel locomotives out of service and  
21 just have a -- whether it's a five or 10-year  
22 plan or something. I got the impression it  
23 was a little haphazard, you kind of buy  
24 things when you need them. And it concerned

1 me that the state is going in one direction  
2 with decarbonizing, and the railroad was kind  
3 of not with that.

4 But obviously you guys have to make  
5 tough decisions, but I wanted to bring that  
6 to your attention and hope we can get a more  
7 comprehensive plan together.

8 MTA PRESIDENT FOYE: Yes. So,  
9 Senator, Long Island Rail Road and  
10 Metro-North are both committed to complying  
11 with the Climate Leadership and Community  
12 Protection Act. It may have been haphazard  
13 at the Long Island Rail Road, as you suggest,  
14 in the past; that's no longer the case.  
15 We're very focused on being, at every part of  
16 the MTA, being responsible stewards,  
17 including with respect to the climate change  
18 and environmental issues. And the  
19 low-emission diesel locomotive issue, which  
20 the CURES group has brought to the attention  
21 of the board regularly, has been taken  
22 seriously and will be taken into account in  
23 procuring locomotives going forward.

24 SENATOR KAMINSKY: Okay, I appreciate

1 that and look forward to speaking to you more  
2 specifically about that.

3           There are a number of people I've  
4 spoken to who are concerned that a LaGuardia  
5 AirTrain would create lots of problems for  
6 the railroad in the Willets Point area. Can  
7 you tell us how that will work and what  
8 money, if any, the railroad will have to  
9 spend to reconfigure itself in that area in  
10 light of the AirTrain?

11           MTA CDO LIEBER: I think that what it  
12 will mean is more frequent stops at the  
13 Willets Point station, which has historically  
14 been used more as an events station pending  
15 the -- you know, the development at the  
16 Willets Point area that's been planned for  
17 some time. So it will be more service,  
18 definitely.

19           And the station itself is going to  
20 be -- you know, have to be -- is going to  
21 rebuilt and expanded and given full  
22 accessibility. So it will be a benefit from  
23 that standpoint. There will be more service.  
24 And it will be, obviously, part of the

1 service on the Port Washington line.

2 SENATOR KAMINSKY: Okay. And what  
3 right now is the status of the East River  
4 Tunnels, trying to get Amtrak to do work  
5 there? Can we assure riders that they're  
6 safe, and how soon can we get them rehabbed  
7 so that some of those main tunnels that were  
8 inundated with Sandy flooding are going to be  
9 safe for travel and not create as many  
10 delays?

11 MTA CDO LIEBER: Okay. Well, let me  
12 tell you this. The East River -- the  
13 professionals who looked at the tunnels for  
14 me have opined that the East River Tunnels  
15 are not in as bad shape, not as Sandy-damaged  
16 as the L train Canarsie Tunnel was.

17 I don't give any certifications about  
18 what's what, but they seem to be functioning.  
19 There's no -- no immediate danger at all,  
20 number one.

21 Number two, our goal -- and we've  
22 literally had a series of large meetings with  
23 Amtrak that included one that took place  
24 yesterday -- our goal is to get Amtrak to

1 consider some of the innovations in tunnel  
2 repair that we discovered as a result of the  
3 L train experience. And they have committed  
4 to us that they will look at them in earnest,  
5 my goal being to have as much of the work  
6 done nights and weekends so that you can  
7 minimize the duration of any full tunnel  
8 outages that need to take place once East  
9 Side Access opens in 2022.

10 So I'm working on that, and I have  
11 Amtrak's commitment that they will consider  
12 all of these innovations to try to shorten  
13 the duration of any tunnel outage.

14 SENATOR KAMINSKY: All right, thank  
15 you. Look, I'm going to knock on a lot of  
16 wood as I say this, but I think we're in a  
17 very different place than we were just a few  
18 years ago in terms of railroad reliability.  
19 I hope we continue to focus and work together  
20 to make it even better.

21 Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Rozic.

2 ASSEMBLYWOMAN ROZIC: Thank you, Madam  
3 Chair.

4 I just have a couple of questions to  
5 refine and follow up on what a couple of my  
6 colleagues have already asked you. Can you  
7 clarify for me whether the TMRB is going to  
8 comply with the Open Meetings Law or not?  
9 That wasn't clear from your previous --

10 MTA PRESIDENT FOYE: So then to  
11 clarify, the TMRB is an advisory group  
12 created by -- it can only make  
13 recommendations. It does not have the power  
14 to make any decisions. There will be a  
15 public engagement process and meetings held  
16 around the region as appropriate. And the --  
17 I'm aware of the open government opinion.  
18 And whether that applies to an advisory group  
19 is at least unclear to me, but there will be  
20 a public engagement process of this advisory  
21 group.

22 ASSEMBLYWOMAN ROZIC: I would hope  
23 that you would put an emphasis on  
24 transparency. We certainly do.

1           In terms of the Queens bus route  
2 design, you've talked sort of in broad  
3 strokes about public engagement and  
4 additional workshops. A couple of my  
5 colleagues have already mentioned that. Can  
6 you lay out a very specific timeline for  
7 what's next in the Queens bus route design?

8           I feel like a lot of our constituents  
9 and public feel like there's a deadline or  
10 there's an impending doom, and I would like  
11 to clarify for the record, for the public,  
12 for the 27 people who are watching this at  
13 home, what exactly happens step-by-step in  
14 the coming --

15           MTA PRESIDENT FOYE: So let's step  
16 back a second. The draft report was issued  
17 on December 30th. So about three -- less  
18 than -- three or four weeks ago, less than a  
19 month.

20           It was always intended that there  
21 would be town halls and public meetings, and  
22 a number of you on the panel have held those.  
23 I understand that additional town halls and  
24 public meetings are scheduled that will

1 include New York City Transit bus personnel.  
2 I've looked at that schedule for the rest of  
3 January. I think, frankly, there ought to be  
4 more public meetings involving both elected  
5 officials and our customers.

6 Footnote to the 27 people listening,  
7 but to everybody in the room and everybody  
8 who's concerned -- there is no deadline.  
9 There is no date by which the Queens bus  
10 redesign has to be completed. We ought to  
11 complete it when it's gone through a thorough  
12 vetting by elected officials and advocates  
13 and customers. I would expect that there  
14 will be versions of the bus redesign to come.  
15 So there is no deadline.

16 We're going to, as we've done in every  
17 prior borough, do this right and make sure --  
18 and there's a balancing, as I suggested  
19 before, that has to be made on each of these  
20 things, including bus redesign, but we're  
21 doing to do our best to get it right.

22 ASSEMBLYWOMAN ROZIC: And will you  
23 commit to coming back to the delegation and  
24 Queens legislators before the next round of

1 the draft comes out?

2 MTA PRESIDENT FOYE: Yes.

3 ASSEMBLYWOMAN ROZIC: And finally, you  
4 know, I think a lot of what Assemblyman  
5 Carroll spoke to earlier was that the public  
6 feels almost heartbroken over Andy Byford's  
7 resignation and his departure.

8 You spoke to it earlier, Mr. Lieber,  
9 but how can you assure the public that his  
10 departure is not actually a blow to the  
11 system, that we're not going to go back to  
12 the previous ways of doing things? What can  
13 you actually tell people so that they still  
14 go on those buses, that they still take the  
15 subway every single day knowing that we're  
16 going to get better from here? Or not.

17 MTA PRESIDENT FOYE: So let me note  
18 the following. The MTA is a better, more  
19 capable organization than it was two or five  
20 years ago. I believe there's empirical  
21 support for that. The empirical support is  
22 on-time performance at New York City Transit  
23 and Long Island Rail Road and Metro-North was  
24 up. It's come from appallingly low levels at

1 New York City Transit to the 80 percent  
2 number that I reported for the last six or  
3 seven months, for the first time in six  
4 years. But the similar thing has happened at  
5 Long Island Rail Road and Metro-North. We've  
6 made progress on buses, we've made progress  
7 on power transit.

8 Andy Byford did a terrific job and has  
9 made a significant contribution to the MTA  
10 and to New York City Transit. One of the  
11 things that he achieved was to build a team,  
12 which I believe is going to continue the  
13 momentum. But the leadership of the MTA at  
14 senior levels and at any levels is new to the  
15 organization and is committed to continuing  
16 reforming and improving customer service.

17 And I'll also note that ridership is  
18 up on New York City Transit, one of two  
19 transit agencies in the country, according to  
20 APTA, which speaks that customers are coming  
21 back. We're committed to continuing the  
22 progress and to building on it.

23 ASSEMBLYWOMAN ROZIC: And can I just  
24 say one last thing, that your previous

1 comment about the Express Buses, the  
2 expenditures that cannot be adjusted to  
3 justify low ridership to me is unacceptable,  
4 and I think a lot of our colleagues feel the  
5 same way.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 Senate?

8 CHAIRWOMAN KRUEGER: Thank you.

9 We've been joined -- oh, no, he's left  
10 already.

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: I'm sorry. Okay,  
13 sorry, we've been joined by Senator Tom  
14 O'Mara. We were joined briefly by  
15 Senator Jamaal Bailey.

16 And we have Senator Kevin Thomas up  
17 next.

18 SENATOR THOMAS: Thank you for your  
19 testimony today. I represent mid-Nassau  
20 County, and as you know, Third Rail is  
21 bringing about a lot of change. But it was  
22 reported that contractors that were assigned  
23 to this project were receiving incentives for  
24 not annoying homeowners around the region.

1 In one report they showed that even though  
2 there was a contract with them, they were  
3 given X amount of dollars every three months  
4 if the homeowners weren't complaining as  
5 much.

6 Is this good policy when taxpayer  
7 money is going towards incentives for  
8 something that they were supposed to do in  
9 the first place?

10 MTA CDO LIEBER: One of the many ways  
11 that the Third Track Project is innovative is  
12 that it includes I think 70 or 80 different  
13 environmental commitments that we held the  
14 contractors to as part of that project --  
15 commitments to the community on traffic, on  
16 noise, on many other things.

17 One way that we incentivized the  
18 contractors to make sure they are the best  
19 possible neighbors is to allow -- and this is  
20 different and innovative -- is to allow  
21 people who live along the right-of-way to  
22 actually give them report cards. And we do  
23 that on a quarterly basis. So it's one way  
24 of holding the contractor's feet to the fire.

1           They have a portion of their bonus -- they  
2           have bonus incentives for schedule and  
3           budget, that's good policy in all  
4           construction. But they also have a small  
5           portion of their bonus that's attributable to  
6           how well they do in terms of community  
7           satisfaction with their compliance with all  
8           those environmental and community  
9           commitments.

10                   And you know what? It worked.  
11           Because not -- they're not earning As, but  
12           they're earning solid Bs and collecting a  
13           portion of the bonus. And overall, we've  
14           been very satisfied with both the outreach  
15           that the contractor has conducted and their  
16           success in making sure that they were  
17           functioning as reasonably good neighbors.  
18           It's not perfect, but it is a model for a  
19           megaproject of this size, and we're going to  
20           use it again.

21                   SENATOR THOMAS: I don't believe this  
22           is good policy. I think during the  
23           negotiations there should be that already in  
24           the contract, and taxpayer money should not

1 be going for a bonus on things that -- this  
2 could be contracted in the very beginning,  
3 that they shouldn't annoy homeowners and they  
4 should take good care of the communities. It  
5 should not -- like we should not be spending  
6 taxpayer-funded dollars for this. That's my  
7 first point.

8 Second is you've probably heard of the  
9 CRRC Corporation. What is the MTA doing  
10 about China's aggressive goals for market  
11 share in our subways?

12 MTA PRESIDENT FOYE: We have not  
13 bought any railcars from CRRC. It is the  
14 subject of proposed legislation in  
15 Washington. We share the concerns that have  
16 been expressed by elected officials in  
17 Washington and in Albany, on both sides of  
18 the aisle, first with respect to keeping as  
19 much work out of the MTA Capital Plan in  
20 New York State first, and second, in the  
21 United States.

22 And second, we share concerns about  
23 the possible infiltration of Chinese state  
24 enterprise companies putting surveillance and

1 other technologies in those products.

2 SENATOR THOMAS: Thank you.

3 MTA PRESIDENT FOYE: You're welcome.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Assemblymember --

6 CHAIRWOMAN WEINSTEIN: -- Otis.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Assemblymember Otis.

9 ASSEMBLYMAN OTIS: Gentlemen, nice to  
10 see you. I wanted to ask a New Haven Line  
11 question. This is the issue of the  
12 overcrowding on New Haven Line trains. We're  
13 going to be having Penn Station access, which  
14 is going to maybe move some people around.  
15 We have new replacement cars coming online in  
16 the current Capital Plan.

17 But the concern is that our  
18 overcrowding issues on many trains is not  
19 going to get addressed by increased capacity.  
20 I think it probably requires a more dynamic  
21 analysis by your folks to really sort of see  
22 what the changes are going to bring, where  
23 they're going to open up seats. But I think  
24 what I would be looking for in terms of help

1 from you is a partnership in just trying to  
2 see that we can bore down on where the  
3 problem areas are and get some resolution and  
4 some assistance to many riders who are  
5 standing, basically every day, on certain  
6 trains -- some relief and some planning  
7 around that.

8 MTA PRESIDENT FOYE: So, Member Otis,  
9 we share the concerns. We'd be happy to work  
10 with you. As I mentioned, we're going to get  
11 66 M8s by the end of this year, point one.

12 Point two, we will be conducting a  
13 study to look at the feasibility of other  
14 options -- for instance, multilevel trains on  
15 lines like the New Haven, to provide  
16 additional capacity.

17 And we're also -- Metro-North either  
18 is already or will shortly conduct a study of  
19 potential new yard sites along that line to  
20 deal with overcrowding as well. We share the  
21 concern and look forward to working with you  
22 on it.

23 ASSEMBLYMAN OTIS: Thank you. And I'd  
24 just say, as a brief observation, you get a

1 lot of questions whenever you're here, but I  
2 like to reflect upon the fact you run a very  
3 large, old system with existing demands,  
4 repair demands, new demands. And so I think  
5 we all want to be partners with you on what  
6 is an enormous task. And you deserve credit  
7 for actually taking it on, because it is not  
8 easy. And if anyone were to purport that it  
9 was easy, they would not be accurate.

10 So thank you very much.

11 MTA PRESIDENT FOYE: Thank you.

12 CHAIRWOMAN WEINSTEIN: Senate?

13 CHAIRWOMAN KRUEGER: Thank you.

14 Senator Diane Savino.

15 SENATOR SAVINO: Thank you,

16 Senator Krueger.

17 Nice to see you again, Pat. A lot of  
18 the questions that I would have asked have  
19 already been covered, so I'm not going to go  
20 over them again. I just want to hit on a  
21 couple of key points.

22 Of course, near and dear to me is the  
23 Verrazzano Bridge discount. I see the  
24 Governor has included it. Do we anticipate

1 the Legislature needs to increase our  
2 commitment to it, or is that money that's in  
3 the Governor's budget sufficient to keep the  
4 bridge discount at 5.50? That's the first  
5 question.

6 The second one is on the issue of BRT  
7 for the North Shore of Staten Island. Is  
8 that part of the capital budget?

9 And then of course your people, your  
10 staff has worked with me over the past couple  
11 of years to pass a bill in the Senate that  
12 addresses the issue of sex offenders, repeat  
13 sex offenders, assaults on MTA workers, as  
14 well as a ban. We passed the bill almost  
15 unanimously in the Senate. The Governor has  
16 included some of the language in his budget.  
17 I believe the bill that the Senate passed is  
18 more comprehensive and actually gets to the  
19 root of the problem.

20 So I would hope that you would remind  
21 him that we don't need to reinvent the wheel,  
22 we just need to turn it, as he likes to say,  
23 pass the Senate bill, and not try and water  
24 down our proposal.

1           MTA PRESIDENT FOYE: So, Senator, on  
2 the first issue, we believe that the funding  
3 that the Governor has provided in the  
4 Executive Budget is sufficient.

5           With respect to the second, that is --  
6 BRT is being studied. It is not included in  
7 the Capital Plan beyond the study. But that  
8 study I think will inform what our next steps  
9 are.

10           And I think we join with you about the  
11 concern that was addressed in the Governor's  
12 Executive Budget about serial sexual assault  
13 recidivists and support that piece of  
14 legislation. I don't intend to get involved  
15 in the discussion of that bill between the  
16 executive chamber and the Legislature; I  
17 think there are others that are  
18 better-qualified and smarter at that than I  
19 am. But we do support passage of that bill.

20           SENATOR SAVINO: Thank you. I just  
21 want to say thank you for finally making the  
22 commitment on the F Express all the way out  
23 to Coney Island. It has been a game-changer  
24 for a lot of people. And I know

1 Senator Thomas touched on the issue of data  
2 privacy issues.

3 Earlier this year the Governor signed  
4 a bill that I coordinated with Clyde Vanel to  
5 create the Artificial Intelligence  
6 Task Force. There will be appointments made.  
7 But AI is definitely going to affect your  
8 industry, whether it's robotics, automatic  
9 running trains -- and I would hope that at  
10 some point we could get together to discuss  
11 the effect of artificial intelligence and  
12 robotics, as well as data privacy concerns.

13 MTA PRESIDENT FOYE: Be happy to do  
14 that, Senator.

15 SENATOR SAVINO: Thank you.

16 MTA PRESIDENT FOYE: Thank you.

17 CHAIRWOMAN KRUEGER: Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman  
19 Hyndman.

20 ASSEMBLYWOMAN HYNDMAN: Thank you.  
21 Thank you, Madam Chair. And thank you,  
22 gentlemen, for being here.

23 I have a couple of questions, and I'm  
24 going to try and get this all done. There

1           wasn't a dollar amount with the Queens bus  
2           redesign. I haven't heard any specific  
3           amount.

4                     MTA PRESIDENT FOYE: I don't think a  
5           dollar amount was included in the report. I  
6           don't believe that it's written in law that  
7           these have to be neutral from a cost point of  
8           view. Certainly from a financial point of  
9           view, that's a prudent thing to do. And I  
10          think where there's a need for additional bus  
11          service, it's incumbent upon the MTA to find  
12          the funding to do it.

13                    ASSEMBLYWOMAN HYNDMAN: I asked  
14          because that's what we were hearing when we  
15          met with Mr. Byford about two weeks ago, was  
16          that there wasn't enough money. And one of  
17          the things, when we agreed to congestion  
18          pricing, especially the Queens delegation, it  
19          was with the understanding, like my  
20          colleagues have said, that we were going to  
21          make sure that we had the necessary bus  
22          routes improved upon and not reduced.

23                    You all are -- I know the mayor has a  
24          plan for the BQX. He hasn't reached out at

1 all to you as far as funding or being  
2 involved in any part of that?

3 MTA PRESIDENT FOYE: On the BQX? No.

4 ASSEMBLYWOMAN HYNDMAN: No, okay.

5 And the last thing, I just wanted to  
6 reiterate the comments of Senator Liu, is  
7 that when we talk about the regions of  
8 Queens, especially Western Queens, that do  
9 not have access to train stations, that we  
10 must really focus on making sure that we  
11 expand those areas when it comes to our  
12 buses.

13 And lastly, the Atlantic ticket is a  
14 success, and now it's a normal thing. Is  
15 there any chance of expanding that to  
16 Penn Station for Western Queens?

17 MTA PRESIDENT FOYE: The Penn Station  
18 issues -- and I'll defer to Janno in a  
19 second. The reason we haven't extended it to  
20 Penn Station is because of the capacity  
21 issues at Penn Station that are obvious.  
22 Janno is working on projects to expand both  
23 station and track capacity, but that's not  
24 going to happen in the short term.

1 MTA CDO LIEBER: Yeah, I think the --  
2 attracting more people to Penn when you've  
3 already got a system that can't handle the  
4 ridership that exists now is probably not in  
5 our collective interest.

6 The Atlantic ticket is obviously very  
7 successful, in part because it utilized a  
8 portion of the system that had additional  
9 capacity.

10 But the Governor's plan to grow Penn  
11 Station southward to create this new section,  
12 the so-called Empire Station complex, a new  
13 Penn Station with eight new tracks, would  
14 give us the capacity to accept a lot more  
15 service from all over the system, and that  
16 might be helpful to the neighborhoods you're  
17 thinking about.

18 ASSEMBLYWOMAN HYNDMAN: And lastly, I  
19 agree with banning repeat offenders from our  
20 transit system, but how will the MTA be able  
21 to enforce that? Is there any talk of facial  
22 recognition software?

23 MTA PRESIDENT FOYE: I'm sorry, facial  
24 recognition software --

1 ASSEMBLYWOMAN HYNDMAN: How are you  
2 going to enforce keeping repeat offenders off  
3 of our transit systems?

4 MTA PRESIDENT FOYE: So Chief  
5 Delatorre and Chief Coogan have told us that  
6 the officers on the NYPD have a list of  
7 pictures, and it's a relatively small number  
8 of sexual assault recidivists who account for  
9 a disproportionately high number of the  
10 violations.

11 Obviously using 21st-century  
12 technologies like facial recognition and  
13 other things in appropriate ways, with  
14 concerns for privacy issues, ought to be  
15 explored.

16 ASSEMBLYWOMAN HYNDMAN: So is it --  
17 it's not -- the MTA doesn't have pictures of  
18 repeat -- the MTA police, I'm asking.

19 MTA PRESIDENT FOYE: The MTA police  
20 do -- most of the policing of the subways is  
21 done by the NYPD. No, the two departments  
22 share those pictures, of course.

23 ASSEMBLYWOMAN HYNDMAN: Okay. Thank  
24 you.

1 CHAIRWOMAN WEINSTEIN: Senate?

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Sue Serino.

4 SENATOR SERINO: Good morning, and  
5 thank you for being here today.

6 Last year the MTA Rail Act was passed  
7 as part of the State Budget, and at the time  
8 I was encouraged to see that the authority  
9 would have to undergo an independent forensic  
10 audit, something I've been calling for, as  
11 you know, since I first took office.

12 I did, however, express the concern  
13 about the timeline; specifically, the  
14 requirement that the MTA complete the  
15 reorganization plan by June 30th of last  
16 year, but the independent forensic audit was  
17 not scheduled to be completed until  
18 January 1st of this year. And I don't know  
19 how you effectively reorganize without  
20 knowing what problems need to be addressed.

21 Just ahead of the deadline, you  
22 released what I would call a flimsy report.  
23 The Daily News actually, I think, called it a  
24 fake audit. Can you tell me why you paid

1 almost a million dollars to an accounting  
2 firm to comment solely on the planning  
3 process instead of abiding by the law that,  
4 quote, requires a complete and thorough  
5 examination and detailed accounting of the  
6 authority's capital elements?

7 MTA CFO FORAN: Well, first I would  
8 disagree with the premise. This was a real  
9 audit. This was a forensic audit. Crowe is  
10 a recognized expert in this field. They've  
11 done this for other major transit properties  
12 domestically and internationally. They took  
13 their time and exercised generally accepted  
14 governmental auditing standards in doing  
15 their work. They went out into the field and  
16 they did extensive, you know, investigations  
17 and examinations.

18 They did not give us a clean bill of  
19 health. They said we're doing a number of  
20 things that are good. They did say that our  
21 capital planning process was consistent with  
22 industry leading practices and required no  
23 modifications of the '20 to '24 capital  
24 program.

1           However, there were three areas that  
2 they said -- or three areas that I'll mention  
3 that they said we could improve. One was  
4 cost estimating. They said that we didn't  
5 have enough benchmarks, and we're working in  
6 that regard to do that.

7           Asset inventory. Asset condition  
8 database. Basically, we don't have the same  
9 level of information about our full asset  
10 inventory. Some we have a lot of  
11 information, some we have less. Some is  
12 dated.

13           The planning procedures, they said  
14 they weren't fully documented. Now, part of  
15 that is because each of the agencies had done  
16 this work on their own. Well, what we're  
17 doing now, under Janno's leadership in the  
18 Construction and Development group, we're  
19 bringing it all together. We will now have  
20 that consistent approach, both in cost  
21 estimating, in asset inventory, and also in  
22 our planning processes.

23           So we have embraced those  
24 recommendations. We've already implemented

1 many of those recommendations. So I think it  
2 was a very valuable exercise. It pointed out  
3 things that we needed to improve, but it also  
4 said the '20 to '24 capital program was put  
5 together properly. So I do think it was a  
6 valuable use of money.

7 SENATOR SERINO: Okay. And like  
8 Senator Seward had mentioned -- he brought up  
9 that an in-depth analysis shows that the MTA  
10 construction costs are about seven times  
11 higher than the global average. I know you  
12 spoke briefly about that, but I want to move  
13 on. So I'm just renewing my calling on you  
14 to go back to the drawing board on all of  
15 this. Riders deserve better and, more  
16 importantly, the constituents in my district  
17 who have been forced to pay fees and taxes  
18 into a broken system for years deserve  
19 answers.

20 Last year you also put forth a plan  
21 with the stated goal of providing MTA riders  
22 with a, quote, voting voice. As you know, I  
23 represent two counties, Dutchess and Putnam,  
24 that are known as quarter-pounders, along

1 with Orange and Rockland Counties. In the  
2 world of the MTA, our representatives to the  
3 MTA only get a quarter of a vote, compared to  
4 the MTA reps who each get a full vote. So  
5 think about it: Four counties, one vote.

6 As part of the five-year plan you put  
7 forward, do you have any plans to expand  
8 representation to all of the counties who are  
9 impacted by taxes and fees associated with  
10 the MTA? And will you consider giving each  
11 of the quarter-pounders a full vote, to truly  
12 have a voting voice?

13 MTA PRESIDENT FOYE: Well, Senator,  
14 the quarter-pounder structure is set forth in  
15 state law. That's a matter for the  
16 Legislature and the Governor. That's above  
17 our pay grades, at least.

18 SENATOR SERINO: Then I look forward  
19 to moving something forward. Thank you.

20 CHAIRWOMAN KRUEGER: Assembly.

21 CHAIRWOMAN WEINSTEIN: Assemblyman  
22 McDonough.

23 ASSEMBLYMAN McDONOUGH: Thank you very  
24 much. (Inaudible; mic off.) I have one major

1 question, East Side Access. I've been down  
2 there a couple of times since '06 myself, to  
3 see what's going on. What's the delay? Is  
4 the tunnel complete yet?

5 MTA CDO LIEBER: The civil work, the  
6 caverns, the physical structure of the  
7 facility is complete. And we invite you and  
8 other members of the Legislature to visit it  
9 again. It's going to open in 2022.

10 Most of the work that -- if you came  
11 to see the concourse and the physical station  
12 right now, it feels like it's pretty close to  
13 being finished. The finishes, the tiles, the  
14 stone, it's all up. The challenge is in the  
15 systems, the complexity of the 29 systems,  
16 which are controlled by four separate rail  
17 control centers. That's where most of the  
18 work that remains is to be done. And all the  
19 testing and the safety testing of the  
20 systems.

21 But we're opening in 2022, you can  
22 count on it.

23 ASSEMBLYMAN McDONOUGH: But the tunnel  
24 itself is complete. Because I was there when

1 they were still doing that.

2 MTA CDO LIEBER: There's no additional  
3 civil work that needs to be done. The tracks  
4 are mostly in, but the physical tunnel is  
5 very much -- it has been for some time.

6 ASSEMBLYMAN McDONOUGH: So you believe  
7 the 2020 date is realistic?

8 MTA CDO LIEBER: Yes.

9 ASSEMBLYMAN McDONOUGH: Okay, let's  
10 hope. Thank you very much.

11 CHAIRWOMAN WEINSTEIN: Senate?

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Jessica Ramos.

14 SENATOR RAMOS: Good morning. Hello,  
15 is it -- all right, good. Good morning. How  
16 is everybody?

17 So I want to start by putting on my  
18 Labor chair hat, actually, and I want to ask  
19 about contracting out work. Now, it's my  
20 understanding that a lot of different work is  
21 being contracted out to different companies  
22 that often end up with a bill of \$85 an hour  
23 versus paying the actual transit workers that  
24 are already authorized to work at the MTA,

1 who are paid \$38 an hour.

2 So I want to understand, why are you  
3 contracting out work that can be done  
4 in-house when it's so much more expensive?

5 MTA PRESIDENT FOYE: Well, Senator,  
6 all work that's contracted out on the subways  
7 is work that is allowed to be done under the  
8 collective bargaining agreement or is  
9 pursuant to a specific agreement with the  
10 TWU, and in some cases there are specific  
11 agreements.

12 Among the reasons that we might  
13 contract out is special expertise. One,  
14 there may be an emergency need. Three, there  
15 may be work that requires volumes of numbers  
16 of people beyond the TWU workforces,  
17 et cetera.

18 I think it's very factual and depends  
19 on the specific circumstances. It's a hard  
20 question to answer.

21 SENATOR RAMOS: And it's something  
22 that I intend to dive into a little more.  
23 Also along these lines, at the last hearing  
24 you mentioned steps to decrease risks that

1 cause the MTA premium charge that is often  
2 included in bids. How is that going? And  
3 would you consider the MTA's practice of  
4 debarment as a cause of limited bidding on  
5 high-cost --

6 MTA CDO LIEBER: So we've talked a  
7 little bit about debarment today, but to your  
8 question about whether we're making progress  
9 in addressing the issues that cause  
10 contractors to lift the premium, I'll just  
11 tell you, one, we've done a lot -- and I've  
12 gone through a lot of it today. But I went  
13 last week to the General Contractors  
14 Association Executive Board and talked about  
15 all of these issues, how we are making the  
16 contracts fair, putting timelines on the  
17 MTA's side of a contract arrangement where we  
18 have to respond to the design submittals  
19 faster, we have to process change orders  
20 faster, we have to make all of the decisions  
21 that drive a project faster, timely and more  
22 effectively.

23 And the gentleman who is the executive  
24 director of the General Contractors

1 Association, of his own initiative said, "I  
2 worked on a job" -- he worked on the  
3 Third Track Project on Long Island before he  
4 came to the GCA. "It's true, they're doing  
5 all of this stuff, they are turning around  
6 things in different timeline. They're  
7 actually getting rid of the one-sided dispute  
8 resolution process," which so many  
9 contractors complain about.

10 I think we have the confidence of the  
11 industry that we are making progress on those  
12 issues, Senator.

13 SENATOR RAMOS: Okay. And I want to  
14 believe you, Janno.

15 But I do want to start by commending  
16 the budget portals that the MTA has created.  
17 I think that it has increased transparency to  
18 a certain degree. But there are still major  
19 gaps regarding specific projects. Is it  
20 possible -- and when can we see where  
21 different projects are along the timeline  
22 online?

23 MTA CDO LIEBER: Sure. So -- well,  
24 actually today, I'm going to be submitting to

1 the Legislature, through staff, our specific  
2 plan for work that's going to go on in 2020.  
3 That is the remaining work from the existing  
4 capital program and the Sandy work and so on,  
5 so you'll have specifics on all of that,  
6 quarter by quarter.

7 I'm going to be providing more detail,  
8 project by project, in the next couple of  
9 months, and that will all be on the portal.

10 SENATOR RAMOS: Great. And one area  
11 that hasn't improved, it seems, it's in  
12 FOILs. My office is of course working to  
13 figure out how we can increase transparency  
14 across all agencies. But is it possible for  
15 the MTA to produce a monthly report or a  
16 quarterly report so that we know where FOIL  
17 requests are and when they will be complied  
18 with?

19 MTA PRESIDENT FOYE: Senator, I think  
20 on that subject we've -- we have work to do.  
21 We do have a new FOIL software, I think it's  
22 called FOIL Now, if I have it right, and  
23 there is a new chief FOIL officer who came  
24 from a law firm where they worked on

1 e-discovery and getting information out.

2 I think we've got progress to do in  
3 the FOIL area. And let me consider your  
4 request and come back.

5 SENATOR RAMOS: Thank you. I  
6 appreciate that.

7 CHAIRWOMAN KRUEGER: Assembly.

8 CHAIRWOMAN WEINSTEIN: Assemblywoman  
9 Simon.

10 ASSEMBLYWOMAN SIMON: Thank you.

11 Let me just go to my notes here,  
12 sorry. I have a couple of questions for you.  
13 One is about the direction that you'll be  
14 pursuing with regard to signaling on the  
15 subways, which now that things have been  
16 changed -- and we know that Pete Tomlin is  
17 going to be leaving as well, and he had been  
18 brought in particularly to address that  
19 issue -- and I know the Governor has proposed  
20 the ultra-wideband, which we don't have a lot  
21 of data on having been tested, and we know  
22 that the communication-based train control,  
23 CBTC, is very successful and has worked on  
24 the two lines that we have it.

1           How are we going to be addressing  
2           that? Because obviously the signal issues  
3           are huge issues throughout the system.

4           MTA CDO LIEBER: Well, I think we --  
5           we've got three signal projects underway  
6           right now. You've got Culver, the F train;  
7           you've got the Queens Boulevard line CBTC  
8           project; and we just awarded the Eighth  
9           Avenue line.

10           So you've got three major signaling  
11           projects in the existing program that are  
12           underway right now, and they're going. And,  
13           you know, my team is overseeing them. So I  
14           think we have a level of confidence that that  
15           can be done and we can take those signaling  
16           projects, take advantage of the outages to  
17           get more work done more efficiently. So  
18           we're excited about that.

19           There are six separate projects in the  
20           next program, and we are ready for the  
21           procurement of those jobs. And as you say,  
22           CBTC will probably form the backbone of the  
23           modern signaling, but we are also looking for  
24           opportunities to donate ultra-wideband as

1 soon as the safety certifications can be  
2 gotten through. Because it's -- so far the  
3 testing has indicated, it's not final and  
4 definitive, that ultra-wideband can cut the  
5 amount of time and the amount of work that  
6 needs to be done to install a new modern  
7 signaling system.

8 So we're excited about where things  
9 are heading. You know, I said it earlier in  
10 the hearing, we have full confidence that we  
11 have the signaling knowhow. I mean, CBTC, as  
12 you said, is not a brand-new system in many  
13 ways, but we have the signaling knowhow at  
14 the MTA and among our consultants to deliver  
15 that.

16 ASSEMBLYWOMAN SIMON: So I think my --  
17 the concerns that I have and the concerns  
18 I've heard from constituents is that you  
19 would sort of jump ship from CBTC, which is  
20 known and reliable and we have very high  
21 on-time rates for, to something else. And I  
22 think what I'm hearing from you is that  
23 you're going to be using both in a  
24 complementary fashion. Would that be more

1 accurate?

2 MTA CDO LIEBER: Yeah, I think it's --  
3 exactly.

4 It's sometimes misunderstood, the  
5 ultra-wideband adaptations that are being  
6 studied and tested and validated would be  
7 augmentations, improvements to CBTC. They're  
8 not a totally complete departure. They  
9 basically are a location system that works in  
10 tandem with CBTC signaling. So it's not a  
11 total redirection.

12 ASSEMBLYWOMAN SIMON: Okay. And then  
13 another question that I have is about  
14 Access-A-Ride. And as you know, the  
15 Access-A-Ride On Demand has been very  
16 successful. And it's not addressed  
17 particularly in the budget, the Governor's  
18 Executive Budget. But, you know, there was a  
19 pilot done with Access-A-Ride On Demand that  
20 was very successful.

21 There is a real concern that because  
22 of those first 1200 riders, they were the  
23 ones that used the system more, that we don't  
24 really have as broad a base for our data to

1 determine, you know, how much it would  
2 actually cost to do it. And Access-A-Ride,  
3 as you know, is a very expensive and not  
4 terribly efficient or effective service.

5 And so I would like to address this  
6 issue of expanding that pilot to another  
7 1200 people, and your plans for doing that  
8 and how we can do that and how we can help  
9 you do that. Because I think we're not going  
10 to get very far and we're not going to get  
11 people with disabilities to work, paying  
12 taxes, if we can't get them to work. And I  
13 think this is just something that  
14 fundamentally needs to be addressed in a very  
15 serious way.

16 MTA PRESIDENT FOYE: We agree. The  
17 Phase 1 of the e-hail pilot, which included  
18 those 1200 people -- by the end of the first  
19 quarter, an additional 1200 will be added.  
20 Those people -- those customers have been  
21 selected randomly.

22 I think there was a self-selection  
23 element -- I'm not being critical, but a  
24 self-selection element to the first 1200, and

1           it wasn't done on a random basis. The second  
2           1200 will be done on that basis, and I think  
3           we will learn a lot more about the data and  
4           our customer uses that will inform any  
5           choices to be made down the road.

6                     ASSEMBLYWOMAN SIMON: Okay, thank you.

7                     CHAIRWOMAN WEINSTEIN: Thank you.

8                     Senate?

9                     CHAIRWOMAN KRUEGER: Senator Andrew  
10           Gounardes.

11                    SENATOR GOUNARDES: Thank you very  
12           much. Good morning, it's still morning.  
13           Thank you.

14                    I just want to start off by echoing  
15           the comments -- I won't rehash them -- made  
16           around procurement and debarment that  
17           Senator Comrie made, as well as the comments  
18           about debt service that Senator Liu made.  
19           You know, I share some of those concerns and  
20           questions, and so I appreciate your answers,  
21           but there are issues that we still want to  
22           follow up on and keep on top of.

23                    I also want to thank your team for  
24           being very responsive to me. I know I've

1 sent a lot of things your way, and so I  
2 really appreciate everyone at the MTA for  
3 being responsive and diligent in getting back  
4 to me with a lot of things. Some things  
5 we're still working on. But I do want to  
6 take this public opportunity to thank you all  
7 for doing that.

8 I have a couple of questions that I  
9 want to dive in on. You know, it's great  
10 that we're at this 80-plus percent on-time  
11 performance, but all of the lines that  
12 service my district are still performing  
13 below the average. You know, my worst line I  
14 think is at 71 percent, according to your  
15 online metrics.

16 You know, I have six or seven lines  
17 that service Southern Brooklyn, so I know a  
18 lot of work is being done. I'd like to see  
19 us spend some more focus on some of the outer  
20 borough service. You know, it's -- we're  
21 still seeing issues every single day -- the  
22 R Line, the N Line, the D Line, the F, the B,  
23 the Q -- in terms of on-time performance.

24 And so I know we're doing work on

1 signaling, I know we're doing work on tracks,  
2 but it's not filtering down to the folks that  
3 are feeling the pain the most because they  
4 have the longest commutes. So delays get  
5 compounded the further out they are.

6 And so I'd love to see some more  
7 action responding to those outer borough  
8 needs specifically.

9 MTA PRESIDENT FOYE: So, Senator,  
10 we're very focused on the outer boroughs. I  
11 think frankly the outer boroughs have  
12 experienced the greatest increase in on-time  
13 performance, led by the 7 Train once CBTC was  
14 completed for the 7 and the 7X.

15 The 71 percent on-time performance  
16 data in the lines in your district actually  
17 does represent increases. We're not happy  
18 with 71 percent. We're not happy with 80  
19 either. And we clearly have the ability and  
20 the will to drive those on-time performance  
21 numbers up, and we're focused on doing that.

22 SENATOR GOUNARDES: Related to that,  
23 and echoing some of the comments made about  
24 the bus redesign, I have a large number of

1 transit deserts, or areas where people have  
2 to take a bus to a subway -- you know, two  
3 zones -- and there's ongoing issues in terms  
4 of coordinating service. People will get off  
5 the BQ at Kings Highway and wait 20 minutes  
6 for a bus. It's faster for them to walk a  
7 mile back to Marine Park than to wait for the  
8 bus.

9 Buses are just -- so we're still  
10 having an issue connecting the dots, I  
11 think -- this got really loud all of a  
12 sudden -- connecting the dots in terms of  
13 service delivery that I'd love to see some of  
14 you guys come back to us with, or me with,  
15 some more clarity on that, as well as other  
16 outstanding bus issues.

17 You know, weekend service on the  
18 B37 bus, I've had constituents say they  
19 waited 45 minutes to an hour sometimes for  
20 bus service.

21 So as you're engaging in this Brooklyn  
22 redesign process, I really -- we need to  
23 think about how we're providing that service,  
24 to Senator Liu's points about areas that

1           might merit service increases. You know,  
2           waiting 45 minutes for a bus just isn't a  
3           tenable reality for anyone. No one should  
4           have to do that.

5                     MTA PRESIDENT FOYE: Senator, I'll ask  
6           the bus leadership to reach out and  
7           coordinate -- talk to you and your office and  
8           see whether we can't do better in terms of  
9           coordinating subways and buses into this.

10                    SENATOR GOUNARDES: Thank you. I want  
11           to share a constituent letter that I had in  
12           my office. "It's hard enough to find anyone  
13           who's happy with the subway system. I'm  
14           certainly not. But there's not much sense in  
15           rehashing why New York's fathers allowed the  
16           system to crumble, why modernization was not  
17           begun 30 years ago, why this, why that, why  
18           the other thing.

19                    "In short" -- skipping a few  
20           paragraphs -- "now that a program of  
21           modernization is underway, we have to monitor  
22           the program, perhaps giving a shove here and  
23           a push there to help move it along. That is  
24           part of my job as your State Senator." This

1 was written in 1987 by a predecessor in my  
2 seat, Senator Mega.

3 You look through this letter, every  
4 issue that was identified in this letter  
5 nearly 35 years ago, we're still dealing with  
6 in Southern Brooklyn. It talks about  
7 improvements to the R train, congestion on  
8 the 4th Avenue Line, improvements to the  
9 N Line, service updates, station rehab.

10 So I guess it's a broader point.  
11 We've made great strides, but I could have as  
12 easily signed this letter today to my  
13 constituents as Senator Mega did 30 years  
14 ago. We need to think about how we are  
15 transforming not just the operations of the  
16 agency but the vision of the agency and, you  
17 know, where we expect and what we want our  
18 transit system to be. Because we can easily  
19 be back here in 20 years again saying the  
20 same exact stuff, and we'll have gotten  
21 nowhere.

22 So it's not really something that you  
23 need to answer to, but just more of a  
24 comment. I'd love to see us -- us -- with a

1 more forward-looking vision about what our  
2 transit system can possibly be. Because I  
3 was shocked when I found this letter in my  
4 office, frankly. It's -- I feel like we're  
5 spinning our wheels in some way.

6 MTA PRESIDENT FOYE: Senator, I  
7 understand. I'd make the following brief  
8 comment, that the sentiments expressed in  
9 that letter are in part the result of decades  
10 of underinvestment in the system, which we  
11 all realize is a reality. The Legislature's  
12 decision to approve Central Business District  
13 tolling and to enable -- and the CPRB's  
14 deemed approval of the \$51.5 billion Capital  
15 Plan will, I believe, redress those issues  
16 and continue the momentum of progress  
17 forward.

18 SENATOR GOUNARDES: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you. We  
20 go to Assemblyman Fall.

21 ASSEMBLYMAN FALL: Thank you,  
22 Madam Chairwoman.

23 Thank you, Chairman Foye, for your  
24 leadership and your team for I guess

1 following up for the questions I had during  
2 my last hearing. Happy to hear when the  
3 trains will be coming to Staten Island. And  
4 I'm also happy to see some of the train  
5 station upgrades that we're going to have in  
6 the district, as well as the capital  
7 investments on the Verrazzano Bridge.

8 Speaking of the Verrazzano Bridge, do  
9 you know when the implementation of the  
10 two-way tolling will begin?

11 MTA PRESIDENT FOYE: I'm sorry, Member  
12 Fall?

13 ASSEMBLYMAN FALL: The implementation  
14 of the two-way tolling for the Verrazzano  
15 Bridge.

16 MTA PRESIDENT FOYE: It will be around  
17 June.

18 ASSEMBLYMAN FALL: Around June?

19 MTA PRESIDENT FOYE: Around June.  
20 I'll come back with a more specific date,  
21 but --

22 ASSEMBLYMAN FALL: Of this year, 2020,  
23 correct?

24 MTA PRESIDENT FOYE: Yes. Yes, sir.

1           ASSEMBLYMAN FALL: All right. And the  
2 redesign of the local networks, it's my  
3 understanding that there was a public meeting  
4 held in one of the other boroughs and, you  
5 know, the public was outraged, and I guess  
6 there was like some sort of miscommunication.  
7 And I know that we're supposed to be  
8 redesigning the local networks on Staten  
9 Island relatively soon, and I'm trying to of  
10 course prevent something like that from  
11 happening in my borough, so I want to make  
12 sure that we're communicating.

13           And do you have an idea of when that  
14 process will begin as well, for the  
15 redesigning of the local networks?

16           MTA PRESIDENT FOYE: Member Fall, let  
17 me come back to you shortly. I just don't  
18 have it at my fingertips, but I'll get it for  
19 you.

20           ASSEMBLYMAN FALL: Not a problem.

21           MTA PRESIDENT FOYE: I'll get it for  
22 you before the hearing's over.

23           ASSEMBLYMAN FALL: Not a problem.

24           And as far as my favorite topic, the

1 BRT, is there any news on the BRT?

2 MTA PRESIDENT FOYE: Well, the Staten  
3 Island North Shore study EIS is underway, the  
4 West Shore study is underway as well.

5 ASSEMBLYMAN FALL: Is there a timeline  
6 when that's supposed to be completed?

7 MTA PRESIDENT FOYE: Let me come back  
8 to you on that as well.

9 On the BRT, if funding is in place, we  
10 anticipate implementation in 2025 to '29.

11 ASSEMBLYMAN FALL: Okay. Very good.  
12 Thank you.

13 MTA PRESIDENT FOYE: You're welcome.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 MTA PRESIDENT FOYE: I'll come back to  
16 you on the other question before the  
17 hearing's over.

18 CHAIRWOMAN WEINSTEIN: We go to  
19 Senator Gaughran.

20 SENATOR GAUGHRAN: Good morning,  
21 gentlemen. How are you? Thank you for all  
22 you're doing and for being here.

23 Mr. Foye, as I think you know, I  
24 represent Nassau and Suffolk Counties, part

1 of the North Shore, Oyster Bay, Huntington  
2 and Glen Cove. And in your testimony you  
3 kind of summarized that the Capital Plan as  
4 it relates to the railroad, together with the  
5 Jamaica capacity improvements and the others  
6 that you referenced here today, this will  
7 enable a 50 percent increase in peak service  
8 between Manhattan and Long Island.

9 Now, specifically with reference to  
10 the Oyster Bay line, we have a line that if  
11 we could get 15 percent more peak service, I  
12 think that would be a major improvement. We  
13 have a big, almost empty parking lot in  
14 Oyster Bay that could be used. We have  
15 significant growth in Glen Cove, where we  
16 have two stations. We have Locust Valley.  
17 And many of the residents that I represent  
18 who live right near this line, some of whom  
19 could even walk to the Oyster Bay line, are  
20 either getting in their cars to go into the  
21 city -- which kind of defeats the whole  
22 purpose of this capital program and  
23 everything we're trying to accomplish here in  
24 the state -- or they travel to another

1 station where they are further -- you know,  
2 creating more problems with both parking and  
3 crowding on the platforms, et cetera.

4 So my question is, how can we through  
5 this Capital Plan, as quickly as possible,  
6 move towards improving that line? I know  
7 electrification at some point may be in the  
8 cards. But simply, if we could get just one  
9 additional car in the morning and one in the  
10 evening, during peak periods, that would be a  
11 tremendous help to these folks. And I think  
12 it would also ease some of the congestion,  
13 you know, on both the Port Washington as well  
14 as the Port Jefferson line going forward.

15 MTA CDO LIEBER: I think you captured  
16 the key -- the enabling fact is that because  
17 we have additional -- you know, we have the  
18 East Side Access terminal and the throughput  
19 that the new tunnels will provide, in  
20 addition to the Third Track additional  
21 capacity, we're going to grow the capacity of  
22 the system to accomplish, as we say, close to  
23 50 percent growth in the peak period.

24 I think you make a point about how

1           that additional capacity ought to be  
2           distributed. And, you know, we're happy to  
3           take it up with the Long Island Rail Road  
4           planners to make sure that it's studied  
5           thoroughly. But the overall reality is you  
6           have much more throughput at Jamaica, and  
7           then everything from Jamaica into the city,  
8           and that's what we're all going to be  
9           benefiting from.

10                   Not to forget we also have, for the  
11           first time, reverse commuting capacity, so  
12           all those businesses in your district who  
13           will now be able to access the workforce in  
14           the city and parts west of Long Island for --  
15           you know, to compete more effectively.

16                   SENATOR GAUGHRAN: And this plan also  
17           has us immediately purchasing, you know,  
18           additional cars.

19                   MTA CDO LIEBER: Yeah.

20                   SENATOR GAUGHRAN: I mean, I would  
21           just like to see if we can just, again, use  
22           that -- those additional cars to just give us  
23           one additional train in the morning, one in  
24           the evening. You know, in the short term. I

1 realize, you know, electrification and moving  
2 forward down the road is -- you know, we have  
3 to do as well. But just to try to deal  
4 with -- especially in Glen Cove, where we  
5 have this large increase in population  
6 because of some development that's taking  
7 place.

8 MTA CDO LIEBER: Your point is  
9 well-taken. And as I said, I'm happy to put  
10 it to the folks who do the planning of  
11 schedules, to raise the question. It's a  
12 fair point.

13 SENATOR GAUGHRAN: And the Port  
14 Jefferson line, what is the timetable for  
15 full electrification of that under this  
16 program?

17 MTA CDO LIEBER: That is -- honestly,  
18 that is -- we -- as part of this  
19 consolidation of the planning effort  
20 agency-wide, for the first time the MTA is  
21 looking at all of the potential major capital  
22 investments on a level playing field. We  
23 call it the comparative evaluation mechanism.

24 So we're going to look at all the

1 projects. Certainly Port Jeff  
2 electrification has been talked about. But  
3 it has to be looked at in the context of all  
4 the potential investments in the entire  
5 system in terms of additional capacity,  
6 additional reliability, additional economic  
7 development, and looked at in an even-handed  
8 way. So that process is beginning under my  
9 leadership.

10 SENATOR GAUGHRAN: And one of the  
11 suggestions I have made to the president of  
12 the railroad, Mr. Eng, is perhaps even  
13 looking at doing that one station at a time.  
14 Because even if you just move it one station  
15 at a time, you're alleviating a lot of the  
16 parking and platform issues. Because as you  
17 know, people are coming from the east to some  
18 of these western stations, and it's part of  
19 the problem that we have with congestion.

20 Thank you.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 Assemblywoman Jean-Pierre.

23 ASSEMBLYWOMAN JEAN-PIERRE: Thank you.

24 I first want to thank you for the

1 nursing pods that we actually have in the  
2 Atlantic and the Brooklyn terminal.  
3 Assemblymember Rozic took an East Access  
4 tour, and we wrote a letter, and you -- we  
5 hope that in the plans for the East Access  
6 tours that there will be some nursing pods  
7 placed into those areas.

8 But on March 6 of last year, you met  
9 with some Long Island members, and one of the  
10 things that I talked about was overcrowded  
11 trains on the Ronkonkoma line. And they said  
12 they were adding additional trains, and also  
13 making trains accessible to the disabled  
14 population. So I have three stations in my  
15 district, Amityville, Copiague, and  
16 Lindenhurst, that don't have -- are not  
17 handicapped-accessible. Actually, one of my  
18 train stations, in Amityville -- and I've  
19 said this numerous times -- there's actually  
20 a ramp on the escalator where a ramp was put  
21 for wheelchairs for them to go on an  
22 escalator, and that's the most dangerous  
23 thing you can ask the disabled population to  
24 try.

1           And the third thing was we discussed  
2 rail spur, which was giving -- so around  
3 Long Island Rail Road there's the industrial  
4 industry where a lot of these companies would  
5 like to do rail spur and be able to take some  
6 trucks off the road, but to be able to use  
7 the tracks to transport some of their  
8 products. And I didn't see where we are with  
9 that from our last conversation, on March 6th  
10 of last year.

11           MTA PRESIDENT FOYE: So on  
12 accessibility, the new Capital Plan -- three  
13 stations are currently being made  
14 ADA-compliant on the Long Island Rail Road.  
15 The new Capital Plan provides for  
16 11 additional stations that will be made  
17 ADA-accessible. We're also reaching out to  
18 industry to figure out whether there are  
19 quicker or cheaper ways to get the  
20 Long Island Rail Road accessible in its  
21 entirety. When those 14 stations are on,  
22 well over 90 percent of our customers will be  
23 traveling to and from accessible stations.

24           I'll also note the program that

1 President Eng started called Long Island  
2 Care, which provides riders with personal  
3 service to their destination, including  
4 riders with accessibility issues. And over  
5 the last year, the Long Island Rail Road has  
6 served nearly 4,000 of those requests.

7 ASSEMBLYWOMAN JEAN-PIERRE: And for  
8 the -- how are you choosing those 11  
9 stations? Like is it based off population  
10 or -- the changes that you're making in those  
11 stations. I didn't hear --

12 MTA PRESIDENT FOYE: Sorry. When we  
13 do those 14 stations --

14 ASSEMBLYWOMAN JEAN-PIERRE: Fourteen,  
15 okay. Gotcha.

16 MTA PRESIDENT FOYE: -- the three now  
17 and 11, the entire system will be accessible.

18 ASSEMBLYWOMAN JEAN-PIERRE: Okay,  
19 gotcha. And the rail spur?

20 MTA CDO LIEBER: You're talking about  
21 the question of additional freight trains on  
22 the Long Island Rail Road track system? I  
23 haven't studied that pattern, the idea of  
24 adding additional freight onto the LIRR

1 system.

2 MTA PRESIDENT FOYE: I don't either.  
3 We'll talk to Phil Eng and come back to you  
4 on that one.

5 ASSEMBLYWOMAN JEAN-PIERRE: Okay.  
6 Thank you.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 Senator Bailey.

9 SENATOR BAILEY: Thank you,  
10 Madam Chair. Good afternoon, gentlemen.

11 So first let me thank you. By your  
12 commitment to Co-op City, with the Bronx bus  
13 redesign, you really listened to the  
14 constituents of Co-op City, and you  
15 understood that it was not an area that you  
16 could simply break up, like you do other  
17 communities. It is very interesting in the  
18 way that the design is, in that part of the  
19 Bronx bus redesign, so I would like to thank  
20 you for taking co-ops' unique nature into  
21 consideration when providing for buses.

22 I will say my constituents want more  
23 buses, I've got to throw it out there. But  
24 I'm really appreciative of what you were able

1 to do in terms of being flexible, based upon  
2 your original plan, and I wanted to thank you  
3 for that.

4 MTA PRESIDENT FOYE: Thank you,  
5 Senator.

6 SENATOR BAILEY: So the question I  
7 have is about the continued ADA-accessibility  
8 problem that we have. And again, thank you  
9 for the Mosholu Parkway station, for finally  
10 making that accessible. It's long been  
11 necessary that we've had to do that. It's  
12 between two major hospitals, institutions of  
13 higher learning, and many residences as well.  
14 So I'm glad we've done that.

15 But there are other stations in my  
16 district and throughout the city -- in the  
17 region, as I represent the City of  
18 Mount Vernon as well -- that we need to make  
19 sure are ADA-accessible. Do we have a  
20 greater timeline as to when the completion of  
21 the -- of the Bronx specifically, the  
22 ADA-accessibility will be done?

23 MTA CDO LIEBER: Listen, I think in  
24 fairness, we have to remember it took

1 30 years since the ADA was enacted for 125 of  
2 the 472 MTA stations to be made accessible.  
3 Now we're talking about in the next five --  
4 in the current five-year program, to add 70  
5 to 75. And I hope there will be more than  
6 70, because we're working on getting  
7 ADA-accessibility from developers who are  
8 building adjacent to stations. So I'm hoping  
9 we can go beyond the 70.

10 But we're talking about moving 70 to  
11 75 in just five or so years. So it's a  
12 dramatic increase.

13 The selection of the ADA stations for  
14 inclusion in that next phase was based on the  
15 criteria that you all have heard from that  
16 Andy Byford outlined, which is in  
17 Fast Forward, which is we've got to make it  
18 possible for people to be no more than two  
19 stations away from an accessible station.  
20 And the selection of the individual stations  
21 was also done in tandem with the  
22 accessibility community, so that they had  
23 input from the actual users of accessible  
24 stations.

1           So we're pushing forward as fast as we  
2           can. I think we've got a great plan. It  
3           does have a lot of Bronx stations in it. And  
4           I was glad that in the first 23 that we are  
5           moving, in the first phase, it includes even  
6           some of the Metro-North stations in the Bronx  
7           as well as Transit stations. So we're really  
8           pushing forward on it. I hope you'll be  
9           pleased at the results we start to show.

10           SENATOR BAILEY: And I certainly am --  
11           that the attention is being paid to the  
12           Bronx. For so long, as a lifelong resident  
13           of the borough, I have often felt that we are  
14           the last to the table in so many different  
15           things. That's certainly changing nowadays,  
16           but I implore you to keep us in mind in terms  
17           of when you do that 75, we're an outer  
18           borough, we're a little further away from the  
19           heart of the city, what people consider to be  
20           the heart of the city, but we're just as  
21           important as anybody else. I just want us to  
22           make sure we keep that in mind.

23           And as far as making sure that  
24           anybody, Bronx or not, is accessible, public

1 transit is public transit. Just because you  
2 have a temporary or a permanent disability,  
3 you should still be able to get where you  
4 have to go. And we're behind schedule as far  
5 as the ADA-accessibility in general goes.

6 But I want to use my last minute and  
7 change on the City of Mount Vernon. We've  
8 placed some money for some -- for the fixing  
9 of some bridges, the mending of some bridges,  
10 I should say -- a more artful term -- in the  
11 City of Mount Vernon with this Capital Plan.  
12 Do we have a timetable as to when that's  
13 going to be completed? Because I think it's  
14 related to the Metro-North, yes.

15 MTA PRESIDENT FOYE: Senator, we'll  
16 come back to you with the timeline on the  
17 Mount Vernon bridges. A number of them have  
18 been completed already, and we'll come back  
19 to a timeline.

20 Just on accessibility in the Bronx,  
21 Senator, to go back to that for a second,  
22 seven stations are currently in design or  
23 construction in the Bronx to be made  
24 accessible. And the 2020-'24 Capital Plan

1 provides for making an additional 10  
2 stations, on top of those seven, accessible  
3 during the next five or so years.

4 SENATOR BAILEY: Okay. That is good  
5 to hear. But again, we should speak more  
6 about the -- I guess my prior comments; I  
7 won't repeat them for the sake of repeating.

8 But again, in the City of  
9 Mount Vernon, it is a resurgence, it is a  
10 real hub, it's the jewel of the Hudson  
11 Valley. It is central to a lot of different  
12 things -- the border of the borough of the  
13 Bronx, it borders Yonkers. So we really have  
14 to make sure that we're getting  
15 transportation right in the City of Mount  
16 Vernon, and I will stand with you every step  
17 of the way. Thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 Assemblywoman Paulin.

20 ASSEMBLYWOMAN PAULIN: Thank you so  
21 much.

22 I'm going to shift my gears a little  
23 bit to Metro-North. I have two or three  
24 questions.

1           The first one is, you know, in this  
2 budget there was an announcement that we are  
3 going to look at Penn South with eight  
4 tracks. And in that presentation, there was  
5 no mention made of one-seat ride for  
6 Rockland, nor was there any mention made for  
7 Hudson Valley West Side access. And I just  
8 wanted to get clear on whether those eight  
9 tracks would also accommodate those  
10 expansions for the Metro-North service.

11           MTA CDO LIEBER: So the -- I think as  
12 you are aware, the idea of a Hudson -- you  
13 know, taking the Hudson line down the  
14 West Side of Manhattan in the so-called  
15 Empire Tunnel, operated by Amtrak, is an idea  
16 that has real appeal because it could  
17 accelerate -- you know, speed up service.

18           There are a couple of engineering  
19 challenges, and this is one of the first  
20 studies that's being initiated under the new  
21 consolidated planning function. We're  
22 actually going to get that study -- we're  
23 putting it out for procurement, we expect to  
24 award it in the second quarter, and we

1 anticipate it's going to be done in the  
2 second half of 2021.

3 It's going to take on, among other  
4 things, the question of -- you know, there  
5 are two areas where -- I don't want to go  
6 into it too much, but there are two  
7 significant single-track areas, including the  
8 tunnel that leads into Penn Station from the  
9 west, between the various yards --

10 ASSEMBLYWOMAN PAULIN: I mean, not to  
11 cut you off, I appreciate that. And I know  
12 what those are, because I have gotten briefed  
13 on that.

14 I go back to my question. Are the  
15 eight tracks sufficient to accommodate  
16 West Side Hudson access and one-seat ride for  
17 Rockland? I get that we're going to be doing  
18 studies. But have the -- has that expansion  
19 project, which we're going to do once, taken  
20 those two projects into consideration?

21 MTA CDO LIEBER: I think that the  
22 point is that all of the services that we --  
23 that come into Penn are growing, and the  
24 demand is growing. And we need to

1 accommodate all of them.

2 So there hasn't been any decision made  
3 about tradeoffs among the different services.  
4 Metro-North is going to be coming to Penn, as  
5 you know, from the Penn access project; Long  
6 Island Rail Road obviously comes to Penn, and  
7 so on and so on. So we haven't made any  
8 decisions.

9 ASSEMBLYWOMAN PAULIN: So how did we  
10 get the number eight? I mean, we're just --

11 MTA CDO LIEBER: That's what that --  
12 literally, the engineering will accommodate,  
13 the real estate will accommodate.

14 (Overtalk.)

15 MTA CDO LIEBER: What?

16 ASSEMBLYWOMAN PAULIN: Later we fight  
17 over what those could be, essentially.

18 MTA CDO LIEBER: I think that  
19 there's -- obviously there's capacity for  
20 growth into the future, so at some point you  
21 will be looking at competing interests. But  
22 with eight tracks, you're really starting to  
23 deal with the capacity we need for the future  
24 as a region.

1 ASSEMBLYWOMAN PAULIN: And, you know,  
2 on some of the other things -- and, you know,  
3 I'm not going to go into great detail -- we  
4 have gone back and forth, you know, 26  
5 Assemblymembers wrote, you've written back,  
6 you know, on the needs for Metro-North,  
7 including rolling stock expansion, ADA  
8 accessibility, and potential third track on  
9 the Harlem line for reliability. And really  
10 nowhere in the letter is there an indication  
11 of -- I mean, there was almost a -- I  
12 wouldn't say defensiveness, but, you know, a  
13 reiteration of what we're seeing in this  
14 Capital Plan versus seeing anything that we  
15 can accommodate.

16 I am personally and I think all the  
17 members are very concerned about the rolling  
18 stock, seeing a debarment we believe has  
19 caused a competitive problem and a delay.  
20 And we've read so much about these delays for  
21 rolling stock and for cars generally, and  
22 pushing out for trains that are --  
23 essentially their useful life is 2018, and  
24 pushing it out to 2020-'24 gives us great

1 cause for concern.

2 So is there room for the -- if we  
3 begin to see, like we fear, trains  
4 essentially falling apart, there's no  
5 replacement parts because these are, you  
6 know, as you know, outdated. You know, is  
7 there room in this plan to accommodate that?

8 And I would just add, with ADA  
9 accessibility, since Metro-North was the --  
10 is the one transit partner that has the least  
11 comparative ADA -- only four are in this  
12 plan, compared to hopefully all in  
13 Long Island. And I heard that, I'm not sure  
14 it was completely what I heard. I was a  
15 little confused with the 11 and 14, since I  
16 thought there was something about 9 and 16.

17 But since we are the poor stepchild  
18 here, you know, on ADA accessibility, is  
19 there room to add to that, considering these  
20 are very small costs comparative to the  
21 overall 51.5 billion?

22 And third track reliability: Are we  
23 going to see any progress in any more power  
24 stations built? You know, is there room in

1           this plan? Is there a negotiated ability for  
2           us to have more room in this plan to bring us  
3           up?

4                     You know, Long Island Rail Road -- and  
5           I'm so happy that we only have to deal with  
6           Metro-North here -- has enjoyed a  
7           three-to-one ratio in the last two Capital  
8           Plans for their capital budgets. And, you  
9           know, we need to see more in Metro-North, and  
10          I'm just asking and pleading for additional  
11          resources and help.

12                    MTA PRESIDENT FOYE: Chair, just to  
13          speak to the disparity issue for a second, I  
14          don't believe that's true. Long Island Rail  
15          Road's share of dollars in the capital  
16          program, '15-'19 to 2024, declined from about  
17          \$8 billion -- and part of that is East Side  
18          Access -- to about 5.6.

19                    If you look at the core amounts for  
20          Metro-North and Long Island Rail Road in this  
21          Capital Plan, they are very comparable. The  
22          number is skewed by the completion of East  
23          Side Access, which, as you, I think we all  
24          realize has benefits not only for Long Island

1 Rail Road and Long Island but also for  
2 Metro-North and the Metro-North territory, by  
3 allowing access to Penn Station for the first  
4 time. \$51.5 billion is substantially larger  
5 than any MTA Capital Plan in history by a  
6 substantial margin. And we don't at this  
7 point have the ability to finance any  
8 substantial amount -- or any amount, for that  
9 matter -- above the \$51.5 billion.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 Senate?

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Tom O'Mara, who cares about  
14 the subway cars and buses.

15 SENATOR O'MARA: I do. Thank you,  
16 Senator Krueger.

17 Good afternoon. Thank you for your  
18 attention and your time here today.

19 As a Senator who represents a Southern  
20 Tier district with several major rail car  
21 manufacturers and certainly subcontractors  
22 that support those manufacturers, it's of  
23 critical importance to me on the MTA's  
24 attention to New York manufacturers and all

1 the capital spending that's going on.

2 And I'm interested in your perspective  
3 on what we may be able to do better to get  
4 stronger utilization of our -- involvement of  
5 our New York State manufacturers. You know,  
6 in my district I have Alstom, CAF, and  
7 Bombardier. You know, many, many great  
8 manufacturing jobs.

9 Are there other ways that you can see  
10 that we can provide advantages, credits,  
11 preferences, whatever, for using these?  
12 Because of all the -- certainly all the  
13 spin-off implications of doing business in  
14 New York that we lose when it's being done  
15 outside of New York. I'd like to see your  
16 perspective on that.

17 MTA PRESIDENT FOYE: Senator, our goal  
18 is to spend every dollar we can in the State  
19 of New York. The Governor has included in  
20 the Executive Budget a "buy New York"  
21 provision which I think may be among the most  
22 aggressive and ambitious in the country from  
23 a state government.

24 We completely support that. We're

1           aware of the importance of rail car  
2           manufacturers and suppliers in your district,  
3           and the new Capital Plan gives us the ability  
4           to buy rolling stock at New York City  
5           Transit, Long Island Rail Road, and  
6           Metro-North.

7                     As I mentioned before, fully 350,000  
8           jobs in the state are going to be created by  
9           the Capital Plan. Eighty-nine percent of  
10          2018 is the number of the Capital Plan that  
11          was sourced or performed within New York  
12          State. We believe we can drive that into the  
13          90s, are in the process of doing that. And I  
14          think, frankly, the Capital Plan is a great  
15          thing for those manufacturers and your  
16          constituents who work for those companies.

17                    SENATOR O'MARA: I agree. And I thank  
18          you very much for your attention to that.  
19          And if there's ever any hurdles you think  
20          that the Legislature can help with, please  
21          reach out to us and let us know.

22                    I know that there are concerns in the  
23          industry now, and it's been raised by several  
24          of my colleagues here today on the debarment

1 issue and the very negative consequences that  
2 can come of that, not just to them in  
3 New York State, but across the country. And  
4 I encourage you to take a look at whether or  
5 not we're being too onerous in that respect.

6 So thank you.

7 MTA PRESIDENT FOYE: Thank you,

8 Senator.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Assembly.

11 CHAIRWOMAN WEINSTEIN: So before I ask  
12 a few questions, we were joined by  
13 Assemblywoman Galef and Assemblywoman  
14 McMahon.

15 So I guess in no particular order, a  
16 few questions. The funding for the  
17 Second Avenue Subway project relies -- the  
18 expansion relies on a \$3.4 billion federal  
19 grant. And what's the status of that grant  
20 application? Are there plans to move the  
21 project forward if the federal funding  
22 doesn't materialize? And are we doing all  
23 possible to keep the project on schedule and  
24 on budget?

1           MTA CDO LIEBER: So you're correct, it  
2 is dependent on federal funding. No project  
3 of this magnitude has ever been undertaken  
4 without federal funding. And in fact, it's  
5 exactly -- it is among the best investments  
6 that the federal government can make on a  
7 per-rider basis. It will be -- I won't go  
8 over the stats with you again, but an  
9 extraordinary impact to, in particular, East  
10 Harlem and Central Harlem.

11           We have been waiting for the federal  
12 government to move us up to the next phase of  
13 the project, so-called entry into  
14 engineering. We got very high marks from  
15 their outside consultant who did all the  
16 reviews and the ratings, and we're now  
17 waiting for them to move it into the -- the  
18 House of Representatives is actually looking  
19 at whether this process of processing  
20 new-start applications is moving quickly  
21 enough, and I think there is some attention  
22 to the fact that things have been sitting  
23 for -- some of those applications, including  
24 ours, have been waiting for action for some

1 time.

2 CHAIRWOMAN WEINSTEIN: So now if we  
3 could turn to the layoffs that have taken  
4 place. So the July -- my understanding is  
5 the July budget reflected a net reduction of  
6 over 1800 positions in New York City Transit,  
7 while the November financial plan reflects a  
8 net reduction of 885 positions in New York  
9 City Transit.

10 What changed? And most importantly,  
11 will the MTA realize adequate savings with  
12 this adjustment? And is there an impact on  
13 service, obviously, also?

14 MTA CFO FORAN: The difference in  
15 those two reductions was a double counting  
16 between business reduction programs that we  
17 had and what AlixPartners had recommended.  
18 When we went through and did the vetting, we  
19 realized that there was double counting, so  
20 we reduced them. We also added additional  
21 positions for things that were new needs.

22 With regard to the AlixPartners MTA  
23 transformation reduction, we're looking at a  
24 reduction of about 2700 positions. We hope

1 to achieve as many of those as we can through  
2 attrition. But basically, it's about 2,000  
3 positions, administrative positions. If you  
4 think about it, we're taking support  
5 functions -- non-operating functions, but  
6 support functions -- from each of our  
7 operating agencies and bringing them  
8 together. That in and of itself means that  
9 duplication can be eliminated.

10 And so we believe -- and the  
11 AlixPartners report suggests and our  
12 transformation efforts continue to vet --  
13 believe that we can do without about 2,000  
14 administrative positions when we fully  
15 implement this transformation and  
16 consolidation.

17 There will be about 800 operating  
18 positions that were recommended in  
19 AlixPartners and that we're looking at  
20 eliminating. Those, we believe, can  
21 definitely be done through attrition. So  
22 there won't be any, you know, layoffs in  
23 those positions. But we expect that all of  
24 this will happen this year.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 And I know at the Joint

3 Assembly-Senate MTA Capital Plan Hearing that  
4 was held in November, there was a question  
5 asked about the status of the MTA 20-year  
6 needs assessment. And I believe they were  
7 told -- you testified at the hearing that it  
8 was a draft, it wasn't in useful format. I  
9 was wondering if there was an intent to  
10 release that 20-year assessment plan, and if  
11 so when?

12 MTA CDO LIEBER: Listen, I think  
13 that -- we've talked about this in the past.  
14 It's part of the change of how we're doing  
15 planning. We've moved from what -- the  
16 20-year needs assessment has a lot of useful  
17 and important stuff in it, but it tended to  
18 be a laundry list of projects that the  
19 different agencies all wanted.

20 Instead, what we've moved to is  
21 something which is more strategic and  
22 reflects, you know, a cross-agency viewpoint  
23 and a little -- a little -- and as the -- was  
24 recommended to us by the forensic audit, a

1 more aggressive system for examining the  
2 condition of assets and capital planning  
3 priorities. And that was one of the  
4 recommendations of the forensic audit.

5 So what you have in the five-year plan  
6 really represents our best strategic  
7 thinking -- the prioritization of signals, of  
8 major capital projects in the railroads, of  
9 ADA accessibility. And we're now going to  
10 move towards a different and more, I think,  
11 scientific approach to planning for the next  
12 20-year needs report.

13 CHAIRWOMAN WEINSTEIN: So speaking of  
14 modernizing signals and adding elevators, ADA  
15 compliance, I know that the plan is to reduce  
16 costs and improve speed of the projects by  
17 reducing sort of the customization of each of  
18 these, and having a more standardized  
19 procurement.

20 MTA CDO LIEBER: Yeah.

21 CHAIRWOMAN WEINSTEIN: Does the  
22 capital program reflect lower costs by doing  
23 that? And what steps are being taken to  
24 implement the changes, and how does that

1 speed up the process?

2 MTA CDO LIEBER: One thing we're  
3 doing, for example, is we're looking at --  
4 instead of specifying componentry and then  
5 making all elevator companies use components  
6 that we specify -- that kind of  
7 overcustomization -- we're looking at what's  
8 the state of the art among the different  
9 world-class elevator companies, what models  
10 are they doing? Because you always want to  
11 use something that's more off the shelf,  
12 that's been piloted and used again and again,  
13 and you see its maintenance and its  
14 functionality over time.

15 So that's one area where we're really  
16 emphasizing decustomization in support of the  
17 new capital program's priorities on ADA  
18 accessibility, and we're going to continue to  
19 use that approach across the board.

20 CHAIRWOMAN WEINSTEIN: And just  
21 speaking of ADA accessibility, and you've  
22 heard a lot of members here talking about the  
23 need to improve Access-A-Ride and the  
24 expansion -- the need to expand e-hail, I

1 would just add my voice to that.  
2 Representing a community that has very --  
3 really, a transit desert without  
4 accessible -- without a subway station at all  
5 located within the district, and very few  
6 even accessible by bus, e-hail is an  
7 important issue.

8 And I know now that talking about  
9 adding another 1200 people with the reduced  
10 time, number of trips per month, if there  
11 were not a cap on the reduced number of  
12 trips, have you done some cost estimates as  
13 to what it would take, would be?

14 MTA PRESIDENT FOYE: Chair, it's  
15 hundreds of millions of dollars. And that's  
16 the hesitation we have beyond expanding it.  
17 Going to the 1200 and having a group of 2400  
18 with the caps we described before is  
19 something that we can financially handle.  
20 Expanding it across all users without caps  
21 would be something we couldn't financially  
22 afford.

23 CHAIRWOMAN WEINSTEIN: The cost of an  
24 Access-A-Ride van versus the e-hail, you

1 know, in the paratransit in terms of a  
2 cab/car service-type thing, isn't there a  
3 dramatic difference in cost?

4 MTA PRESIDENT FOYE: You're quite  
5 right. And what we've been doing is moving  
6 customers, where appropriate, away from the  
7 blue-and-white Access-A-Ride vans to broker  
8 services -- taxis and black cars,  
9 et cetera -- which is cheaper.

10 Obviously there's some proportion of  
11 our ADA customers who are going to need  
12 wheelchair lifts and other equipment and will  
13 have to be served by an Access-A-Ride  
14 blue-and-white van.

15 CHAIRWOMAN WEINSTEIN: So thank you,  
16 that concludes my questions. To the Senate  
17 now.

18 CHAIRWOMAN KRUEGER: Okay. Let's see.  
19 We've been rejoined by Brad Hoylman, who was  
20 on the list before, so come on in, Brad.

21 SENATOR HOYLMAN: Yeah, I was on the  
22 list before, and then hearings came up, other  
23 hearings.

24 Thank you. Good to see you this

1           afternoon. I wanted to compliment you first  
2           on all of your efforts in my district -- of  
3           course, the L Train reconstruction, the  
4           14th Street Select Bus service, your emphasis  
5           on -- which I appreciate -- on accessibility  
6           and trying to, you know, fix that.

7                       Obviously we need more elevators and  
8           we need working elevators. And I think you  
9           know that 10 to 15 percent of elevators at  
10          any given time are not working. So anything  
11          you can do in connection with that would be  
12          appreciated.

13                      The thing that constituents are asking  
14          me most about -- probably not a surprise to  
15          you, but I felt like I should ask on their  
16          behalf -- is Andy Byford and his departure, I  
17          guess it's in a couple of weeks. Does it  
18          raise any concerns for you about public  
19          confidence in the agency? I don't need to  
20          tell you that he had achieved something like,  
21          you know, folk star status among straphangers  
22          and had, I believe at least with my  
23          constituents, built public confidence in a  
24          way that we haven't seen in a long time

1 around the MTA.

2 So the questions are, how are you  
3 going to address -- you know, how are you  
4 going to continue to build on Mr. Byford's  
5 work? And secondly, what's the time frame to  
6 select a successor? And then third, what of  
7 his innovations -- such as naming station  
8 managers at each location, for example -- are  
9 you planning on keeping?

10 MTA PRESIDENT FOYE: Well, Andy Byford  
11 did a terrific job at New York City Transit  
12 and provided great value to the MTA and  
13 New York City Transit and our customers. One  
14 of the things that Andy did was to leave a  
15 strong team in place. And I believe that  
16 team is going to be able to build on the  
17 momentum that he's created.

18 I will note that -- a couple of  
19 things, Senator. One is the on-time  
20 performance at subways went up dramatically,  
21 but on-time performance is up at Metro-North  
22 and Long Island Rail Road as well. Ridership  
23 is up at New York City Transit, one of a  
24 couple of public agencies, according to APTA,

1           where that occurred in 2019. But ridership  
2           is also up on Metro-North and Long Island  
3           Rail Road.

4                     Andy did have a number of innovations.  
5           There's no reason -- the new leadership will  
6           obviously take its own assessment. You  
7           mentioned the group station manager concept,  
8           which I think has been a good one.  
9           Interestingly enough, it's something that  
10          Transit tried 15 to 18 years ago. It worked  
11          for a while, and then new Transit leadership  
12          came in -- long before Andy -- and decided to  
13          change it.

14                    I think the challenge we have at  
15          New York City Transit, Metro-North and  
16          Long Island Rail Road is to continue to build  
17          on the successes that have been experienced,  
18          both in terms of ridership and on-time  
19          performance, and to take it to the next  
20          level.

21                    And the thing that will -- the single  
22          thing that will accomplish that, or a couple  
23          of things, would be the \$15.5 billion Capital  
24          Plan, which is based in large part on the

1 Central Business District tolling that the  
2 Legislature passed last year, and continuing  
3 to work with the 50,000 people who provide .  
4 service at Transit, Metro-North and  
5 Long Island Rail Road to continue to drive  
6 progress. I believe we can do that.

7 SENATOR HOYLMAN: And what's the time  
8 frame for picking a new Train Daddy or Train  
9 Mama, however you'd like to call it? I mean,  
10 let me add that, you know, when you do choose  
11 a successor, I think having a well-regarded  
12 figure to head New York City Transit is  
13 really important. I believe that you saw it  
14 in Mr. Byford, that charisma does matter.  
15 Riders, you know, want to look to someone to  
16 have reassurance about their daily commute.

17 So what are you looking at in terms of  
18 a time frame?

19 MTA PRESIDENT FOYE: Well, Andy's  
20 going to be with us through February 21st.  
21 Before then we'll be announcing both a short  
22 and a longer-term plan.

23 SENATOR HOYLMAN: Thank you.

24 MTA PRESIDENT FOYE: You're welcome.

1                   CHAIRWOMAN KRUEGER: Thank you.  
2                   Assembly? Oh, we're continuing with the  
3                   Senate. We have another upstate New York  
4                   Senator, Joe Robach, who's very interested in  
5                   the MTA.

6                   SENATOR ROBACH: {Mic off.} I indeed  
7                   am, for a number of reasons. I appreciate  
8                   all the people you move, a herculean task.

9                   I don't take the subway every day,  
10                  only when I'm visiting. But to Senator  
11                  Krueger's point, we have tried and we're  
12                  going to talk a lot more about it with the  
13                  DOT folks, about trying to achieve budget  
14                  parity with the MTA and roads and bridges.  
15                  Which I'll remind Senator Krueger, even  
16                  though she doesn't like cars, they're used by  
17                  people in Long Island and New York City and  
18                  downstate as well.

19                  But to that point, I was very happy to  
20                  hear -- is the number you said, Pat,  
21                  88 percent of your capital costs for  
22                  equipment are with New York vendors?

23                  MTA PRESIDENT FOYE: Yes, sir, 89 and  
24                  rising.

1           SENATOR ROBACH: Could I just ask --  
2           and I probably {inaudible}, but is there  
3           somewhere where I can get that? Because  
4           there are people that don't believe that  
5           number exists or we're moving in that  
6           direction. So I think that would be helpful  
7           to all transportation, economic development,  
8           all of the above, if you could send that.

9           MTA PRESIDENT FOYE: Senator, we've  
10          got a report -- do we have a hard copy?  
11          We'll get you a hard copy, but we'll email to  
12          Assembly and Senate staff and get it to each  
13          of you. I think it's been distributed  
14          previously. But I think you'll find it  
15          helpful.

16          SENATOR ROBACH: I'd appreciate that,  
17          because clearly -- not so much in my  
18          district, but others, there is a consortium  
19          of very good companies that provide that. So  
20          I'm even going beyond getting a sense of  
21          that, it could be sole vendors, but I'm glad  
22          you'll get that number to us.

23          MTA PRESIDENT FOYE: Senator, we would  
24          love to spend more of our Capital Plan in

1 your district and the district of everybody  
2 on this panel throughout the entire state.

3 The data points are 350,000 jobs,  
4 89 percent either sourced or performed in the  
5 State of New York, and \$75 billion of  
6 economic impact.

7 And I've discussed with a number of  
8 you, including Chair Kennedy, driving the  
9 89 percent number up, and believe we can do  
10 that. We'll get you that report.

11 SENATOR ROBACH: Thank you. Thank  
12 you. It makes all the sense in the world to  
13 me. There's a huge amount of state  
14 investment in the MTA, so --

15 MTA PRESIDENT FOYE: Yes, sir.

16 SENATOR ROBACH: -- if you'd share  
17 that, great.

18 MTA PRESIDENT FOYE: Sure.

19 CHAIRWOMAN KRUEGER: Thank you.

20 I'm going to take my opportunity now,  
21 gentlemen. Thank you.

22 So let's talk about the Traffic  
23 Mobility Review Board, who will be  
24 implementing the policies for congestion

1 pricing. I suppose this is a citywide issue,  
2 but also a very local issue, since much of my  
3 district is in the zone, Senator Hoylman's  
4 district overlaps the zone, several other  
5 elected officials here.

6 Has the board been appointed yet and  
7 started doing any work?

8 MTA PRESIDENT FOYE: So, Senator, I'm  
9 going to answer your question in a second,  
10 but I think it's important to clarify one  
11 point. The Traffic Mobility Review Board is  
12 not engaged in implementing Central Business  
13 District tolling. By law, they have an  
14 advisory and only an advisory role to make  
15 recommendations to the Triborough Bridge and  
16 Tunnel Authority Board, and I just wanted to  
17 clarify that.

18 The answer is the board has not yet  
19 been constituted.

20 CHAIRWOMAN KRUEGER: Has the Bridge  
21 and Tunnel Authority started their work on  
22 the assignment, since apparently they will be  
23 making recommendations and this board not yet  
24 appointed will be advisory?

1           MTA PRESIDENT FOYE: The way the  
2 process works is the Traffic Mobility Review  
3 Board will make recommendations, advisory  
4 recommendations, nonbinding, to the  
5 Triborough Bridge and Tunnel Authority Board,  
6 which will be the ultimate decisionmaker.  
7 And those are the same people who are MTA  
8 board members.

9           CHAIRWOMAN KRUEGER: So when does this  
10 all start?

11           MTA PRESIDENT FOYE: Well, look, we  
12 are doing reviews of congestion pricing, as I  
13 mentioned in -- at the MTA October board  
14 meeting, TransCore and a team were selected  
15 in a competitive RFP. That contract was  
16 signed a month early. We took it to the MTA  
17 board a month early, it was signed a month  
18 early, notice to proceed was given a month  
19 early, and design of the Central Business  
20 District tolling system has been underway  
21 since then.

22           CHAIRWOMAN KRUEGER: But again, when  
23 will there be an opportunity for learning  
24 what the committees are deciding? You have

1 told me in several public forums there will  
2 be hearings where people can come to testify.

3 MTA PRESIDENT FOYE: Yes.

4 CHAIRWOMAN KRUEGER: This all has to  
5 be done by October or November, I think, of  
6 this year. So now we're here. So I'm just  
7 trying to get a handle, you know --

8 MTA PRESIDENT FOYE: Senator, there  
9 will be public hearings. We'll come back to  
10 you with a schedule. I don't have that. I  
11 don't have that schedule sitting here today.

12 CHAIRWOMAN KRUEGER: And will it be  
13 following Open Meeting Law so that the public  
14 can see what's going on?

15 MTA PRESIDENT FOYE: Well, the Traffic  
16 Mobility Review Board will have public  
17 outreach, as will TBTA. Whether the  
18 provisions of state Open Meeting Law apply  
19 I'll leave to others. But there will clearly  
20 be a substantial public outreach component of  
21 this.

22 CHAIRWOMAN KRUEGER: More to be  
23 continued.

24 Going back I think to where John Liu

1 was asking questions many hours ago about the  
2 buses, which are critical for so many  
3 New Yorkers, end up being dealt with in the  
4 operating costs as opposed to the Capital  
5 Plans, with the exception of the actual  
6 purchasing of the buses.

7 So the MTA is assuming a 266 million  
8 Budget Reduction Plan savings in its 2020  
9 budget. That number grows to 332 million in  
10 2023. The Budget Reduction Plan savings were  
11 adjusted down to account for overlap with  
12 savings that are being assumed as part of the  
13 Transformation Plan.

14 So, one, is there a concern these  
15 savings may continue to overlap in the future  
16 as the Transformation Plan is implemented?

17 And two, if you're running an  
18 operating deficit, it does seem that what  
19 happens is we cut bus service, because we're  
20 paying for the bus service with operating  
21 funds. So is there just something  
22 structurally amiss with what you're doing?

23 MTA PRESIDENT FOYE: So I'm going to  
24 turn to my colleague Bob Foran in a second,

1 the CFO, but I want to make the following  
2 point.

3 There are operating expenses at the  
4 MTA Bus and New York City Transit Bus, but  
5 the same is true of subways and paratransit,  
6 Metro-North and Long Island Rail Road. It's  
7 true of every agency. And each of those  
8 agencies is subsidized by the net income, if  
9 you will, of TBTA as well as state subsidies  
10 and other payments that have been provided by  
11 the Governor and the Legislature over a  
12 period of years.

13 So the fact that buses have a  
14 substantial operating cost is true of every  
15 one of the transit agencies.

16 Do you want to speak to the overlap?

17 MTA CFO FORAN: Sure. We reduced the  
18 budget reduction programs from the July plan  
19 to where they were in the November plan. And  
20 you're right, some of that was the  
21 AlixPartners double count. And that's  
22 basically about \$35 million to \$40 million a  
23 year.

24 But a larger reduction came from --

1           when we went and looked at what some of the  
2           budget cuts were, they were service-related  
3           budget cuts. And we made the decision after  
4           the July plan, when we got feedback from this  
5           group, the advocates and the public, that we  
6           were not going to have any budget-driven  
7           service cuts in the November plan. So we  
8           reduced the budget reduction program to take  
9           these elements out.

10                        So I think in a sense while we do know  
11           that all the agencies and all the services do  
12           have operating costs, we didn't try to reduce  
13           our budget deficit by using operating costs  
14           like that. So that was a significant  
15           difference, those two things, the Alix double  
16           count and also eliminating budget-driven  
17           service cuts.

18                        CHAIRWOMAN KRUEGER: Okay. So I may  
19           have staff follow up with you on that,  
20           thank you.

21                        So we know we put more police in the  
22           MTA system. Are they working on the fare  
23           evasion strategy? And what's happening with  
24           your fare evasion strategy? Are you getting

1 your money back?

2 MTA PRESIDENT FOYE: So, Senator, of  
3 the new classes of police, 40 have been sworn  
4 in. We expect 500 will be sworn in by the  
5 end of the year. And they are doing what  
6 police officers do; they're doing general  
7 policing.

8 And as I responded to Senator Kaminsky  
9 before, they will be serving on subways and  
10 buses -- primarily subways, the Metro-North  
11 and Long Island Rail Road -- and they'll do  
12 what police officers do and be deployed by  
13 police leadership at the time, and that  
14 assignment will include crime prevention,  
15 deterrence, fare evasion, quality of life  
16 issues, responding to emergencies and the  
17 like.

18 CHAIRWOMAN KRUEGER: So there isn't  
19 anything operational enough yet for you to be  
20 able to say you have a plan that's actually  
21 been reducing the lost revenue from fare  
22 evasion?

23 MTA PRESIDENT FOYE: Well, Senator, we  
24 reported to the board at a meeting a couple

1 of meetings ago, three meetings ago, about a  
2 pilot at a number of, say, 20 subway stations  
3 where police had been deployed. And in every  
4 one of these instances -- and again, this is  
5 a small snapshot of the entire subway system.  
6 But in every one of those instances, there  
7 was a significant reduction in fare evasion  
8 where the police had been deployed. And we  
9 believe that police officers can play a role  
10 in fare evasion.

11 Having said that, the number of  
12 arrests for fare evasion is down  
13 dramatically. The number of arrests by the  
14 NYPD, which is primarily responsible for  
15 policing the subways, and the number of  
16 summonses issued for fare evasion are  
17 significantly up at the same time, which  
18 makes some sense.

19 But we do believe that policing,  
20 police officers, can have an effect on fare  
21 evasion.

22 CHAIRWOMAN KRUEGER: Jumping to the  
23 new Penn Station expansion proposal of the  
24 Governor to take a block south of

1 Penn Station and expand Empire stations, was  
2 there a group or a task force that looked at  
3 alternative options? It feels like every day  
4 I'm reading in the newspaper people are  
5 saying we could have done what Paris did,  
6 which was to extend shorter lines to  
7 shorter -- shorter stops to longer stops as  
8 far as patrons being able to get on and off.  
9 There's discussion of changing part of  
10 Penn Station to do what Mario Cuomo did with  
11 part of the station I guess 25 years ago, I'm  
12 estimating the number.

13 And so the question is, did we look at  
14 those alternatives and we wrote those off  
15 because they were going to be less efficient,  
16 more costly? Or did we not look at those  
17 options?

18 MTA CDO LIEBER: Look, I think that  
19 what you've heard from some of the  
20 commentators -- and they come from all kinds  
21 of different expertise areas. And they're  
22 not all transportation professionals, but  
23 there certainly has been some commentary --  
24 is that it would be desirable if we had a

1 fully regionalized system of transportation.

2           And there's no question that the  
3 addition of these extra tracks gives us an  
4 opportunity to explore -- you know, to  
5 potentially have some through-train traffic  
6 from New Jersey to Queens and so on and so  
7 on.

8           But what it doesn't address is that we  
9 have a fundamental problem; we just don't  
10 have enough platforms and tracks to run the  
11 number of trains that we want. Even if you  
12 were to overcome all the hurdles of the  
13 different federal agencies that regulate, the  
14 interstate commerce issues and all the  
15 manifold issues, none of which have been  
16 resolved in decades and generations of  
17 governmental regional management with the  
18 Port Authority and so on and so on.

19           But even if you were able to overcome  
20 all of those, we don't fundamentally have  
21 enough platforms and tracks to accommodate  
22 the number of trains that people still  
23 treat -- Penn Station is still a Central  
24 Business District/Midtown, you know,

1 destination. And especially as the West Side  
2 of Manhattan has grown as a destination for  
3 commercial real estate, for workforce, that's  
4 only growing.

5 So we need more platforms and more  
6 tracks. That's what the Governor's plan  
7 gives us an opportunity to pursue.

8 CHAIRWOMAN KRUEGER: I still don't  
9 think I know enough about the engineering  
10 options to know whether I agree with you or I  
11 don't. But I do think it's fascinating that  
12 there are, as you said, experts in this field  
13 who think that this wasn't the best option  
14 for us and we could actually solve our  
15 problems more cost-effectively and more  
16 quickly.

17 MTA CDO LIEBER: If I may, there's  
18 been a debate about Penn Station going on  
19 since I was a kid in New York. And until  
20 now, no one's really taken the initiative to  
21 solve the problem. Moynihan Station lets us  
22 load more people on and off trains in a way  
23 that we haven't been able to. Having a  
24 first-class existing Penn Station will

1 provide the ability of travelers to get to  
2 and from trains. We're doing that right now.

3 And now, having more tracks is going  
4 to grow capacity. I think there's an action  
5 agenda and, you know, a couple of generations  
6 of debate about this. I'm sure we can  
7 continue that. But I think we're all excited  
8 to have action on something that's really  
9 urgent.

10 CHAIRWOMAN KRUEGER: Thank you. My  
11 time is up.

12 We are allowing the chair of  
13 Corporations to have one chance at a set of  
14 follow-up questions. Leroy Comrie.

15 SENATOR COMRIE: Thank you. The  
16 authority is committed to providing various  
17 documents, including a breakdown by asset  
18 class of a state of good repair going into  
19 the 2024 Capital Plan and how that plan is  
20 expected to improve the state of good repair  
21 breakdown of costs relative to initial  
22 projections, and the construction company's  
23 organizational chart.

24 That plan was promised to be sent to

1 us, and we'd like to get that information as  
2 soon as possible.

3 I want to thank you, I already got  
4 information about the accessible stations.  
5 Will sent that to me, thank you.

6 The 2024 Capital Plan states that  
7 there's 7300 jobs created for every  
8 billion-dollar investment sourced or  
9 performed in-state, and that 89 percent of  
10 capital investments are sourced or performed  
11 in-state. I know that Senator Robach asked  
12 you that question; I just wanted to thank you  
13 for having that focus. Senator Kennedy and I  
14 have been making that a real issue to make  
15 sure that New York State can benefit from the  
16 dollars that we are putting in to ensure that  
17 the work is being done.

18 But I just wanted to see if you had  
19 those documents and organizational chart that  
20 you could share with us on your construction  
21 plans.

22 MTA PRESIDENT FOYE: On MTA  
23 Construction and Development?

24 SENATOR COMRIE: Right.

1           MTA PRESIDENT FOYE: We'll get that to  
2 your staff -- to the staff of each of the --

3           SENATOR COMRIE: Thank you.

4           And then you're assuming 266 million  
5 in savings in your 2020 budget, which that  
6 number is supposed to grow to 332 million by  
7 2023. The Budget Reduction Plans were  
8 adjusted down to account for an overlap with  
9 savings that are being assumed as part of the  
10 Transformation Plan.

11           Is there a concern that these savings  
12 can continue -- is there a hope that these  
13 savings can continue to expand in the future  
14 as your Transformation Plan is implemented?

15           MTA CFO FORAN: First, we are  
16 confident we're going to hit the Budget  
17 Reduction Plan targets.

18           In terms of transformation, this was  
19 the preliminary view of transformation. I  
20 believe once we have truly consolidated our  
21 operations, identified business processes  
22 which are more efficient, there have to be  
23 more savings in the future.

24           I don't believe that the process that

1 we've now started will end in 2023 and that's  
2 it. If we're doing it the right way, it is  
3 going to change the way we do business. And  
4 if we're doing business the right way, we  
5 should be able to deliver better service,  
6 more service more efficiently, and that means  
7 at a lower cost. So I believe that there  
8 should be ongoing savings in the future.

9 SENATOR COMRIE: Okay. Great. And  
10 hopefully you'll be able to increase the  
11 amount of projects that you'll be able to do  
12 within the particular year as well, with the  
13 Transformation Plan, correct? By having a  
14 more fluid and a better process you'll be  
15 able to have additional projects to meet the  
16 goal of a \$51 billion Capital Plan within  
17 five years.

18 So can you explain how you're going to  
19 ramp that up? Because I know at the last  
20 meeting you talked about spending -- I think  
21 it was 20 billion one year, then 12 billion  
22 the next, and then the rest of the money in  
23 the outyears. Are you still working on that  
24 premise?

1           MTA CDO LIEBER: Look, we are -- we're  
2           approaching -- we're changing a lot of  
3           things. We're doing all projects  
4           design-build. We are doing them on more  
5           aggressive schedules, we are bundling work.  
6           All of those things set in motion -- you  
7           know, most of the cost estimates were done  
8           based on the old way of doing things. You  
9           design everything to a hundred percent, then  
10          you put it on the market, then you take it --  
11          you don't take into consideration schedule  
12          and other variables in evaluating those bids.

13                 We've moved away from all that. So in  
14          fairness to you, I do hope that we will --  
15          that all the things that we've been very  
16          honest with you that we're changing are going  
17          to yield significant savings. We're also  
18          doing this at a time when there's a lot more  
19          work in the market, and we're putting  
20          pressure on the contractor capacity as well.

21                 So there are a million different  
22          variables that are all in motion. If it  
23          comes to rest and we do our job and we do  
24          projects cheaper, as we expect to be able to,



1 in New York City and in the region, as  
2 provided in the existing law, I think is  
3 quite important.

4 SENATOR COMRIE: Great. Thank you.

5 My colleagues had wanted to ask about  
6 ensuring that trees are replanted when you  
7 have to remove trees for emergency access or  
8 access for the Long Island Rail Road. They  
9 wanted to make sure that there's a tree  
10 replanting program in place for whatever  
11 trees may have to be used.

12 And Senator Savino talked about train  
13 assaults, so I think I'm good on that. But  
14 we do have additional questions that we'd  
15 like to transmit to you on the behalf of the  
16 conference, and as Senator Krueger said, we  
17 would like to send them to you today so we  
18 can get them back so we can make our final  
19 decision on our one-house budget.

20 Thank you.

21 MTA PRESIDENT FOYE: We look forward  
22 to those questions, Senator.

23 SENATOR COMRIE: Thank you.

24 CHAIRWOMAN KRUEGER: We're done.

1 We're done with you, so to speak.

2 (Laughter.)

3 CHAIRWOMAN KRUEGER: We're not done.

4 Thank you very much for your hours of  
5 answering questions, MTA.

6 MTA PRESIDENT FOYE: Thank you.

7 CHAIRWOMAN KRUEGER: And I think we're  
8 going to suggest everyone take a  
9 stretch-your-legs break and run for the men's  
10 and ladies rooms if you need to. And then  
11 when you come back, we'll have the DOT  
12 commissioner.

13 (Brief recess taken.)

14 CHAIRWOMAN WEINSTEIN: So if people  
15 will take their seats and/or conversations  
16 out of the room.

17 So we are ready to begin with our DOT  
18 Commissioner, Marie Therese Dominguez,  
19 whenever you're ready to go.

20 COMMISSIONER DOMINGUEZ: All right.  
21 Well, I believe it's afternoon now, so good  
22 afternoon, Chairs Krueger, Weinstein,  
23 Kennedy, Magnarelli, and distinguished  
24 members of the Legislature. On behalf of the

1 Department of Transportation, I want to  
2 personally thank you for this opportunity to  
3 discuss Governor Cuomo's Executive Budget.  
4 It's been my pleasure to meet with many of  
5 you, in your districts and here in Albany, to  
6 discuss the issues that are important to you  
7 and your constituents.

8 I'm joined here today by Mr. Ron  
9 Epstein, the department's executive deputy  
10 commissioner.

11 I'd like to take a moment to thank the  
12 extraordinary professionalism of the  
13 workforce of DOT. Since joining DOT last  
14 May, New York has experienced extreme weather  
15 events across the state. And as a member of  
16 the Lake Ontario REDI Commission, I saw  
17 firsthand the widespread devastation caused  
18 by intense flooding, and I also witnessed how  
19 DOT employees responded with compassion,  
20 helping New Yorkers during months of  
21 sustained flooding.

22 I'd like to recognize our employees  
23 for the work they do each day to keep us  
24 safe, and thank them for the positive impact

1           they have on all New Yorkers.

2                     For too long, generations of Americans  
3           have lived off the legacy of the country's  
4           last New Deal program -- the construction of  
5           the Interstate system. Governor Cuomo  
6           recognized that New York's economic security  
7           was linked with making nation-leading  
8           investments in the modernization of the  
9           state's roads, bridges, transit systems and  
10          airports. He knew that the modernization of  
11          infrastructure was fundamental to enhancing  
12          the economic competitiveness of the state --  
13          providing cleaner, climate-friendly  
14          alternatives, and building in a way that is  
15          more resilient to extreme weather events.

16                    New York is not only investing more  
17          today in infrastructure than it has in any  
18          period in our state's history, but the state  
19          is building back better, faster and stronger,  
20          far outpacing the nation.

21                    With your support, transformative  
22          projects have been completed across the state  
23          including the New Kosciuszko Bridge,  
24          modernization of commercial-service airports

1 and rail stations in Plattsburgh, Ithaca,  
2 Albany, Syracuse, Rochester and Buffalo, just  
3 to name a few. The new interchange at  
4 Woodbury Common in the Mid-Hudson region, the  
5 new Interstate 87 Exit 3 interchange in the  
6 Capital region, and the Empire Bridge  
7 Program, which replaced 100 aging, vulnerable  
8 bridges across the state to make them more  
9 resilient. These projects have transformed  
10 communities across the state in ways which we  
11 have not yet imagined.

12 Building upon New York's historic  
13 investments and infrastructure, the Governor  
14 has put forth an unparalleled \$170 billion  
15 infrastructure plan, including new enhanced  
16 funding for roads and bridges. The Executive  
17 Budget ensures that DOT has the necessary  
18 resources to modernize and continue to drive  
19 economic development.

20 The modernization of our state's  
21 infrastructure affords unprecedented  
22 opportunities to reimagine how building can  
23 be harmonized with the natural environment.  
24 In parallel, building resilience into

1 transportation infrastructure not only  
2 increases durability, it enhances  
3 functionality and reduces life-cycle costs.  
4 Investing in resiliency is a long-term  
5 investment in infrastructure, and it's an  
6 investment in our communities, one that will  
7 greatly benefit future generations.

8           Earlier this year, with the leadership  
9 of the Governor and Legislature, New York  
10 enacted the Climate Leadership and Community  
11 Protection Act, the nation's most aggressive  
12 and comprehensive environmental law.  
13 Initiatives underway by DOT to help achieve  
14 the act's goals include new incentives to  
15 accelerate the integration of electric  
16 vehicle technologies in the truck and bus  
17 sectors. Climate-smart policies such as  
18 these will prepare New York for a future with  
19 zero-emission vehicles.

20           Safety is the DOT's number-one  
21 priority. One of the most sacred  
22 responsibilities is the safety of our team,  
23 folks who every day are out working in  
24 traffic so that the rest of us can get to

1 where we need to go safely. As commissioner,  
2 I will do everything I can to protect these  
3 highway workers.

4 This past construction season, DOT,  
5 State Police, and the Thruway commenced  
6 Operation Hardhat, where State Troopers  
7 disguised as highway workers were stationed  
8 at active work zones to ticket motorists who  
9 violated speed limits and other restrictions,  
10 often jeopardizing the safety of workers and  
11 other travelers. Approximately 1100 tickets  
12 were issued by the State Police.

13 So that these workers return safely  
14 each day to their families, I urge you to  
15 enact new heightened criminal and civil  
16 penalties for work zone violations.

17 In addition to enhancing worker  
18 safety, New York State needs to afford  
19 similar protections for pedestrians and  
20 bicyclists involved in crashes caused by  
21 inattentive or distracted drivers. Through  
22 sustained education, engineering, and  
23 enforcement, pedestrian and bicyclist  
24 fatalities on state roadways have continued

1 to decline.

2 Later this year, the current federal  
3 transportation program known as the FAST Act  
4 will expire. During the prior DOT plan  
5 period, federal aid accounted for  
6 approximately 40 percent of DOT's capital  
7 program. Moving forward, given this  
8 uncertainty of federal funding, we can no  
9 longer assume the same level of support. As  
10 Congress deliberates a successor program,  
11 they will contend with a series of complex  
12 and daunting issues, including addressing the  
13 long-term insolvency of the federal Highway  
14 Trust Fund. Considering the landmark issues  
15 requiring action in the next federal program,  
16 DOT has been working with our congressional  
17 delegation to ensure that our priorities are  
18 known and embraced in Washington.

19 The Executive Budget demonstrates the  
20 undeniable fact that New York continues to  
21 lead on issues that matter most to the people  
22 that we serve. That is why the state will  
23 deliver the nation's largest and most  
24 aggressive infrastructure program, building

1 bigger than anything we've done before while  
2 simultaneously implementing the country's  
3 most comprehensive climate protections. That  
4 is how New York will leverage its  
5 infrastructure spending to facilitate  
6 economic growth in every community across  
7 this great state.

8 DOT is prepared to deliver on the  
9 Governor's clear and bold vision, and with  
10 your support, we will collectively take  
11 historic actions to make progress happen in  
12 New York.

13 Thank you for your time, and I am  
14 happy to respond to any questions.

15 CHAIRWOMAN WEINSTEIN: Thank you,  
16 Commissioner.

17 We'll go to the chair of the  
18 Assembly's Transportation Committee,  
19 Assemblyman Magnarelli.

20 ASSEMBLYMAN MAGNARELLI: Thank you,  
21 Madam Chair.

22 Commissioner, welcome.

23 COMMISSIONER DOMINGUEZ: Good morning.

24 ASSEMBLYMAN MAGNARELLI: Not on? I

1 think I've got it now. All right.

2 The Executive proposal includes a  
3 two-year, \$11.9 billion capital plan. This  
4 is 2.95 billion, or a 33 percent increase in  
5 spending, over the final two years of the  
6 2015-2019 capital plan.

7 How was the capital plan developed?

8 What factors were considered in determining  
9 that \$11.9 billion is the right level of  
10 investment? Are there particular targets for  
11 highway and bridge conditions that this level  
12 of funding will achieve?

13 COMMISSIONER DOMINGUEZ: So good  
14 morning, and thank you for the question,  
15 Assemblyman Magnarelli.

16 I think it's important to look at  
17 this, as you stated, as a continued  
18 investment, an aggressive investment in the  
19 state's infrastructure. This plan was  
20 developed with an incredible legacy behind it  
21 of aggressive investment in infrastructure  
22 led by this Governor. And in particular, as  
23 you pointed out, it's two years, it's  
24 \$12 billion, it's \$3 billion or 33 percent

1 over the last comparable two-year period.

2 And importantly, it is a bridge  
3 investment. It gets us a two-year bridge in  
4 our capital plan that allows us to continue  
5 leaning forward in our investments in  
6 infrastructure across the state, in our  
7 resiliency. While Washington deliberates on  
8 the next surface transportation bill, we have  
9 an opportunity to continue to aggressively  
10 invest here in the State of New York.

11 ASSEMBLYMAN MAGNARELLI: But having  
12 said that -- and I understand what you're  
13 saying -- do we have any kind of a project  
14 list? Obviously we don't at this point in  
15 time. And how those projects are going to be  
16 distributed across the state, we don't have  
17 any anything on that as well.

18 COMMISSIONER DOMINGUEZ: I will tell  
19 you that we will continue our funding, our  
20 record level of funding with regards to  
21 projects across the state. This is an  
22 investment not only in our core program, but  
23 all of our programs.

24 A project list is not developed right

1           now, but we'll look forward to working with  
2           you and others as that goes forward.

3                   ASSEMBLYMAN MAGNARELLI: Do we have  
4           any idea of when that project list would be  
5           available?

6                   COMMISSIONER DOMINGUEZ: I would  
7           expect sooner rather than later.

8                   ASSEMBLYMAN MAGNARELLI: Okay. Thank  
9           you.

10                   How are the requirements of the  
11           Climate Leadership and Community Protection  
12           Act reflected in the DOT's capital plan?  
13           Does this program provide sufficient funding  
14           to expand the use of mass transit and freight  
15           rail?

16                   COMMISSIONER DOMINGUEZ: Indeed it  
17           does. It continues the investment and drives  
18           the investment in not only zero-emission  
19           goals through electric vehicle investments,  
20           both -- on the transit side in particular,  
21           but it also looks at how we can leverage  
22           existing programs as well as new programs --  
23           for instance, the environmental bond act that  
24           was put forward -- on how we can further

1           harden our infrastructure such as bridges and  
2           culverts.

3                     Those are very, very important to make  
4           sure that we not only invest in greater  
5           resiliency in our infrastructure through  
6           hardening, but also those are direct benefits  
7           in terms of flood mitigation.

8                     ASSEMBLYMAN MAGNARELLI: So you feel  
9           that that bond act could be used by the  
10          Department of Transportation in different  
11          projects?

12                    COMMISSIONER DOMINGUEZ: I think  
13          there's opportunity there, yes.

14                    ASSEMBLYMAN MAGNARELLI: The new  
15          two-year capital plan includes a 75 percent  
16          increase in engineering costs. Why is this  
17          necessary? Is this increase for state  
18          workforce engineers or consultant  
19          engineering?

20                    And at the same time, the two-year  
21          capital plan is 33 percent larger than the  
22          previous capital plan, but the Executive  
23          proposal does not include any increase in  
24          FTEs. So I'm just trying to figure out what

1 is going on there.

2 COMMISSIONER DOMINGUEZ: So we have an  
3 incredible team at the New York State  
4 Department of Transportation. And I would  
5 argue our expertise is very, very solid, if  
6 not cutting-edge.

7 And the further investment in  
8 engineering consulting just simply reflects  
9 additional resources for the level of  
10 investment that we're managing forward. Our  
11 balance is traditionally fifty-fifty between  
12 in-house and outside engineering consultant  
13 work, and we'll continue to maintain that  
14 moving forward.

15 ASSEMBLYMAN MAGNARELLI: Just moving a  
16 little bit now to mass transit, cities in  
17 upstate New York are experiencing a  
18 resurgence. And has the level of capital  
19 funding for non-MTA mass transit kept pace so  
20 that transit systems can help drive that  
21 resurgence?

22 That's the question. Do you feel that  
23 the amounts that are being put into this  
24 budget will help the non-MTA transit

1 companies do what they have to do to keep  
2 this resurgence in our upstate cities going?

3 COMMISSIONER DOMINGUEZ: Indeed I do.  
4 This budget provides upstate systems with an  
5 additional \$238 million, which is an increase  
6 of about \$10 million, or 4 percent, from last  
7 year's enacted budget. And that's on top of  
8 the 10 percent increase in transit operating  
9 assistance that was provided for non-MTA  
10 systems across the state from last year.

11 At the end of the day, this Governor,  
12 over the course of his tenure, has provided  
13 direct state support for upstate transit  
14 service like no other. It's basically up  
15 about 46 percent, or 75 million over the last  
16 10 years, which is remarkable.

17 ASSEMBLYMAN MAGNARELLI: Well, if I  
18 can digress just a little bit and be a little  
19 parochial on this too, in Syracuse we've got  
20 increased employment, employers coming into  
21 the area. And even though there is a  
22 4 percent increase in operating funds for the  
23 transit for the Centro, the problem with that  
24 is it's barely going to keep up with what

1           their costs are going forward.

2                       So I have a question on whether we are  
3 really doing all we can for mass transit.

4                       And in this area, the Executive  
5 proposal includes the first \$20 million of a  
6 five-year \$100 million capital plan. Is this  
7 level of funding sufficient to meet the  
8 ongoing capital needs of these systems? Is  
9 the funding for non-MTA transit going to  
10 allow the systems to expand or just maintain  
11 current levels of operation? That's what I'm  
12 getting at.

13                      COMMISSIONER DOMINGUEZ: I think  
14 that -- I'll have to circle back with you on  
15 the numbers that you cited, but the bottom  
16 line is I think it does.

17                      This is -- as you can imagine,  
18 enhancing state support for upstate transit  
19 systems is critical. We take it very  
20 seriously. The Governor has invested time  
21 and again, and I think in innovative ways.  
22 We've provided additional General Fund  
23 support over the course of the years, we've  
24 redirected existing dedicated revenues to

1 upstate transit systems. And I think even  
2 extending the auto rental tax to upstate  
3 systems has helped with the level of  
4 investment for transit systems upstate.

5 So we'll continue to look at  
6 innovative ways of leveraging the funds that  
7 we do have, recognizing that ridership is  
8 important across the state.

9 ASSEMBLYMAN MAGNARELLI: Yes. Well,  
10 I'm not going to contradict anything you said  
11 about how the money has helped in what we  
12 have done over the past few years for sure.  
13 That's true. The question is, have we done  
14 enough? And where are we going from here as  
15 far as getting more people to ride our mass  
16 transit systems?

17 Environmentally as well, I think if  
18 we're going to make any of the numbers that  
19 we want to hit by 2030, something has to be  
20 done with mass transit, with freight rail, to  
21 enhance those numbers, to make them even  
22 better.

23 And a question on the capital  
24 projects. Why is the additional \$100 million

1 over five years limited -- or is it limited  
2 to electric buses? Have other zero-emission  
3 options been explored? Are electric buses a  
4 tested and proven technology?

5 I seem to think that they are, you  
6 know, and they're getting there. But there  
7 are other options that I know might be  
8 available, including what's being done in  
9 Syracuse with, you know, natural gas and  
10 actually moving to hydrogen in the future,  
11 which could be a zero-emission type of -- way  
12 of fueling these buses.

13 So, you know, the question here is, is  
14 there any leeway in that money to do other  
15 things?

16 COMMISSIONER DOMINGUEZ: So I think  
17 the goal here is to make sure that we have an  
18 investment in electric vehicles, recognizing  
19 that we've got aggressive climate targets to  
20 try and meet, and buses are certainly one way  
21 of doing that. But at the end we need to  
22 keep our eyes on all investment strategies  
23 with regard to greening -- making sure that  
24 our greenhouse gas emissions are reduced writ

1 large.

2 ASSEMBLYMAN MAGNARELLI: Thank you. I  
3 feel like that was a lightning round.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 Before we go to the Senate, we were  
6 joined by Assemblyman McDonald and  
7 Assemblyman Schmitt.

8 CHAIRWOMAN KRUEGER: Great. And we've  
9 been joined by Senator Jen Metzger and  
10 Senator Skoufis.

11 And our first up is our chair of  
12 Transportation, Senator Tim Kennedy.

13 SENATOR KENNEDY: Thank you very much.

14 First of all, thank you for your  
15 leadership, Commissioner. Welcome. And  
16 Deputy Commissioner, thank you for yours. We  
17 truly appreciate the responsiveness of you  
18 personally and your team and your office.

19 There are many issues that we're  
20 dealing with regularly, and when we reach out  
21 we often get a very immediate response, so  
22 that is very much appreciated. So thank you.

23 I'm going to get right to it. I have  
24 many, many questions. I'm assuming it's

1 going to take two rounds to get through all  
2 of them, so I'll get right to it.

3 Upstate/downstate parity, the  
4 equitable distribution of resources -- it's  
5 something we have been beating like a drum  
6 because for many years it has not been  
7 happening. We are looking now at a two-year  
8 capital plan. The expectation was a  
9 five-year capital plan. You have your  
10 reasons for doing the two-year capital plan,  
11 I respect your reasons.

12 But let's talk about that. With  
13 \$11.9 billion over those two years,  
14 \$5.8 billion, we're being told, is  
15 exclusively for upstate. Can you get into  
16 the details of that spending? And how much  
17 of that \$5.8 billion is allocated  
18 specifically for roads and bridges upstate?  
19 Not for overhead, not for other projects, but  
20 specifically to roads and bridges?

21 COMMISSIONER DOMINGUEZ: So as you  
22 stated, Senator, the investment upstate is at  
23 a record level in this budget. It's  
24 \$5.8 billion in the commitment to upstate.

1 That breaks out in terms of -- it's about  
2 1.4 billion, or a 30 percent increase. It's  
3 an increase in our core capital program that  
4 directly goes upstate. And it continues our  
5 record funding with regard to CHIPS and PAVE  
6 and BRIDGE NY programs, \$678 million.

7 SENATOR KENNEDY: Thank you.

8 How much specifically for roads and  
9 bridges of that \$5.8 billion will be  
10 allocated?

11 COMMISSIONER DOMINGUEZ: So over --  
12 specifically it is -- let's see.  
13 Specifically for roads and bridges, it  
14 goes -- all of it can be leveraged for roads  
15 and bridges, because we've got both the -- it  
16 will go to BRIDGE NY, PAVE-NY, as well as the  
17 CHIPS program. And then our core program can  
18 also be leveraged for purposes of local  
19 projects as well.

20 SENATOR KENNEDY: So that number,  
21 5.8 billion, it's yet to be determined where  
22 that money is going.

23 COMMISSIONER DOMINGUEZ: Well, in  
24 terms of the exact list of projects, no.

1 We'll work with you on that.

2 SENATOR KENNEDY: When will we have  
3 the information on how this money is going to  
4 be spent?

5 COMMISSIONER DOMINGUEZ: We'll work  
6 with you on the actual list of projects and  
7 how they're actually developed. But  
8 obviously there's opportunity.

9 SENATOR KENNEDY: So no timeline?

10 COMMISSIONER DOMINGUEZ: Soon.

11 SENATOR KENNEDY: So there's a number  
12 of things that we've discussed -- let's start  
13 with the urban revitalization initiative that  
14 we have discussed both privately and  
15 publicly, about infusing more funds into  
16 urban revitalization initiatives.

17 Oftentimes when we go to cities -- not  
18 exclusively in upstate, but oftentimes in  
19 upstate -- when you roll into a city, there  
20 is an apparent and tangible difference  
21 between the infrastructure of the roads and  
22 bridges. And you have traveled to Buffalo to  
23 see this firsthand, so thank you again for  
24 your personal efforts in coming up and

1 visiting us and seeing firsthand what I'm  
2 talking about here.

3 Is there a thought about putting  
4 funding into the urban revitalization for our  
5 upstate cities specifically because of the  
6 age of the municipalities as well as the  
7 deteriorating conditions because of our  
8 inclement weather?

9 COMMISSIONER DOMINGUEZ: So I think --  
10 I think there are many, many programs and  
11 we've had this conversation, and I appreciate  
12 the invitation to join you in Buffalo. And I  
13 very much enjoyed the time spent with you  
14 walking through neighborhoods and the  
15 downtown area.

16 I understand we've got -- you know,  
17 New York is one of the original states,  
18 right, so we've got a lot of aging  
19 infrastructure. But that said, I think the  
20 level of investment that's occurred in  
21 everything, from economic development  
22 programs to transportation investment, has  
23 been leveraged in such a way that that level  
24 of continued investment in economic

1 development -- I mean, \$8 billion to Buffalo  
2 alone is -- a good portion of that is not  
3 just economic development for hospitals, et  
4 cetera, but also for our transportation  
5 systems. So I look forward to looking for  
6 other opportunities.

7 SENATOR KENNEDY: Thank you,  
8 Commissioner.

9 Let me make a very specific point and  
10 a very specific request, that the Department  
11 of Transportation works together, not just  
12 with me but with the Legislature, with the  
13 administration, with the local municipalities  
14 to formulate a plan to put a unique and  
15 specific focus on the aging urban cores of  
16 the various regions of this state so that we  
17 can infuse dollars where they're desperately  
18 needed.

19 There are aging urban communities like  
20 Buffalo, like Niagara Falls, like Albany,  
21 Rochester, Syracuse, Utica, Binghamton, down  
22 to Long Island and everywhere in between -- I  
23 could keep going. Salamanca, and I'll get to  
24 that -- where the roads and bridges are in

1           deplorable condition.

2                     And we have an opportunity with a  
3           capital plan to put a unique focus on those  
4           areas that need it the most, an urban focus,  
5           especially as we're renewing our economy in  
6           these cores of the communities, respectively,  
7           across the state, has to be a priority for  
8           the DOT. It just has to be. And I would  
9           look forward to working with you on that.

10                    COMMISSIONER DOMINGUEZ: Look forward  
11           to it.

12                    SENATOR KENNEDY: The CHIPS, BRIDGE  
13           NY, PAVE-NY programs, those are all flat this  
14           year. I think that's a terrible message that  
15           we're sending to the state, that we are not  
16           funding in there. I would ask you to look at  
17           that again, see where we can put in funds,  
18           especially where the local roads and the  
19           bridges, the funding for the various  
20           municipalities -- they've been clamoring for  
21           this, the highway superintendents. This is  
22           no news to anyone at the DOT.

23                    I mean, we have an opportunity again,  
24           as we're putting a record amount of funding

1 in, to specifically focus on these areas,  
2 these local roads and bridges. I think it's  
3 upwards of seven or eight years that the  
4 CHIPS funding has not been increased.  
5 \$438 million, I think it's just a good start.  
6 It will help to stop the bleeding, but that's  
7 about it. I think we have to increase that,  
8 the Marchiselli funds, the PAVE and BRIDGE NY  
9 funds.

10 And I think everyone was a bit  
11 disheartened to see the \$65 million for the  
12 Extreme Winter Recovery funding cut out of  
13 the budget again. I think that absolutely  
14 needs to be restored.

15 Can you just talk about why those  
16 decisions were made?

17 COMMISSIONER DOMINGUEZ: So I would  
18 point out that -- I appreciate your question.  
19 I would point out that since taking office,  
20 the Governor has actually increased recurring  
21 state assistance for local governments to  
22 take on road and bridge projects by  
23 275 million, or a 68 percent increase. And  
24 at least during the last five years alone,

1 more than 3.5 billion has been made available  
2 for renewal and modernization of road and  
3 bridge programs. And that's beyond federal  
4 aid, that's directly for CHIPS and for PAVE  
5 and for BRIDGE NY.

6 So, you know, I understand we have an  
7 aging infrastructure. We continue to invest  
8 at record levels to make sure that we're  
9 addressing it, and we'll continue to do so.

10 SENATOR KENNEDY: Was there  
11 consideration, Commissioner, for -- {mic  
12 out}.

13 COMMISSIONER DOMINGUEZ: So the  
14 investment strategies are what we've outlined  
15 in the Executive Budget.

16 SENATOR KENNEDY: I would suggest that  
17 will -- {no audio}.

18 I would suggest that we look at a bond  
19 act to ensure that our roads and our  
20 bridges are being funded appropriately,  
21 especially given this window of opportunity  
22 that we have.

23 The Routes 219 and 417 in the City of  
24 Salamanca are in very rough shape. In my

1           role as chair of Transportation, I have been  
2           all over this state looking at the conditions  
3           of roads and bridges, of infrastructure of  
4           all kinds, public transportation, of course.  
5           But in the City of Salamanca, because of my  
6           dual role as chair of Transportation and as  
7           chair of the Subcommittee on Native-American  
8           Relations, there is a very unique set of  
9           circumstances there.

10                    That city and that community has been  
11           in a back-and-forth with the DOT for many  
12           years. They've been given promises that have  
13           not come through, including -- it's my  
14           understanding that recently there was a  
15           commitment that was given that this project  
16           within the city limits of Salamanca would be  
17           addressed. And then more recently than that  
18           meeting was a brushing off of that previous  
19           commitment until next year.

20                    And I'm hearing from the mayor of the  
21           city, I'm hearing from the community leaders,  
22           from the council leaders, from the county  
23           legislature -- and it's a district I don't  
24           represent, but it's out in the western region

1 of the state. And again, in my dual roles,  
2 I've been asked to intervene, and we have.

3 But I'd like to know what kind of  
4 commitment you can give to the city of  
5 Salamanca and to that community about  
6 addressing those very specific and,  
7 unfortunately, deplorable road conditions.

8 COMMISSIONER DOMINGUEZ: So we've been  
9 working directly with the Seneca Nation as  
10 well as our partners at Federal Highway. As  
11 you know, it requires an agreement before we  
12 can commence work on those roads, given the  
13 ownership. And I feel like we're continuing  
14 to make progress on how best to move forward.

15 But those discussions are ongoing, and  
16 they're progressing right now. So I feel  
17 like we're making progress towards a path  
18 forward.

19 SENATOR KENNEDY: And when you say  
20 progress, though, is there a commitment made  
21 to address the issues?

22 COMMISSIONER DOMINGUEZ: I think  
23 we're well aware of what the needs are. The  
24 concern is how to get an agreement with

1 regard to the Nation to make sure that we've  
2 got a way forward with regard to access and  
3 everything that needs to come together for  
4 purposes of an actual service agreement.

5 CHAIRWOMAN KRUEGER: I'm going to be  
6 rude and cut off that discussion -- {mic off;  
7 inaudible}.

8 SENATOR KENNEDY: We'll come back to  
9 it.

10 CHAIRWOMAN KRUEGER: Assembly.

11 CHAIRWOMAN WEINSTEIN: We go to  
12 Assemblyman Jacobson now.

13 ASSEMBLYMAN JACOBSON: Thank you.

14 And thank you for being here.

15 I represent both sides of the Hudson,  
16 so I have a couple of questions. First of  
17 all, concerning Route 90 in Beacon coming  
18 from the train station, if you've ever taken  
19 the train at anything close to peak hours,  
20 you just sit and sit and sit. The reason is  
21 is because going north there's -- when you  
22 get near the bridge, there's two lanes going  
23 north, and only one turning into the bridge.  
24 When you go onto the bridge from the west

1 side on 9W in Newburgh, there's two lanes  
2 into one.

3 I was told we couldn't make the two  
4 lanes into one on the other side and that the  
5 DOT was going to try to have smart signals.  
6 I was told last spring it was going to be at  
7 the end of the year. Unfortunately, they  
8 didn't say what year. So now we're saying  
9 it's April. That's what I'm told. So I just  
10 want to make sure you follow up on that. I  
11 mean, that's essential.

12 COMMISSIONER DOMINGUEZ: So yes, the  
13 advanced signalization system that's being  
14 installed in that area is due to be completed  
15 this spring, the spring of 2020.

16 ASSEMBLYMAN JACOBSON: All right. I'd  
17 rather you have a third lane, and they're  
18 doing the north span of the Newburgh-Beacon  
19 Bridge this year, but let's at least get that  
20 done.

21 Next is concerning Route 17. While I  
22 technically don't represent that area, it's  
23 still important to everybody that lives in  
24 Orange County. As everybody knows, people do

1 not decide to work, shop and travel based on  
2 Assembly and Senate district lines. So it's  
3 important. It's critical for us in the  
4 region.

5 And I just want to mention, as  
6 Assemblymember Aileen Gunther said, to talk  
7 about -- she gave me some things; I've  
8 incorporated them in what I had planned.

9 The expansion is essential. The DOT  
10 study in 2013 recommended the additional lane  
11 from Orange, for Orange and Sullivan. And  
12 since then there's been more development and  
13 a lot of traffic-generators. We have the  
14 casino in Sullivan County, Amy's Kitchen in  
15 Orange, and LEGOLAND is supposedly opening  
16 this year. There's the expansion of  
17 Woodbury Commons coming up, as well as some  
18 transit-oriented development at  
19 Woodbury Commons, in that area where the  
20 train is.

21 On March 31, 2018, a commitment was  
22 made by DOT to provide 5 million to advance  
23 the environmental design activities related  
24 to construction of a third travel lane along

1 Route 17 in Orange and Sullivan Counties.  
2 And then the studies were to be used for a  
3 planning/environmental linkage study to  
4 streamline the environmental process, and  
5 that was scheduled to begin October 1, 2019.

6 I was told that an engineering firm  
7 was picked out, but the contract hasn't been  
8 delivered. So what is the status of this  
9 study?

10 COMMISSIONER DOMINGUEZ: So first, I  
11 agree with you, the area is growing by leaps  
12 and bounds. We just completed our  
13 Woodbury Commons project, which I think is  
14 not only an innovative use with a diverging  
15 diamond application there, but it really has  
16 helped move traffic. And the further state  
17 investment --

18 ASSEMBLYMAN JACOBSON: What's the -- I  
19 don't have much time.

20 COMMISSIONER DOMINGUEZ: The bottom  
21 line is -- is the study is -- it's been  
22 contracted. We're looking to start it this  
23 spring. And it is the first step in laying  
24 the groundwork for the environmental work

1 that needs to be done.

2 ASSEMBLYMAN JACOBSON: So you say  
3 you're going to award it this spring?

4 COMMISSIONER DOMINGUEZ: Yes.

5 ASSEMBLYMAN JACOBSON: What does that  
6 mean? Towards April 1st or towards -- when  
7 is this going to be? Because we're losing  
8 time on this.

9 COMMISSIONER DOMINGUEZ: I would say  
10 towards April.

11 ASSEMBLYMAN JACOBSON: All right.  
12 Next, in July of 2016 there was a memorandum  
13 of understanding there was going to be a  
14 five-year list of highway and bridge products  
15 through '24-'25. And is this going to  
16 happen? Because now the Governor only  
17 proposed a two-year program in this budget,  
18 and there was supposed to be a five-year  
19 program.

20 So I want to know, is there going to  
21 be a five-year plan, and if -- first of all.  
22 Secondly, would it include, if it's five  
23 years, environmental design and construction  
24 for Route 17? And if two years will include

1 funding to complete the design work and  
2 commence construction.

3 COMMISSIONER DOMINGUEZ: So with  
4 regard to the commitments, the bottom line is  
5 that with the last five-year program the  
6 department has executed as agreed between the  
7 Executive and the Legislature.

8 With regard to moving forward on this  
9 two-year investment strategy, I don't believe  
10 that construction will be ready, that this  
11 project on Route 17 will be ready for  
12 construction over the course of the next two  
13 years. But we will be laying all the  
14 groundwork to get us there.

15 ASSEMBLYMAN JACOBSON: Well, if you  
16 get the study done quick enough, I think it  
17 will be.

18 All right, thank you.

19 CHAIRWOMAN WEINSTEIN: Senate?

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Joe Robach, the ranker on the  
22 Transportation Committee.

23 SENATOR ROBACH: Thank you. Thank you  
24 for your aggressive work, you and Ron, I

1 appreciate it greatly. I just think this is  
2 so important, because I'm thinking with my  
3 hat on like the outside people who see this.

4 And so, you know, following up on  
5 Senator Kennedy's question, when people see  
6 the number \$51 billion going to MTA,  
7 11.9 going to roads and bridges -- which some  
8 people even around Albany refer to as upstate  
9 roads and bridges. I point out to people  
10 that's everybody -- what portion of that is  
11 state money and other monies?

12 COMMISSIONER DOMINGUEZ: So the  
13 apportionment of federal -- I want to start  
14 by saying that the apportionment of federal  
15 aid for New York State has remained  
16 relatively flat over the past decade. And  
17 it's -- it's really growing at rates that are  
18 less than the rate of inflation.

19 And so the share of the DOT capital  
20 plan that's supported by federal aid has  
21 actually declined, and New York State has  
22 significantly increased its support of  
23 those -- of our transportation capital plan.  
24 And that represents about 65 percent of our

1 overall plan right now, our overall  
2 investment, which equates to about  
3 \$8 billion.

4 SENATOR ROBACH: All right. So -- or  
5 maybe even --

6 COMMISSIONER DOMINGUEZ: Which makes  
7 it really important that we get a federal  
8 transportation bill.

9 SENATOR ROBACH: I agree with that  
10 completely.

11 COMMISSIONER DOMINGUEZ: Because at  
12 the end of the day, if we don't have federal  
13 funding for surface transportation -- that  
14 means roads, bridges, transit -- you know,  
15 the state has really come to the aid of, you  
16 know, the entire investment.

17 SENATOR ROBACH: And, you know, we  
18 need to, we need to get the money wherever we  
19 can. We have an aging infrastructure. And  
20 like I said, I'm glad for the airports,  
21 390/490 interchange. But we have bridges  
22 that are literally, you know, dropping  
23 concrete. So we're always looking to improve  
24 that.

1           But to that note, and I know sometimes  
2 my colleagues almost kid me about it, I'm  
3 obsessed with this parity idea. So maybe  
4 another way to look at it is I believe it was  
5 either 27 or 29 billion we were supposed to  
6 have over a six-year plan. And now we have a  
7 plan that's spending 8 billion over two  
8 years. So if I multiply that by 3, that  
9 would only come up to \$24 billion for roads  
10 and bridge portion. I think that MTA is  
11 going to exceed their 27 or 29 billion.

12           Do we know what the total, you know,  
13 for the last four years-plus, what we're  
14 planning to spend this 8 billion over the two  
15 years, do you know what that would be,  
16 roughly.

17           COMMISSIONER DOMINGUEZ: So I don't --  
18 I -- I want to make sure that we're comparing  
19 apples to apples here.

20           So State DOT gets a greater share of  
21 direct state support through this budget  
22 process at about 65 percent, compared to MTA,  
23 which only receives about -- I think about  
24 6 percent of their overall budget from the

1 state.

2 So it's -- they're -- you know, the  
3 level of investment with the State DOT and  
4 our program is much more significant than  
5 what is invested in MTA.

6 And so with that, the 5.8 billion  
7 that's going upstate is relatively  
8 significant.

9 SENATOR ROBACH: Right. No, I  
10 understand that part. But, you know, we've  
11 had multiple years. And there's been years  
12 where they've got a tremendous amount, a huge  
13 influx of capital -- and rightfully so. They  
14 move millions of people.

15 I was just wondering, you know,  
16 because it's hard because we keep shifting  
17 the years. So this is a good two years in  
18 comparison. But in total, because our goal  
19 was -- and that's what we're the most  
20 influential on -- there was a six-year plan  
21 that was just state dollars, it was supposed  
22 to be -- and forgive me for not -- I should  
23 know this like the back of my hand. It was  
24 either 27 billion or 29. For the first time,

1 the Governor suggested it be a six-year plan,  
2 not a five-year plan.

3 I was just wondering -- and if you  
4 don't know it, it's all right. I'm just --  
5 people ask us all the time or make the  
6 assumption that we're not getting our fair  
7 share. So anything we can do to rectify that  
8 or let people know we're getting money out  
9 the door -- you know, to Senator Kennedy,  
10 Assemblyman Jacobson, you know, people want  
11 to know there's an equal amount of money and  
12 that there's some regionality going to that.

13 But for the people that are doing the  
14 work off the Tappan Zee Bridge, people want  
15 to know, are we having that parity kind of  
16 with MTA and overall roads and bridges?  
17 Because again, that goes to Long Island and  
18 New York City as well.

19 COMMISSIONER DOMINGUEZ: So the level  
20 of investment is quite significant, period.  
21 And I think regardless of the period -- of  
22 the period of investment, it remains steady.

23 I think what's important about this  
24 budget is that it actually gives us that time

1 to continue the distribution of funds and the  
2 level of investment.

3 I'm going to turn it over to Ron  
4 because he may -- I realize, sir, that you  
5 have a great deal of transportation knowledge  
6 and experience, so I wanted to thank you for  
7 that.

8 EX. DEPUTY COMM. EPSTEIN: Senator, as  
9 we mentioned the other day, we want to  
10 congratulate you on your retirement, on  
11 behalf of both of us. You've really been a  
12 great friend of DOT and the transportation  
13 industry across the state. God bless you in  
14 your next move.

15 So you made a very specific point  
16 about the last plan being six years. So the  
17 last plan was a five-year plan that had a  
18 minimum threshold for the first year of the  
19 new plan, which we're talking about today.  
20 The amount that was agreed to with the  
21 Legislature was for \$4 billion. The Governor  
22 has far exceeded that for the first year of  
23 the plan by coming in at more than  
24 \$6 billion.

1           So basically not only are we honoring  
2           the commitment that you're referring to, we  
3           have greatly exceeded it in the Executive  
4           Budget recommendation.

5           SENATOR ROBACH: So this is one -- so  
6           if an insider, another person or level of  
7           government, somebody who builds roads and  
8           bridges, said "Did we meet that parity, do we  
9           have that," can I answer unequivocally yes?

10          EX. DEPUTY COMM. EPSTEIN: So what I  
11          can tell you is that the Department of  
12          Transportation has fully, you know, obligated  
13          the commitments that were provided for in  
14          terms of the funding thresholds.

15          COMMISSIONER DOMINGUEZ: In the  
16          five-year plan.

17          CHAIRWOMAN KRUEGER: Time's up, thank  
18          you.

19          SENATOR ROBACH: Thank you.

20          CHAIRWOMAN KRUEGER: Assembly.

21          CHAIRWOMAN WEINSTEIN: Assemblyman  
22          McDonald.

23          ASSEMBLYMAN McDONALD: Commissioner,  
24          good to see you again. And Ron, as always.

1 It's a pleasure.

2 I have two questions and maybe a  
3 third, depending on time. Number one, I'm  
4 excited -- I know my colleague Member Fahy  
5 would say the same -- to see a focus on  
6 electric buses, particularly in the upstate  
7 area.

8 My question is, how is that money  
9 going to be allocated? We fortunately just  
10 launched some new electric buses here with  
11 CDTA in the Capital Region, and we want to  
12 continue to see that fleet expand. So how is  
13 that money going to be allocated across the  
14 different transit authorities?

15 COMMISSIONER DOMINGUEZ: So we'll  
16 continue to use the traditional allocation  
17 funds that we've had in place. So there's a  
18 regular application process for CDTA and  
19 others to apply, and then we'll look to also  
20 include opportunities for electric vehicles.  
21 So STOA funds, et cetera, will still be in  
22 place.

23 ASSEMBLYMAN McDONALD: On the capital  
24 plan overall -- and I get it, the amount of

1 money is significant. And as you might know,  
2 I used to be chair of the Capital Region's  
3 MPO for 12 years, so we always worked closely  
4 with the department in regards to how  
5 projects came into it.

6 I guess my question is, and it kind of  
7 builds off of Bill Magnarelli's -- I'm not  
8 looking for a list, because I know it's  
9 coming shortly. But my question is, how much  
10 weighting of the MPOs local projects fit into  
11 this project? Is it only state projects that  
12 are being included, or are some local  
13 projects? Because that's local government's  
14 voice. That's how they get their projects  
15 noticed, that's how we start to build some  
16 more economic development opportunities in  
17 our region. I'm wondering how much weighting  
18 goes into that. Are the MPOs even engaged in  
19 putting that program together?

20 COMMISSIONER DOMINGUEZ: So I very  
21 much appreciate the question, because one of  
22 the points I was trying to make earlier is  
23 this is not just state-related investment  
24 dollars, these are also -- these are projects

1           that -- excuse me, not just our capital  
2           investment program, but these are dollars  
3           that would be leveraged across the board.  
4           It's not just dedicated funding.

5                     Our core capital program, which  
6           reflects the input of local elected  
7           officials, our MPOs, et cetera, on their  
8           planning priorities, their investment  
9           priorities, will continue. And that level of  
10          investment carries through a historic level.  
11          The Governor really is, in this Executive  
12          Budget, putting forward more dollars in  
13          infrastructure than have ever been looked at  
14          in a two-year time frame, which is pretty  
15          significant.

16                    ASSEMBLYMAN McDONALD: And I get that.  
17          And once again, I'm appreciative of the  
18          dollar amount. I think the concern is --  
19          probably further conversation down the road  
20          is to make sure that maybe we're actually  
21          measuring how much of that local input is  
22          being included in the process. I think to  
23          everyone's concerns, it kind of actually  
24          helps build credence to, hey, we're getting

1 things done in our own community, we're  
2 getting things done in our region in that  
3 aspect.

4 COMMISSIONER DOMINGUEZ: And you know  
5 that level of cooperation that we have at the  
6 very local level through our regional offices  
7 is not only sincere, but it's -- you know,  
8 it's transparent and how those needs are  
9 communicated.

10 ASSEMBLYMAN McDONALD: The third  
11 question is potentially unfair, so don't  
12 answer if you don't want to, because it's  
13 really probably somebody else that should be  
14 doing it. But since we're on the  
15 transportation conversation, and  
16 traditionally we've always relied on things  
17 like the gas tax to help fund, at least from  
18 the federal level -- and there's no  
19 willingness at the federal level to increase  
20 the gas tax; it hasn't been increased since  
21 Reagan was president. And we know raising  
22 taxes isn't easy.

23 We also know that technically, if  
24 things go the way they're supposed to go over

1 the next 10, 20, 30 years, electric vehicles  
2 are really going to be running the roads. So  
3 what's the plan to help support funding still  
4 the roads and bridges that these electric  
5 vehicles are going to come over? Is DOT part  
6 of a project to identify those future  
7 revenues to help support this?

8 COMMISSIONER DOMINGUEZ: So I would  
9 argue that not only are we strong advocates,  
10 through the Governor's office in Washington,  
11 about what level of investment needs to occur  
12 in the next surface transportation bill, the  
13 bottom line is that we need to look at  
14 various funding mechanisms. Because at the  
15 end of the day, the federal government --  
16 Congress -- actually needs to address  
17 infrastructure funding.

18 Enough of the talk like -- and we've  
19 made it clear what New York's position is.  
20 And our position is is that we need to  
21 continue this level of infrastructure  
22 investment. It's a proven economic driver,  
23 period.

24 ASSEMBLYMAN McDONALD: Thank you. And

1 I'm done.

2 CHAIRWOMAN WEINSTEIN: Senate?

3 CHAIRWOMAN KRUEGER: Thank you. Next  
4 is Senator Jen Metzger.

5 SENATOR METZGER: Thank you, Madam  
6 Chair. And good afternoon, Commissioner.

7 So I represent the 42nd District,  
8 which includes all of Sullivan County, part  
9 of Delaware county, the whole western half of  
10 Orange County, and part of Ulster.

11 Route 17 is a critical transportation  
12 corridor in my district. Millions --  
13 millions of people from the city and  
14 downstate travel to my region for tourism, to  
15 take advantage of outdoor recreational  
16 opportunities. We have an enormous  
17 second-home population, which is very  
18 important to the economy. And it's a  
19 critically important road for people to get  
20 to -- just to work. We also have, you know,  
21 Catskill Regional Medical Hospital is right  
22 there on Route 17. So it's really important  
23 to getting people quickly to the hospital  
24 when they get need to get there.

1           I am hugely concerned about the fact  
2           that the expansion project is not included in  
3           this budget. In 2013 your agency issued the  
4           Route 17 Transportation Corridor Study  
5           recommending a new general use third lane,  
6           that it be developed, recognizing the  
7           congestion problems.

8           Since that time, we have a new casino,  
9           a new water park, and LEGOLAND, which is  
10          opening on July 4th, is projected to bring  
11          2 million people a year. And I'm concerned  
12          because all of these projects we've known  
13          about for years. And the \$5 million for the  
14          study, I don't understand why that hasn't  
15          been undertaken already, knowing that --  
16          knowing that all of this was in the pipeline.  
17          And now here we are.

18          And I'm just -- you know, I'm really  
19          concerned when the state puts millions of  
20          dollars into economic development projects,  
21          yet we're underinvesting in the  
22          infrastructure to get people to them.

23          So, you know, I appreciate your  
24          comments that the study is going to start

1 now, but I really feel that we're behind on  
2 this. And I'm very concerned because we  
3 really depend as a region, economically, on  
4 that road. And for safety.

5 So I would ask that we at least have a  
6 commitment in this budget to funding that  
7 project. I think that that's, at base,  
8 essential, since you've recognized the  
9 importance of this project for years.

10 I'm also -- before I was elected last  
11 year, I served in local government for many  
12 years in Ulster County. And I can tell you I  
13 am very aware of how underresourced our local  
14 governments are. That CHIPS funding is  
15 critical. I remember year after year we  
16 would pray that there was an increase, and  
17 there hasn't been an increase. And, you  
18 know, it's tough. We face a tax cap, so  
19 there's only so much money they can raise  
20 through taxes. And, you know, in rural  
21 communities you have -- especially in my  
22 region, you have a declining tax base. And  
23 in areas like the Catskills, the beating that  
24 those local roads take in winter, and now

1 with extreme temperature shifts with climate  
2 change, have greatly increased the costs.

3 So I ask would you consider an  
4 increase in CHIPS funding and restoration of  
5 the Winter Storm Funding in this capital  
6 project.

7 COMMISSIONER DOMINGUEZ: I believe  
8 that the -- I appreciate your advocacy.  
9 Indeed, you know, we were actually talking  
10 about it this morning in terms of this kind  
11 of crazy winter that we're having. It's been  
12 so warm, people are enjoying it; on the other  
13 hand, it's really terrible for our roads  
14 because water actually seeps into the  
15 pavement and when we do have a hard freeze,  
16 which will come here any day, it's not good.

17 So the bottom line is is that, you  
18 know, we are experiencing extreme weather. I  
19 think the level of investment that you see in  
20 this budget will reflect not only state  
21 program dollars, but direct assistance  
22 through CHIPS and PAVE and BRIDGE will  
23 continue.

24 So we'll continue to work with you on

1 the projects that are of interest in your  
2 community.

3 SENATOR METZGER: Okay. Well, I hope  
4 as it continues it grows, and not just stays  
5 flat, because that's really critical.

6 I only have 17 seconds, but I want to  
7 just quickly put in a plug. Many communities  
8 have come to me with problems getting DOT to  
9 agree to Complete Streets pedestrian safety,  
10 cycling safety improvements in their  
11 communities. They have a very hard time  
12 getting crosswalks, getting shoulders widened  
13 and the rest. And we're in a new world now  
14 with climate, with promoting health outcomes  
15 across the state, and we need to make those.

16 I would hope that we can broaden the  
17 institutional thinking at DOT and better  
18 support those local communities looking to  
19 improve pedestrian and cyclist safety.

20 CHAIRWOMAN KRUEGER: Thank you.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 We were joined some time ago by  
23 Assemblywoman Fahy and Assemblyman Palmesano.

24 We go to Assemblyman Schmitt for

1 questions.

2 ASSEMBLYMAN SCHMITT: {Mic off.}

3 Thank you. Thank you, Commissioner, for  
4 being here.

5 {Mic on.} There we go. Thank you,  
6 Commissioner. We have a few priorities in  
7 Orange County, Rockland County and the Hudson  
8 Valley that I would like to go over with you.  
9 First is the notorious Route 17M bridge over  
10 the Norfolk Southern Railroad in Chester, in  
11 Orange County. We've been told for several  
12 years now that it's the worst bridge in  
13 Region 8. Is there any update on when a  
14 replacement bridge would come into play for  
15 that specific project?

16 COMMISSIONER DOMINGUEZ: I don't have  
17 any information, but I'd be happy to follow  
18 up with you and give you some updated  
19 information.

20 ASSEMBLYMAN SCHMITT: That would be  
21 great. It's of severe concern to many of the  
22 residents in the area. And again, we've been  
23 told for many years about how it ranks so  
24 poorly in the region, so it would be good to

1 finally at least get a timetable, some  
2 closure on that. So I appreciate that.

3 Route 218, which is also West Point  
4 Highway in the Village of Highland Falls, I  
5 want to bring that to your attention.  
6 West Point, an amazing facility and  
7 institution we're blessed to have here in  
8 New York, really a place that the world  
9 visits to honor our military for educational  
10 excellence and so much more. There is a  
11 strong need for repaving of the one-mile  
12 stretch from the Highland Falls ambulance to  
13 the entrance at the West Point Military  
14 Academy. There's been a local concern well  
15 before I've been elected, and it's something  
16 that, again, I'd like to put on your priority  
17 list.

18 Is that something that has crossed  
19 your desk yet or --

20 COMMISSIONER DOMINGUEZ: It has not,  
21 but I would be happy to look into it.

22 ASSEMBLYMAN SCHMITT: Great. Well,  
23 that's why I'm here, we can elevate that.  
24 And again, it's not just my local community

1 but the world travels that road, and I think  
2 New York would love to put its best foot  
3 forward for the Academy.

4 Five Corners in New Windsor, that's a  
5 significant intersection really for Orange  
6 County, the busiest. They've had some  
7 traffic signal pattern changes that have  
8 caused significant disruption for local first  
9 responders. We are working with the local  
10 regional office, but this is something that  
11 really actually affects multiple Assembly  
12 districts, multiple communities because of  
13 the traffic that's generated. So not only is  
14 it an emergency response concern, but it's a  
15 true travel concern.

16 So again, this is a priority that I  
17 think needs to be elevated. And I appreciate  
18 all that the local and regional team has  
19 done, but we're at a point now where we have  
20 to go beyond that. So I certainly would  
21 appreciate you taking a look at that.

22 COMMISSIONER DOMINGUEZ: I will.  
23 Thank you.

24 ASSEMBLYMAN SCHMITT: Several of my

1 colleagues have already mentioned Route 17  
2 expansion, we've hit on numerous points on  
3 that. There's certainly been discussion now  
4 for years predating my election to the  
5 Assembly on how this is a critical need for  
6 really not just Orange County and the  
7 Hudson Valley, but for the rest of the  
8 thoroughfare through upstate New York.

9 Is there a full commitment from  
10 yourself and the commissioner's office to get  
11 this third lane done?

12 COMMISSIONER DOMINGUEZ: So we have  
13 started by -- we have started the study that  
14 we discussed previously. And that is the  
15 first step in a larger environmental process  
16 to undertake exactly how we would address  
17 traffic moving forward and the future of 17.  
18 So --

19 ASSEMBLYMAN SCHMITT: So at this point  
20 you're not ready to commit to doing that  
21 third lane expansion.

22 COMMISSIONER DOMINGUEZ: Well, we're  
23 committed to doing the study to make sure  
24 that we see what the alternatives are and see

1           how we would approach the overall path  
2           forward.

3                   ASSEMBLYMAN SCHMITT: I just stress  
4           that. Obviously you've already gone over the  
5           status of the study and some of the holdups  
6           which are of concern to the bipartisan  
7           delegation in the Hudson Valley. I ask that  
8           we figure that out certainly, you know,  
9           across party lines and the regional lines.  
10          We do need an answer to that.

11                   And there has been a coalition formed,  
12          the 17-Forward-86 Coalition, which is  
13          comprised of business, labor and  
14          environmental groups. I know they've had  
15          several meetings with your organization.

16                   COMMISSIONER DOMINGUEZ: I actually  
17          had the chance to meet with them, and they're  
18          very compelling.

19                   ASSEMBLYMAN SCHMITT: Yes. And it's  
20          very rare to have all of those groups  
21          mentioned in full agreement. And it's one of  
22          the only times I've seen some of these  
23          organizations at the same press conference at  
24          the same event. And that just shows how

1 critical this is to the environmental  
2 concerns, the traffic and travel concerns,  
3 and really the regional economic growth  
4 concerns that we have in the Hudson Valley.

5 Given the fact that we have -- we're  
6 facing a two-year DOT capital plan versus,  
7 you know, the five year, which we've already  
8 discussed here, I'd just stress that we  
9 really need to get this done. Everybody is  
10 in agreement. And I appreciate your  
11 attention to that.

12 COMMISSIONER DOMINGUEZ: Thank you.

13 ASSEMBLYMAN SCHMITT: Thank you,  
14 Chairwoman.

15 CHAIRWOMAN WEINSTEIN: Thank you.  
16 Senate.

17 CHAIRWOMAN KRUEGER: Thank you.

18 We've been rejoined by  
19 Senator Skoufis, who was on the list. So  
20 Senator Skoufis.

21 SENATOR SKOUFIS: Thank you very much,  
22 Madam Chair.

23 Thank you, Commissioner, Deputy.

24 As I often do at these hearings, I

1 first, before I get to my questions, want to  
2 commend your Region 18 for excellence. We've  
3 spoken about this briefly, and I just want to  
4 publicly acknowledge their great work in the  
5 Hudson Valley.

6 Now I'll jump right into it. Is the  
7 DOT's proposed capital plan that's due on  
8 February 15th complete or, to use a phrase  
9 that our Governor likes to frequently use,  
10 substantially complete, internally?

11 COMMISSIONER DOMINGUEZ: With regard  
12 to -- well, the funding is -- the actual  
13 budget proposal is.

14 SENATOR SKOUFIS: In terms of the  
15 projects identified.

16 COMMISSIONER DOMINGUEZ: The project  
17 list has not been identified yet.

18 SENATOR SKOUFIS: Are you complete or  
19 nearly complete? We're two weeks away from  
20 the deadline.

21 COMMISSIONER DOMINGUEZ: We're working  
22 on it.

23 SENATOR SKOUFIS: With all due  
24 respect, that's not my question. I suspect

1           you're not going to wake up on February 14th  
2           and say, Oh, we've got something due  
3           tomorrow, let's get to work on it.  
4           Presumably you have some sense of a  
5           framework, at least, that you're working  
6           towards completion at this point two weeks  
7           out.

8                    COMMISSIONER DOMINGUEZ:  Yes, but it's  
9           not complete.

10                   SENATOR SKOUFIS:  Okay.  Is Route 17  
11           construction money included in what sounds  
12           like at least the development stages of your  
13           internal capital program due in two weeks?

14                   COMMISSIONER DOMINGUEZ:  So I would  
15           say -- Senator, we had the chance to talk in  
16           your office, and I know you're very  
17           passionate about this program, and we've had  
18           a good amount of discourse as a legislature.  
19           The Executive has put forward the budget as  
20           a, you know, a very aggressive budget  
21           proposal --

22                   SENATOR SKOUFIS:  I understand all  
23           that.  My time is very limited, if you can --

24                   COMMISSIONER DOMINGUEZ:  And if

1           there's additional, you know, opportunity, I  
2           would -- you know, I think it's a good  
3           engagement to have.

4                     SENATOR SKOUFIS: At this point, based  
5           on some other answers you've given to I think  
6           Assemblyman Jacobson, it sounds like there is  
7           no intention at this point to include  
8           construction funding in the two-year capital  
9           program.

10                    COMMISSIONER DOMINGUEZ: Right now the  
11           way that this program is set up, we have got  
12           a planning and linkage study which we hope to  
13           begin to commence this spring, and that is  
14           the first step in an overall environmental  
15           process.

16                    I don't see how that actually gets us  
17           to construction over the course of the next  
18           two years, given the amount of work that's  
19           going to need to be done --

20                    SENATOR SKOUFIS: Well, with all due  
21           respect, we appropriated money that --  
22           Assemblywoman Gunther and I secured some  
23           21 months ago, \$5 million, for this linkage  
24           study. Can you offer some concise

1 explanation as to why you are still not in  
2 contract 21 months later after we passed this  
3 appropriation in April almost two years ago?

4 COMMISSIONER DOMINGUEZ: So NYSDOT has  
5 been progressing on this study. We've gone  
6 through the designation process, which is the  
7 legally prescribed process for us to --

8 SENATOR SKOUFIS: When did that start?

9 COMMISSIONER DOMINGUEZ: -- to  
10 commence this work.

11 SENATOR SKOUFIS: When did the  
12 designation process start?

13 COMMISSIONER DOMINGUEZ: I don't have  
14 the dates.

15 SENATOR SKOUFIS: Certainly it doesn't  
16 take 21 months to start a designation  
17 process.

18 COMMISSIONER DOMINGUEZ: The  
19 designation process is underway, and the  
20 study is due to commence in April.

21 SENATOR SKOUFIS: So to be clear, this  
22 is the rationale you're using as to not  
23 include construction funding in the two-year  
24 capital program, is that the linkage study

1           that you sat on for 21 months isn't complete  
2           yes. Is that accurate?

3                   COMMISSIONER DOMINGUEZ: It is the  
4           first step in the larger environmental  
5           process that actually has to happen. As you  
6           know, there's a consent -- there's a series  
7           of steps that have to be taken before you  
8           can actually --

9                   SENATOR SKOUFIS: I understand all  
10          that. I just don't understand why it's taken  
11          21 months.

12                   Now, I have been told, as have other  
13          stakeholders, that the linkage study would  
14          not need to be complete, nor did it allocate  
15          construction money in the outyears of a  
16          capital program. This is a two-year capital  
17          program. I don't know why it's five years  
18          {sic}.

19                   But let's say it's even two years. In  
20          the RFP that was put out, you have a  
21          consultant start date for the linkage study  
22          of October 1, 2019, which obviously is  
23          already in the rear-view mirror, we're three  
24          months behind even that very late start. The

1 consultant completion date is March 31, 2021,  
2 which is the start of the second year of the  
3 two-year capital program.

4 So I am trying very hard to  
5 rationalize why we cannot put construction  
6 money into Year 2 of the two-year capital  
7 program, given that even if you started the  
8 linkage study today or in the very near  
9 future, it's not going to take up the entire  
10 two years of the capital program.

11 COMMISSIONER DOMINGUEZ: So the  
12 timeline for the study through construction  
13 for this corridor, I would -- I would liken  
14 it to something like the I-81 project, where  
15 it is a significant project, it takes time.

16 But that said, you also want to make  
17 sure that as you develop a path forward  
18 towards construction, you want to be mindful  
19 of the fact that the environmental process is  
20 a federal process, it's laid out in the --

21 SENATOR SKOUFIS: Respectfully, I  
22 understand all that --

23 COMMISSIONER DOMINGUEZ: But the  
24 reason I want to say this is because at the

1 end of the day, once you start to hear a  
2 clock tick on the federal process, you're  
3 limited. And once dollars go towards  
4 construction, you have a very finite period  
5 in which you need to actually construct --

6 SENATOR SKOUFIS: I'll just simply  
7 close -- you know, I -- again, I haven't  
8 heard any rationale as to why DOT has sat on  
9 this for 21 months. And I'll just point out  
10 that Senator Schumer actually secured the  
11 first study money for Route 17's expansion in  
12 2005 -- 2005, 15 years ago. And so here we  
13 are, 15 years later, and the rationalization  
14 for kicking this out of the two-year capital  
15 program is we need more time.

16 People locally, the stakeholders here  
17 up in Albany for the region, are sick and  
18 tired of hearing "We need more time." As has  
19 been noted, virtually every stakeholder --  
20 economic development, quality-of-life groups,  
21 municipalities, the entire Assembly  
22 delegation, the entire Senate delegation --  
23 is supportive of including construction money  
24 in this two-year capital program.

1           If this doesn't happen, there is only  
2           one stakeholder who is to blame. And  
3           everybody will know it, and it will happen  
4           very publicly. And this is not a threat,  
5           it's just a fact. If DOT doesn't get on  
6           board with this -- and you all operate under  
7           the auspices of the executive branch --  
8           everyone will know why this project is now,  
9           15 years later, still not moving forward and  
10          we need more time.

11           CHAIRWOMAN KRUEGER: {Mic off;  
12           inaudible} -- and I'm cutting you off --

13           SENATOR SKOUFIS: Thank you, Chair.

14           CHAIRWOMAN KRUEGER: -- thank you,  
15           Senator Skoufis.

16           CHAIRWOMAN WEINSTEIN: We've been  
17           joined by Assemblyman Norris.

18           But we go to Assemblyman Palmesano for  
19           questions.

20           ASSEMBLYMAN PALMESANO: Hi,  
21           Commissioner.

22           COMMISSIONER DOMINGUEZ: Hello.

23           ASSEMBLYMAN PALMESANO: Hi,  
24           Mr. Epstein, good to see you.

1           I have three questions. I know I  
2           won't get the answers in the five minutes;  
3           I'm going to ask them just to, you know, get  
4           them out there and I'll let you respond from  
5           there.

6           UNIDENTIFIED MEMBER: Check your mic.

7           ASSEMBLYMAN PALMESANO: I think I'm  
8           on.

9           First of all, the first area is the  
10          memorandum of understanding that was part of  
11          the last five-year capital plan said that the  
12          DOT would annually file a report with the  
13          Legislature on highway and bridge conditions.  
14          We haven't seen that report since 2016.  
15          That's my first part of the question.

16          The other part is the Graber Report,  
17          which is a report compiled by the engineers  
18          of your agency, in 2009 projected 1200  
19          bridges would be deficient, become deficient  
20          over that five-year period. In 2017, DOT  
21          projected 2100 bridges would become deficient  
22          in that five-year period, over a 100 percent  
23          increase.

24          Now we're here with a two-year budget

1 presentation. Has your staff determined how  
2 many bridges will be worked on over the next  
3 two years? And will the number of bridges in  
4 deficiency status decline or increase, and by  
5 how much?

6 And my last question -- and maybe this  
7 is the one I want you to hit on first; I know  
8 it's been talked about a little bit, and I've  
9 talked to you in different ways about this --  
10 as you know, in New York State 87 percent of  
11 New York's roads and half of its bridges are  
12 owned and maintained by our local  
13 governments.

14 Can you explain to me how the  
15 department and the Governor arrived at  
16 presenting us with a budget that increases  
17 funding to state roads and state bridges by  
18 33 percent but keeps flat funding for local  
19 roads and bridges through the CHIPS program,  
20 which has now been flat -- this is enacted  
21 for the eighth consecutive year -- but in  
22 fact also cuts funding for local  
23 infrastructure with the removal of the  
24 Winter Recovery funding money again, which

1 we'll have to fight to put it back in the  
2 budget. Especially when -- when you know  
3 that some of our towns and municipalities,  
4 for some of them CHIPS funding is the only  
5 source of revenue and resources they have to  
6 fix their local infrastructure.

7           Wouldn't you agree with us that it  
8 would be a smart thing to increase local  
9 funding through the CHIPS program to our  
10 municipalities? Would that not be a good  
11 investment and pay dividends for safety and  
12 economic development in our local  
13 communities, especially in this property tax  
14 era?

15           So those are the three. MOU, Graber  
16 Report, condition of our roads and bridges,  
17 is that going to continue to increase, the  
18 deficiency rate, or decline? And what about  
19 our investment in our local infrastructure,  
20 with a 33 percent increase for state roads  
21 and bridges but a flat funding for CHIPS and  
22 a cut to Winter Recovery?

23           COMMISSIONER DOMINGUEZ: So beginning  
24 with the MOU, I would say that the department

1 has executed the agreement with the  
2 Legislature over the course of the last  
3 five-year capital plan, as was agreed to with  
4 the Executive.

5 With regard to looking at the concern  
6 with regard to bridges and how they're  
7 actually monitored in terms of safety for the  
8 State of New York, I would say -- first and  
9 foremost, let me state that the bridges that  
10 are open for traffic in the State of New York  
11 are safe.

12 The Graber Report is compiled by  
13 engineers. A deficient bridge is -- does not  
14 mean that it poses a risk to safety. That  
15 terminology is actually parlance, it's  
16 engineering parlance, really, for how we  
17 define a bridge that has wear and tear, its  
18 maintenance issues, et cetera.

19 And how we actually monitor that  
20 bridge moving forward is very significant, to  
21 make sure that it doesn't become worse moving  
22 forward. It's an engineering term that is  
23 taken very seriously.

24 But that said, bridge safety is

1 critical to the Department of Transportation.  
2 We take it very, very seriously. And, you  
3 know, not only do we meet state requirements  
4 for bridge safety, we meet the federal  
5 requirements. And in fact New York is one of  
6 the few states that actually requires an  
7 inspection team that's led by a licensed  
8 engineer. And the department gets eyes on  
9 all of our bridges, and there's over 17,000  
10 of them statewide, including local bridges,  
11 over the course of two years.

12 So the safety and integrity of our  
13 bridge program could not be more important.

14 ASSEMBLYMAN PALMESANO: And then the  
15 comment I made at the end, I have a little  
16 time to ask the question again. The budget  
17 that you're presenting increases the DOT  
18 budget for -- it increases funding for state  
19 roads and state bridges by 33 percent, but  
20 the budget that's presented to us that's  
21 advanced by this Governor again keeps funding  
22 flat for local governments. For CHIPS, it  
23 would be the eighth consecutive year in a  
24 row. And in fact not just keeps it flat, it

1 would be another cut to local governments  
2 by -- with the removal of the Extreme Winter  
3 Recovery funding. Especially when this is  
4 sometimes the only funding they have,  
5 wouldn't it be a wise investment to increase  
6 funding for CHIPS and local infrastructure?  
7 For safety and economic development purposes,  
8 wouldn't it be a wise investment? And if  
9 it's 33 percent increased, why are we not  
10 sharing that with our local municipalities,  
11 which would be a good partnership?

12 COMMISSIONER DOMINGUEZ: I think that  
13 this budget indeed does increase or represent  
14 an increase across the board. It's -- you  
15 know, during the last five years, more than  
16 \$3.5 billion has been made available for the  
17 renewal and modernization of our local  
18 bridges and roads, and that's beyond our  
19 federal aid.

20 And the bottom line is that this  
21 Governor has increased state assistance to  
22 local governments for roads and bridges by  
23 over 68 percent. That's about 275 million.  
24 This budget reflects a continued increase in

1           our core program as well as these other  
2           programs across the board, and it's a good  
3           way forward.

4           CHAIRWOMAN WEINSTEIN: Thank you.

5           Senate?

6           CHAIRWOMAN KRUEGER: Senator John Liu.

7           SENATOR LIU: Thank you, Madam Chair.

8           Hello, Commissioner.

9           COMMISSIONER DOMINGUEZ: Hi.

10          SENATOR LIU: You cite in your  
11          testimony that your department is engaged in  
12          helping achieve reductions in nonrenewable  
13          energy consumption. And I think you just --  
14          I guess you talked about some general things  
15          that the department is undertaking, but what  
16          would be some of the specifics? For example,  
17          you mentioned financial incentives as well as  
18          promoting the self-sustaining market for  
19          plug-in vehicles.

20          COMMISSIONER DOMINGUEZ: Correct. So  
21          incentivizing, we're working with our  
22          partners at NYSERDA and others to incentivize  
23          plug-in electric vehicles, establishing  
24          plug-in electric vehicles corridors

1 throughout the state so that we've got  
2 infrastructure that's there so that those  
3 vehicles are able to be used.

4 SENATOR LIU: So financial incentives  
5 for consumers to purchase plug-in electric  
6 vehicles?

7 COMMISSIONER DOMINGUEZ: As well as  
8 companies to come in and help leverage their  
9 investments to actually create these  
10 opportunities.

11 SENATOR LIU: So what would be one  
12 example of how -- I mean, I guess there  
13 aren't -- there aren't any consumer  
14 incentives we've heard about at the New York  
15 State level. But what about the incentives  
16 to get companies to make them more available  
17 or more easily obtainable by consumers?

18 COMMISSIONER DOMINGUEZ: So it's a  
19 great question.

20 EX. DEPUTY COMM. EPSTEIN: So, I'm  
21 sorry, Senator, thank you. It's an excellent  
22 question. One of the things we're doing, we  
23 are working with our partners, but DOT  
24 directly -- part of identifying the

1 alternative fuel corridors that the  
2 commissioner talked about is, for instance,  
3 at our Long Island rest area, our Southern  
4 Tier rest area --

5 SENATOR LIU: Okay, so that's my  
6 second question.

7 EX. DEPUTY COMM. EPSTEIN: -- we  
8 actually provide -- at no cost to the public,  
9 we have provided electric charging facilities  
10 to incentivize the use of those vehicles.

11 SENATOR LIU: How many charging  
12 facilities do we have so far in the state  
13 provided by the DOT?

14 EX. DEPUTY COMM. EPSTEIN: Provided by  
15 DOT? I don't have that number off the top of  
16 my head, but we are --

17 SENATOR LIU: Okay, but are we talking  
18 ten, a hundred, a thousand?

19 EX. DEPUTY COMM. EPSTEIN: I don't  
20 have that answer off the top of my head  
21 because they're part of a network that is --

22 SENATOR LIU: Do you have any idea  
23 roughly how many?

24 EX. DEPUTY COMM. EPSTEIN: Off the top

1 of my head, no.

2 SENATOR LIU: I mean --

3 COMMISSIONER DOMINGUEZ: They are  
4 located at our --

5 EX. DEPUTY COMM. EPSTEIN: We have  
6 them in every region of the state.

7 SENATOR LIU: In every -- okay. So  
8 like, for example, there are charging  
9 stations, I assume, along 87.

10 EX. DEPUTY COMM. EPSTEIN: So -- no.  
11 And let me explain why. Not commercial pay.  
12 Because we are prohibited by federal law,  
13 under Section 111, for charging consumers --

14 SENATOR LIU: So only on free  
15 roadways, on free roadways. How about  
16 Route 17?

17 EX. DEPUTY COMM. EPSTEIN: I'd have to  
18 go look. I don't know the -- off the top of  
19 my head.

20 SENATOR LIU: All right. So you're  
21 just confident that your department is fully  
22 engaging in developing --

23 EX. DEPUTY COMM. EPSTEIN: We have a  
24 map that we can provide to you. I just don't

1 know off the top of my head.

2 COMMISSIONER DOMINGUEZ: So in my  
3 testimony, to clarify, one of the things that  
4 we're looking at is how do we do more of  
5 this. Because obviously we've got some very  
6 aggressive greenhouse gas emission goals that  
7 we would all like to meet, and we're looking  
8 at what transportation's role is in that  
9 moving forward. So I think --

10 SENATOR LIU: I got all that from your  
11 testimony. I was just trying to get some  
12 more specifics.

13 COMMISSIONER DOMINGUEZ: Yeah.

14 SENATOR LIU: I mean, you talk about  
15 financial incentives. Obviously there  
16 aren't -- there doesn't seem to be any direct  
17 financial incentives. Incentives in terms of  
18 making charging more available along New York  
19 State roadways, okay, that's a great thing.  
20 But what's the plan? How many do we have  
21 now, and what's -- what's the goal in terms  
22 of getting these charging stations up and  
23 running in the next year, in the next two  
24 years, in the next five years? There should

1 be some kind of plan.

2 COMMISSIONER DOMINGUEZ: So we're  
3 developing it with our partners, and as we  
4 move forward we'd be happy to share that with  
5 you.

6 SENATOR LIU: Okay. Like -- can I  
7 just get them? Do you have something readily  
8 available in your office, or is it on the  
9 website?

10 COMMISSIONER DOMINGUEZ: Whatever we  
11 have, we'll share with you as a follow-up to  
12 this hearing.

13 SENATOR LIU: Okay. But you're not  
14 sure what you have.

15 COMMISSIONER DOMINGUEZ: I know that  
16 we've invested directly in some of the rest  
17 areas that we operate, as opposed to  
18 developing further corridors where there  
19 would be more opportunity.

20 So like I said, we'll follow up with  
21 you directly, share the larger plan.

22 SENATOR LIU: Thank you.

23 I certainly appreciate and support  
24 Chairman Kennedy's comments about the highway

1 construction. Just, you know -- you know, we  
2 do need to invest upstate. But I'll tell  
3 you, that Van Wyck in Queens, can we get that  
4 done also in the second year of this two --

5 COMMISSIONER DOMINGUEZ: We are -- we  
6 are more than working on it. We are -- we're  
7 fully engaged in -- it's a four-phase  
8 process, and so we're well on our way on the  
9 Van Wyck. We just finished the  
10 Sheridan-Queens Boulevard, the whole -- I  
11 mean Hunts Point, we're working on it.

12 SENATOR LIU: All right. And thank  
13 you very much for your department's help with  
14 regard to the highways in my district. I  
15 appreciate it.

16 COMMISSIONER DOMINGUEZ: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Assembly.

19 CHAIRWOMAN WEINSTEIN: Assemblywoman  
20 Rozic.

21 ASSEMBLYWOMAN ROZIC: Thank you, Madam  
22 Chairwoman.

23 The Van Wyck is a mess, Senator Liu is  
24 right.

1 I'm going to focus my questions on  
2 Veto Message 140. As you know, I sponsored  
3 legislation last year with Senator Skoufis to  
4 create a five-year and 20-year capital  
5 program for the DOT.

6 But taking a step back, I wanted to  
7 ask you about the project list that DOT put  
8 out in April of 2016. How did you come up  
9 with that five-year list?

10 COMMISSIONER DOMINGUEZ: I was not  
11 here at that point in time. But the bottom  
12 line is is that in terms of actual projects,  
13 it's something that's developed through, I  
14 would say, local input. We meet regularly,  
15 through our regional offices, with local  
16 elected officials. We also work with the  
17 local MPOs. So all of the Department of  
18 Transportation is engaged statewide in  
19 understanding what local project needs are,  
20 and then it develops moving forward over the  
21 course of time.

22 ASSEMBLYWOMAN ROZIC: And through  
23 these regional offices or at the central  
24 office, do you engage with planners? Do you

1 employ planners at DOT?

2 COMMISSIONER DOMINGUEZ: Yes, we do.

3 ASSEMBLYWOMAN ROZIC: And engineers?

4 COMMISSIONER DOMINGUEZ: Yes.

5 ASSEMBLYWOMAN ROZIC: Okay. So my  
6 question I guess is how is it that creating a  
7 five-year or 20-year capital plan would cost  
8 the DOT \$1 million, which was cited in the  
9 veto message?

10 COMMISSIONER DOMINGUEZ: Can you  
11 repeat the question, please?

12 ASSEMBLYWOMAN ROZIC: You employ  
13 engineers, planners at DOT. Can you break  
14 down how creating a five-year or a 20-year  
15 plan would cost the State DOT \$1 million, as  
16 was cited in the veto message?

17 COMMISSIONER DOMINGUEZ: I'm not  
18 familiar with the veto message. But to come  
19 up with a plan, period, as to how we would  
20 actually move forward on our investment  
21 strategy is something that we take as a  
22 matter of course. So I don't have the  
23 information directly.

24 ASSEMBLYWOMAN ROZIC: Okay. Because

1 I'm well aware that, you know, the State DOT  
2 gets millions if not billions of dollars.  
3 But to have sort of no understanding of how  
4 planning takes place or how you can fund  
5 planning seems in direct contrast with the  
6 billions of dollars that we give you.

7 COMMISSIONER DOMINGUEZ: I can assure  
8 you that we undertake a very rigorous  
9 planning and development process for all the  
10 work that we do. It's the crux of the work  
11 that we do.

12 I'm not specifically familiar with  
13 what you're referring to and would be happy  
14 to follow up with you, but I don't -- the  
15 context in which you're providing it is --

16 ASSEMBLYWOMAN ROZIC: Okay. We can  
17 certainly sidebar off of that.

18 Can you tell us how you plan on  
19 creating the next project list for DOT?

20 COMMISSIONER DOMINGUEZ: Again, it's  
21 something that we look at constantly as we  
22 look at the overall development of projects  
23 and plans. It's something that we develop  
24 from a very local level, as I said before,

1 working with local elected officials, working  
2 with the metropolitan planning organizations  
3 that are a big part of this process, and then  
4 also looking at what the critical needs are  
5 across the state.

6 ASSEMBLYWOMAN ROZIC: And then do you  
7 work with the City DOT on figuring out what  
8 city projects need to get funded?

9 COMMISSIONER DOMINGUEZ: The city has  
10 it's own planning process, and we work  
11 directly through NYMTC, which is the  
12 metropolitan planning organization for the  
13 city. And all of those projects also come up  
14 through that process.

15 We also have a very, very robust  
16 partnership with the city on larger  
17 maintenance and infrastructure issues.

18 ASSEMBLYWOMAN ROZIC: And then how  
19 many projects do you think, on any given  
20 year, DOT is working on?

21 COMMISSIONER DOMINGUEZ: That's an  
22 excellent question. It's in the thousands.

23 ASSEMBLYWOMAN ROZIC: Okay. And are  
24 they ones that take five years, 10 years,

1 20 years?

2 COMMISSIONER DOMINGUEZ: They all  
3 vary.

4 ASSEMBLYWOMAN ROZIC: A majority of  
5 them being within what range? One to five  
6 years, five to 10 years?

7 EX. DEPUTY COMM. EPSTEIN: The  
8 majority are about a year to two years,  
9 because they are the more routine  
10 maintenance-type projects.

11 ASSEMBLYWOMAN ROZIC: Okay. And what  
12 is your agency's objection to creating a  
13 five-year or 10-year or 20-year plan?

14 COMMISSIONER DOMINGUEZ: It's not an  
15 objection. I want to go back to what I  
16 stated before in terms of what the need is  
17 right now. I think this two-year investment  
18 strategy that the Governor has put forward is  
19 not only robust and aggressive, it actually  
20 gets us to where we need to go. It continues  
21 our programs and our policies, but it also  
22 allows us to directly put some pressure on  
23 Washington to deliver a surface  
24 transportation bill.

1           ASSEMBLYWOMAN ROZIC: I see that my  
2 time is up, but I'd like to follow up with  
3 you on that.

4           COMMISSIONER DOMINGUEZ: I'd be happy  
5 to.

6           CHAIRWOMAN WEINSTEIN: Thank you.  
7 Senate?

8           CHAIRWOMAN KRUEGER: Senator Todd  
9 Kaminsky.

10          SENATOR KAMINSKY: Thank you very  
11 much.

12          Hi, Commissioner.

13          COMMISSIONER DOMINGUEZ: Hello,  
14 Senator.

15          SENATOR KAMINSKY: Long Island is the  
16 home of the most traffic in the state, and  
17 the Southern State is the most -- I don't  
18 want to say highly trafficked, but it  
19 certainly is the most traffic of the roads  
20 that we have. And there are two specific  
21 projects that I would really like DOT to  
22 focus on with respect to the Southern State  
23 that are really in want of appearing on a  
24 capital plan, whether that's a five-year plan

1 or a two-year plan or any plan. That really  
2 calls out for it.

3 The first is an exit that I and  
4 Senator John Brooks kind of revolve around  
5 called Eagle Avenue, at Exit 18. And it's a  
6 very dangerous section where there have been  
7 many notable accidents, because you come over  
8 a rise right before a turn. And what that  
9 means is you can't see the traffic stop in  
10 front of you right under a low overpass. So  
11 there have been real treacherous accidents  
12 there. And it's also really backed up with  
13 traffic.

14 So at least a study helping us figure  
15 out what the options at that particular area  
16 are, I think would be worthwhile. But it  
17 should be one of the main focuses of DOT  
18 going forward. Every day, regardless of the  
19 weather, Long Islanders sit in traffic on the  
20 Southern State, and that particular area is a  
21 real bottleneck, and also dangerous. So I'd  
22 really appreciate you looking into that.

23 Also, whether you're traveling on the  
24 Meadowbrook and the Southern State, the

1 interchanges from one to the other also  
2 create huge backups at rush hour. And  
3 expanding the off-ramps and expanding the  
4 routes from the Meadowbrook to the Southern  
5 State and the Southern State to the  
6 Meadowbrook I think are worthy of  
7 exploration. It would make Long Islanders'  
8 lives better each day.

9 One other point that I think is worth  
10 exploring is the Loop Parkway drawbridge that  
11 was built in the Depression, I believe, and  
12 is one of the few drawbridges that still, in  
13 certain months, will go up, creating large  
14 amounts of traffic, so that marine traffic  
15 can go through it. And it's quite old and  
16 has to be repaired -- you know, the whole  
17 entire parkway was shut down for large  
18 periods of time last year so new equipment  
19 could be put in.

20 It seems to me that having -- at least  
21 studying whether the drawbridge is necessary  
22 there would be something that's worthwhile  
23 and could save a lot of time to have -- as  
24 much as we appreciate our fishermen and our

1 marine traffic, which must go through, to  
2 have hundreds of drivers sitting so one boat  
3 can go through for 10 minutes seems to me to  
4 be a relic from an older era.

5 And I'm wondering if that's something  
6 you've thought about or have looked into.

7 COMMISSIONER DOMINGUEZ: Well, thank  
8 you for your questions. You and I have had a  
9 chance to sit down and talk about some of  
10 these projects, and I recognize that there  
11 are -- especially with regard to the  
12 drawbridge. It's very, very old indeed, and  
13 it serves the community in a very unique way  
14 in the sense that it is the only piece of  
15 infrastructure there.

16 But that said, I'm happy to -- I  
17 understand what you're saying about the three  
18 projects. Happy to do some additional work  
19 on them and make sure that we've considered  
20 all the alternatives to see how we can best  
21 address them.

22 SENATOR KAMINSKY: I appreciate -- you  
23 know, Nassau Expressway 878 is a major  
24 project you undertook and I think is about to

1 be completed.

2 COMMISSIONER DOMINGUEZ: Yes.

3 SENATOR KAMINSKY: I see Commissioner  
4 Driscoll up there, who helped start it.  
5 Thank you for helping to finish it, or  
6 getting very close to finishing it.

7 That aside, I do think that there is a  
8 general feeling on Long Island that the  
9 amount of driving, the amount of traffic that  
10 we have, the amount of regional significant  
11 projects we think are worthwhile are not  
12 always reflected and not currently reflected  
13 in the DOT's plans. And we'd love for you to  
14 come check them out, look at what they are,  
15 and I think you'll find that they're  
16 worthwhile in terms of the amount of people  
17 they'll help, traffic they'll ease, and lives  
18 they'll save. And I hope you'll work with me  
19 and the rest of our delegation in helping to  
20 achieve that.

21 COMMISSIONER DOMINGUEZ: Thank you. I  
22 think that the Nassau Expressway project in  
23 particular is very demonstrative of the level  
24 of good work that can be done that has huge

1 benefits, not just for purposes of traffic  
2 and moving people, but the resilience factor  
3 alone, that project has it built in for  
4 innumerable measures, and that gets to the  
5 overall climate goals that we're all trying  
6 to achieve by hardening our infrastructure.

7 So we'd be happy to meet with you in  
8 your district and actually look at some of  
9 these projects.

10 SENATOR KAMINSKY: Okay. Thanks so  
11 much.

12 COMMISSIONER DOMINGUEZ: You're  
13 welcome.

14 CHAIRWOMAN KRUEGER: Thank you.  
15 Assembly.

16 CHAIRWOMAN WEINSTEIN: Assemblywoman  
17 Simon.

18 ASSEMBLYWOMAN SIMON: Thank you.

19 First, thank you for your testimony.

20 I have a couple of questions. The big  
21 one is an issue that I know we've spoken  
22 about before, and that is what is the state  
23 going to be doing about working together in a  
24 collaborative way on the BQE triple

1 cantilever project.

2 We have -- there was an expert panel  
3 that was created, and we expect the issuance  
4 of their report later this week. I don't  
5 know what their report will say in  
6 particular, but I do know that there's no  
7 solution unless the state is at the table  
8 with us working together. And I want to know  
9 if I can have your commitment to that.

10 COMMISSIONER DOMINGUEZ: So as we've  
11 said before -- and I appreciate the  
12 opportunity to meet with you in New York.  
13 You know, the infrastructure itself is owned  
14 by the city. The state has a sincere  
15 interest in making sure that the entire  
16 system, that entire corridor, is not only  
17 safe but functioning, because it is a very  
18 significant freight corridor.

19 And we will continue to work with the  
20 city and the federal government on the best  
21 way forward with regard to the BQE.

22 ASSEMBLYWOMAN SIMON: This is where  
23 I'm going to disagree. And I know you  
24 believe -- and that's certainly what the

1 state has been telling everybody -- that the  
2 city owns this roadway, when the state owned  
3 it not even 10 years ago and did an elaborate  
4 public engagement process when it was  
5 repairing the roadway. It's a federal  
6 highway.

7 And the city can't do this, can't draw  
8 down federal money unless they have the state  
9 involved, and I mean like really involved.  
10 And it seems clear to me that regardless of  
11 ownership issues, which I could debate for  
12 quite some time, the state needs to be a  
13 partner in a way that it has not yet been a  
14 partner in addressing the needs in this  
15 corridor. Because it is a critical link, a  
16 small link but a really, really critical link  
17 that will affect the entire region's economy.  
18 And we really need to have a commitment from  
19 the state to be there at the table with their  
20 sleeves rolled up, putting our heads together  
21 and working together in a collaborative way  
22 moving forward.

23 And this is something I really would  
24 like you to take back to the Executive and to

1 be there for the community and for your  
2 region's economy. I think that the state has  
3 really been lacking in its commitment to this  
4 effort, and I want to just really underscore  
5 that with you.

6 Another issue I really want to address  
7 is pedestrian safety. I know that there are  
8 a number of places in the budget where we  
9 have talked about electric-assisted bicycles,  
10 which are all over our streets in New York  
11 City, as well as e-scooters. And I think in  
12 my district I have a lot of transit  
13 advocates, I have a lot of transit, I have a  
14 very dense district. As you know, I  
15 represent Downtown Brooklyn and the  
16 Brownstone Belt there.

17 I have many, many transit advocates  
18 who are constituents. We're very forceful on  
19 these issues and have really pioneered a lot  
20 of the policy on this. But I also have a lot  
21 of people who are pedestrians.

22 People do take bicycles. They do  
23 reduce the amount of car traffic -- local car  
24 traffic, for example. But we also -- they're

1 quiet. One thing I find driving a hybrid now  
2 is you can't hear me coming. And you can't  
3 hear the power-assisted bicycles and you  
4 can't hear the e-scooters.

5 And I have a lot of people who walk  
6 everywhere, and schoolchildren who walk  
7 everywhere. And it's very hard for people to  
8 know when somebody is coming. And so I've  
9 been asked by a lot of pedestrians to really  
10 speak up for a way that we can address  
11 pedestrian issues in a way other than just  
12 penalizing drivers, because what we want to  
13 do is reduce those incidents and have people  
14 not be frightened of stepping out onto the  
15 streets.

16 We have a lot of seniors in our  
17 district and -- very elderly seniors who are  
18 really scared of the bicycles, they're scared  
19 of the e-scooters, they're scared of the  
20 power-assisted bicycles. And we don't want  
21 that to be the case. We want everybody to  
22 coexist safely.

23 And I'm wondering what efforts the  
24 department is putting into tackling that

1 issue in a more comprehensive way.

2 COMMISSIONER DOMINGUEZ: So I -- thank  
3 you for the question. A couple of things.

4 One, we have a very aggressive  
5 Pedestrian Safety Action Plan which we  
6 launched a number of years ago as part of our  
7 overall highway safety plan. And that's not  
8 only for upstate measures, but also for --  
9 the city also has its Vision Zero plan.

10 The bottom line is that we're doing  
11 everything we can to advance technology for  
12 pedestrian safety, whether that's through  
13 signalization, nonsignalized crossings,  
14 et cetera.

15 E-scooters in particular are the  
16 jurisdiction of the DMV, and how they're  
17 actually -- how they actually are regulated,  
18 et cetera.

19 But that said, all pedestrian safety  
20 is important to the DOT, and we're continuing  
21 to invest in our pedestrian safety action  
22 measures -- which have yielded significant  
23 safety results, I have to say, statewide.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 ASSEMBLYWOMAN SIMON: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Sue Serino.

4 SENATOR SERINO: Thank you, Madam  
5 Chairwoman.

6 And thank you, Commissioner, for being  
7 here today with your testimony.

8 As you know, our office has a great  
9 relationship with the DOT and our regional  
10 rep in particular, so we really appreciate  
11 you working so closely with us.

12 As you know, this year we finally,  
13 after two decades, officially kicked off the  
14 building of the Pudding Street Overpass. And  
15 since the construction started, there's been  
16 a few bumps in the road, of course.  
17 Residents navigate the changes. But I really  
18 appreciate your help and your increased  
19 communication on the part of your office, and  
20 I hope to see that continue throughout the  
21 course of this very critically important  
22 project.

23 I know a few of my colleagues have  
24 already mentioned the CHIPS program, and I

1 just want to reiterate our annual request to  
2 see a significant boost in that program.  
3 Holding it flat again, I agree with my  
4 colleague who said it's sending a bad message  
5 to our upstate communities. I'm wondering  
6 what we need to get that commitment set in  
7 stone.

8           And additionally, in regards to the  
9 65 million for the Extreme Winter Recovery  
10 Program that has been eliminated in this  
11 proposal, I understand that it's typically a  
12 legislative add, but the reality is we live  
13 in New York. So I can't think of a winter in  
14 recent memory that hasn't taken a toll on all  
15 of our roads. To have this funding subject  
16 to legislative adds leaves it more vulnerable  
17 to cuts, especially at a time when we're  
18 talking about a deficit.

19           I'd like to suggest that going forward  
20 we consider adding that 65 million to the  
21 base amount and -- consider adding it to the  
22 base amount for the CHIPS program because  
23 it's so important. If you would consider  
24 that, thank you.

1 I didn't really have a question, just  
2 a statement. So thank you very much for  
3 being here.

4 COMMISSIONER DOMINGUEZ: You're  
5 welcome. Thank you.

6 CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

7 ASSEMBLYMAN RA: Thank you. I just  
8 want to briefly go back to something my  
9 colleague Mr. Palmesano was talking about in  
10 terms of, you know, assessments of pavement  
11 and road conditions and bridge conditions.

12 Are you familiar with -- down on  
13 Long Island, myself and I'm sure my  
14 colleagues were given a report late this fall  
15 that was commissioned by the Long Island  
16 Contractors Association and evaluated some of  
17 our local highways. Are you familiar with  
18 that report, or do you know if it was shared  
19 with the department?

20 COMMISSIONER DOMINGUEZ: I'm sure it  
21 was shared with the department. I have -- I  
22 understand that there's a report; I have not  
23 read it in detail.

24 ASSEMBLYMAN RA: Okay. And the reason

1 I ask -- I know they -- you know, they  
2 focused on different areas of the Southern  
3 State Parkway, Northern State, Meadowbrook,  
4 and found a lot of the roadway to be poor or  
5 at best fair.

6 But I'm just wondering -- I know we've  
7 talked a little bit about how the department  
8 is evaluating projects for the capital plan.  
9 But does part of that include, you know,  
10 significant development, things that of that  
11 nature that are going on in the vicinity?

12 I ask because one of the areas that  
13 has been talked about for a long time is the  
14 Meadowbrook and the interchange near  
15 Hempstead Turnpike, which is immediately  
16 adjacent to the Nassau Hub, which has  
17 undergone more development and there's more  
18 planned in the area. And it's certainly  
19 going to, you know, put a strain on that  
20 infrastructure without it being addressed.

21 COMMISSIONER DOMINGUEZ: So I did have  
22 the chance to actually go down to Long Island  
23 and meet with LICA and sit down and do a  
24 roundtable with them and a number of their

1 members, and that project indeed was  
2 identified as something that was a priority  
3 to them, for the reasons that you outlined.

4 So I'm familiar with their concerns  
5 around it and how that might impact the local  
6 development that's proceeding, I guess,  
7 within the county.

8 ASSEMBLYMAN RA: So as the  
9 department's evaluating, you know, allocation  
10 of this capital plan, are those types of  
11 things a consideration or a major  
12 consideration for, you know, the significance  
13 of projects going on in the vicinity of the  
14 roadways?

15 COMMISSIONER DOMINGUEZ: We -- it is  
16 definitely something that has been raised to  
17 the attention of our regional office and, as  
18 such, has been, you know, raised with us  
19 directly.

20 ASSEMBLYMAN RA: Thank you. And I  
21 just want to thank you and your staff for  
22 meeting with myself and a few of our members  
23 last week ahead of this hearing so we could  
24 discuss some of these issues more in depth.

1                   COMMISSIONER DOMINGUEZ: Thank you.

2                   ASSEMBLYMAN RA: Thank you.

3                   CHAIRWOMAN WEINSTEIN: Thank you.

4                   Senator Comrie.

5                   SENATOR COMRIE: Thank you.

6                   Good afternoon. Commissioner, I want  
7 to thank you for coming by to visit with me  
8 the other day and sharing some of your  
9 concerns. I just wanted to put it in the  
10 hearing -- two issues.

11                  Number one, I want to support the need  
12 for the revitalization of the CHIPS funding  
13 and the other upstate funding to fix the  
14 roadways on I-71 and the skyways in upstate  
15 New York. And I appreciate that -- I know  
16 it's part of our budget dance, unfortunately,  
17 but it's a necessary part, to get that CHIPS  
18 funding back to -- over 65 million would be  
19 important.

20                  I know Senator Kennedy is going to go  
21 deep on that in a minute, so I'll go to my  
22 pet project that I'd like DOT to look at, and  
23 that's the expansion of the Cross Island  
24 Parkway. I know I've talked to you about it,

1 and I just wanted to put on record at the  
2 budget hearing that I'd like to see that  
3 project -- I know that they started doing a  
4 preliminary survey to look at it, but I  
5 haven't seen anything yet. And I'd like  
6 to -- understanding that that's a complex  
7 project with a lot of elements to it, because  
8 most of the overpasses are low -- they were  
9 built by Robert Moses -- or they can't  
10 accommodate truck traffic.

11 But the Cross Island Parkway is a  
12 parking lot 24/7, and we need to look at  
13 expanding that. And hopefully we could patch  
14 in federal dollars, if they ever come, from  
15 the federal government, and along with some  
16 municipal dollars to look at that project.

17 So I just wanted to put that on  
18 record. Hope that we can see a preliminary  
19 survey of that so that we could look at what  
20 the costs of that would be so we can try to  
21 figure out how to get there.

22 Thank you.

23 COMMISSIONER DOMINGUEZ: You're  
24 welcome.

1                   CHAIRWOMAN WEINSTEIN:  Assemblyman  
2           Byrne.

3                   ASSEMBLYMAN BYRNE:  Thank you.

4                   First, Commissioner, I want to say  
5           thank you for the communication that  
6           you've -- you and your office have provided  
7           to me, and specifically your regional office.  
8           Senator Serino, who's my colleague and we  
9           share a town in Putnam County together -- the  
10          regional DOT staff has been beyond  
11          exceptional.

12                   And I truly do appreciate that because  
13          whenever we ask a question, sometimes the  
14          answer we get isn't something that we like.  
15          But that communication is absolutely key for  
16          people like me to do my job to advocate and  
17          also share information with constituents I  
18          represent.

19                   I did have one question based on a --  
20          as a follow-up to one of the questions my  
21          colleagues asked about the MOU.  And it made  
22          it sound like you're doing that.  Where is  
23          the highway, pavement and bridge conditions  
24          report?  Is it online?  Can I find it, this

1 annual report? Where is it?

2 COMMISSIONER DOMINGUEZ: I'm sorry, I  
3 do not have -- I do not have it. But I would  
4 be happy to look into it and make sure that  
5 we follow up with you directly.

6 ASSEMBLYMAN BYRNE: Okay. Because my  
7 understanding is that is one of the biggest  
8 issues with the MOU that was cited, is to  
9 have this annual report so the Legislature  
10 can look it, review it, help us become better  
11 informed. I know advocates would like to  
12 look at it. But that is a key point to that  
13 question.

14 As another follow-up -- oh, go ahead,  
15 Commissioner.

16 COMMISSIONER DOMINGUEZ: Sir, with  
17 regard to -- I just want to follow up on your  
18 question and what I stated earlier. The  
19 bottom line is is that regardless of the  
20 status of the report and where it is, we have  
21 executed on those projects per the agreement  
22 with the Legislature. So instead of -- you  
23 know, I don't want to get hung up on a report  
24 per se, and just be very clear that we've

1 taken action on those projects that were in  
2 the five-year plan. That's what we've been  
3 executing on.

4 ASSEMBLYMAN BYRNE: I can understand  
5 that. I know that may not be seen as the  
6 biggest priority for you, but it's a question  
7 that we -- I think we've asked every single  
8 year that I've been on the Transportation  
9 Committee and we have the budget hearing, is  
10 where is this report that we were -- expected  
11 to see. So that's why we keep asking about  
12 it.

13 I also -- beyond this, we've been  
14 talking about the two-year capital plan  
15 versus why is it not a five-year capital  
16 plan, and I know in your testimony you talked  
17 about the possible loss of federal funds as  
18 part of that. But we still see essentially  
19 flat numbers from what our previous five-year  
20 capital plan was, just on the two-year plan.  
21 It's not -- we're not seeing a significant --  
22 I know some folks have been calling for a 35  
23 or \$40 billion capital plan. We're looking  
24 at what, about an 11 billion two-year capital

1 plan, correct?

2 COMMISSIONER DOMINGUEZ: It's a  
3 12 billion --

4 ASSEMBLYMAN BYRNE: Twelve billion,  
5 I'm sorry, thank you.

6 COMMISSIONER DOMINGUEZ: -- 11.9,  
7 almost 12 billion.

8 ASSEMBLYMAN BYRNE: Eleven-point-nine,  
9 thank you.

10 But -- so we still don't see a  
11 significant increase from the previous plan,  
12 so we're really -- my question is --

13 COMMISSIONER DOMINGUEZ: It's actually  
14 up 33 percent over the last two-year base. I  
15 mean --

16 ASSEMBLYMAN BYRNE: Over the last --  
17 okay.

18 COMMISSIONER DOMINGUEZ: Yeah, I mean,  
19 it's -- when I say it's an aggressive  
20 investment schedule, it really is an  
21 aggressive investment schedule.

22 ASSEMBLYMAN BYRNE: Because I was  
23 looking more over five years versus two,  
24 years just, I guess, average-wise.

1                   COMMISSIONER DOMINGUEZ:  It's  
2                   3 billion over the previous two years.

3                   ASSEMBLYMAN BYRNE:  Okay.  So my  
4                   question still -- we're looking at a two-year  
5                   capital plan versus five years.  If we're  
6                   limiting our vision and how far we can look  
7                   out, just based on that, I would like to know  
8                   what your vision is, as the commissioner of  
9                   DOT.  And I'd also like to -- you know,  
10                  something that comes up in my area and I get  
11                  this sense, just around the Hudson Valley --  
12                  and again, it's not a knock on the agency  
13                  itself, but there just seems to be potential  
14                  disparities in investments in regions and  
15                  portions of the state.  And I don't think we  
16                  should be investing necessarily on region,  
17                  you should be investing on what the need is.  
18                  Right?  But I know there's a lot of need in  
19                  the Hudson Valley because I see it, because  
20                  you drive through the potholes and everything  
21                  else.

22                  And if you could elaborate on is there  
23                  a list of projects.  And would it be possible  
24                  to get even the list of projects from last

1 year to find out how much went into each  
2 region? Just to have that information to  
3 study and evaluate. And I really would like  
4 to know more about what your vision for the  
5 DOT is, and not just in two years but, in  
6 years out.

7 COMMISSIONER DOMINGUEZ: So I would  
8 say that we do an incredible level of --  
9 amount of work to make sure that our program  
10 is indeed balanced throughout the entire  
11 state. And it takes a lot of effort to do  
12 that, and we do that through the direct  
13 engagement, at a very local level, between  
14 our regional offices, local elected  
15 officials, the MPO process, et cetera, to  
16 make sure that we understand what every  
17 community's priorities are.

18 And then as the core program moves  
19 forward, we work to balance that investment  
20 across the state.

21 ASSEMBLYMAN BYRNE: Okay. Thank you,  
22 Commissioner.

23 COMMISSIONER DOMINGUEZ: Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1           We go to Senator O'Mara.

2           SENATOR O'MARA: Thank you. Just to  
3 follow-up on Assemblyman Byrne's questions  
4 there and the -- primarily with the disparity  
5 between -- or parity. How can you assure us  
6 to explain to our constituents in upstate  
7 New York that we're getting our fair share?  
8 Certainly we'd like more than our fair share,  
9 but we want to make sure we're at least  
10 getting our fair share.

11           And when we're talking a six-year MTA  
12 plan at about \$10 billion a year, is my  
13 understanding, and a statewide DOT plan only  
14 two years, at \$6 billion a year, how is that  
15 parity?

16           COMMISSIONER DOMINGUEZ: So as I  
17 understand it, over the course of time DOT's  
18 had a number of investment levels, right? So  
19 we've had two-year investment strategies,  
20 we've had one-year investment strategies,  
21 we've had five-year investment strategies. I  
22 think the Executive Budget this year is  
23 extremely aggressive in its nature, in that  
24 it's two years at \$12 billion. That is

1           essentially an increase in our overall  
2           program by \$3 billion, or 33 percent, over  
3           the two prior base years.

4                     And when you start to look at how that  
5           actually plays out, that's actually a  
6           significant investment. That's a 33 percent  
7           increase in our overall investment upstate.  
8           That's \$5.8 billion that actually is  
9           committed to going to upstate funding. And I  
10          think that, in and of itself, is fairly  
11          significant.

12                    SENATOR O'MARA: Thank you.

13                    With regard to the DOT increase of  
14          33 percent, following up on Assemblyman  
15          Palmesano's questions from earlier, CHIPS  
16          funding being flat, I believe and my  
17          constituents believe and I believe  
18          constituents across the State of New York  
19          believe that their local roads and bridges  
20          are every bit as important as state roads and  
21          bridges. And our local municipalities are  
22          strapped with the ability to provide for  
23          that. And CHIPS is vital to that increase,  
24          so -- to that effort.

1           So why are we not seeing an increase  
2           in CHIPS funding with such a significant and  
3           appreciated increase in the DOT funding?

4           COMMISSIONER DOMINGUEZ:  So I -- I --  
5           I think that this two-year investment  
6           strategy actually makes a lot of sense -- not  
7           only for the reasons that I just pointed out,  
8           it also drives us toward some pressure on  
9           Washington to make sure that our overall  
10          surface transportation advocacy remains  
11          extremely high.

12          That said, this budget actually  
13          contemplates a \$5.8 billion dedicated  
14          investment upstate.  That's a direct increase  
15          in our core capital program.  The bottom line  
16          is is that's -- over the course of the last  
17          five years, it's more than \$3.5 billion that  
18          have been available for renewal and  
19          modernization of the state's roads and  
20          bridges, and that's directly impacting CHIPS,  
21          PAVE, and BRIDGE NY.

22          I mean, this Governor is the one that  
23          put forward the added investment in PAVE and  
24          BRIDGE NY, and those levels are -- you know,

1 we haven't seen that level of historic  
2 investment before. And this budget continues  
3 that.

4 SENATOR O'MARA: I agree, the BRIDGE  
5 and PAVE-NY programs are fantastic programs.  
6 But to see CHIPS flat is concerning.

7 CHIPS, in my opinion, is probably one  
8 of the fairest programs we have in this state  
9 government in its distribution of funds  
10 directly, mile per mile. So there's winners  
11 and losers on that distribution, it's done  
12 very fairly. So I would think increasing  
13 CHIPS would be a very -- a very strong  
14 statement that we are distributing the funds  
15 evenly across the state.

16 COMMISSIONER DOMINGUEZ: So I  
17 appreciate that. I also want to commend --  
18 comment that, you know, that's not the  
19 only -- those are not the only dollars that  
20 are available. Our state assistance dollars  
21 have -- that are recurring have gone up  
22 68 percent in the last decade. And the  
23 bottom line is is that those dollars go  
24 directly toward these local programs as well.

1           So it's not just CHIPS funding that's  
2 available -- that's made available for local  
3 roads and bridges, it's also our core capital  
4 dollars that are funded directly through  
5 state assistance.

6           SENATOR O'MARA: Okay. In my last  
7 15 seconds, do we have parity between  
8 New York City and the rest of the state on  
9 our overall spending?

10          COMMISSIONER DOMINGUEZ: I think that  
11 depends on how you interpret the word  
12 "parity." And I would say that it's not  
13 apples to apples.

14          The state actually, you know, gets  
15 about 65 percent of our direct state funding  
16 from -- you know, for purposes of our capital  
17 program, whereas MTA is at about 6 percent in  
18 terms of the state dollars that are  
19 leveraged.

20          SENATOR O'MARA: Thank you very much.

21          CHAIRWOMAN WEINSTEIN: Thank you.

22          Assemblywoman Paulin.

23          ASSEMBLYWOMAN PAULIN: Thank you so  
24 much.

1           I have a question about the Hudson  
2           Transit Link. In the Executive Budget  
3           there's an \$11 million allocation for the  
4           operating costs for the -- I'm presuming the  
5           buses that go across the Tappan Zee.

6           I happen to have served on the Tappan  
7           Zee Transit Task Force. We came out with a  
8           report in February of 2014. One of the items  
9           in that report called for a phasing in of  
10          mass transit linked to the Tappan Zee Bridge  
11          replacement. Phase one had to do with the  
12          bus rapid transit. Phase two, according to  
13          that report, was supposed to look at buses  
14          cross the Westchester -- east to west, or  
15          west to east, which is Port Chester through  
16          Tarrytown. In 2017-'18, the Assembly added  
17          \$13.5 million to begin the process of  
18          phase two.

19          And I wondered, now that we are six  
20          years after that report, which was  
21          administered through the Department of  
22          Transportation, you know, where are we on  
23          phase two? Has the \$13.5 million been  
24          allocated? What's the planning that we've

1 done to put us -- or at least to start  
2 something that we all agreed was necessary so  
3 long ago?

4 COMMISSIONER DOMINGUEZ: So I -- first  
5 and foremost, the Hudson Link transit system  
6 I think is a great system. The department is  
7 executing it. We are not only looking at how  
8 we can further optimize it -- we've done a  
9 series of public meetings to get additional  
10 feedback over the course of the last year to  
11 make sure that we're actually meeting the  
12 needs of the passengers. We've gotten some  
13 great feedback and we've made some  
14 adjustments accordingly. We're continuing to  
15 make sure that we monitor usage to see where  
16 that next phase of investment actually needs  
17 to be and how that would move forward.

18 ASSEMBLYWOMAN PAULIN: You're not  
19 really talking about phase two, which is  
20 really my question. I wondered where we are  
21 in the planning stages of phase two.

22 COMMISSIONER DOMINGUEZ: I'll defer to  
23 my colleague, Ron Epstein.

24 EX. DEPUTY COMM. EPSTEIN: So good to

1 see you again. We have discussed this issue  
2 in the past. And one of the things we are  
3 doing with -- the service actually commenced  
4 a year ago October. And so as the  
5 commissioner stated, what we're doing is  
6 we're basically approving the concept, we're  
7 working out the kinks, and then we're working  
8 towards what the additional phases are.

9 The \$13.5 million does cover a portion  
10 of the next phase. But as you know, the  
11 second phase is much more than the resources  
12 that are available. What we need to do is,  
13 in the totality, get the service running  
14 smoothly. It is very high quality, high  
15 frequency. It is first-class service. It's  
16 basically unprecedented in terms of the  
17 state.

18 And so as we build out the system, we  
19 are working at the staff level trying to  
20 figure out, okay, how and when do we get to  
21 the next phases, and also how do we work with  
22 the municipalities to implement that.

23 ASSEMBLYWOMAN PAULIN: So I take it,  
24 six years later, we really haven't done much

1 planning toward that second phase yet?

2 EX. DEPUTY COMM. EPSTEIN: Well, I  
3 think we have. I think the issue is we are  
4 concentrating on the first year, essentially,  
5 of service and ensuring that everything is  
6 working smoothly and properly and meeting the  
7 customers' expectations.

8 I think one of the mistakes people  
9 make sometimes is that -- and I'm not saying  
10 you, I'm saying in general -- is that you  
11 rush too quickly into something that hasn't  
12 been fully worked out. And so the service is  
13 really very new. Even though the mass  
14 transit task force met, and we developed  
15 these recommendations -- and that was six  
16 years ago -- the service itself is just in  
17 its infancy.

18 ASSEMBLYWOMAN PAULIN: So can we get  
19 an update for the Westchester-Rockland  
20 delegation, or at least some timeline where  
21 you estimate that you might begin the  
22 phase two planning stage?

23 COMMISSIONER DOMINGUEZ: We'd be happy  
24 to.

1 ASSEMBLYWOMAN PAULIN: Thank you.

2 CHAIRWOMAN KRUEGER: Okay. Hi.

3 Senator Anna Kaplan.

4 SENATOR KAPLAN: Thank you,

5 Chairwoman.

6 Thank you, Commissioner. Thank you  
7 for doing everything that you do for us.

8 I want to say in my previous  
9 conversations with DOT, we discussed a big  
10 project to repave Northern State Parkway in  
11 my district, from the Meadowbrook Parkway to  
12 the Queens line. Where does that project  
13 stand today? Because I have to tell you, it  
14 doesn't seem like there's much that has been  
15 done or anything that is really going  
16 forward.

17 We desperately need this repaving. If  
18 you enter -- and I saw it during the summer  
19 as I was entering the highway, they had  
20 repaved the entrance, and it stopped right  
21 when you entered. And it's -- again, it is  
22 in real dire shape. I get calls regularly  
23 about tires being affected, people are having  
24 accidents.

1           And I'd like to echo the same  
2           sentiments of my colleagues here that we need  
3           to make sure that we fund the CHIPS funding  
4           and we make the investment in our roads. I  
5           feel like we're really falling behind, and  
6           our roads just are getting worse and worse.  
7           We need to do the repaving -- the  
8           resurfacing, the repaving, and just not  
9           falling so much behind, because every year it  
10          just gets worse and worse.

11           Any comments that you can make with  
12          regard to the Northern State Parkway?

13           COMMISSIONER DOMINGUEZ: With regard  
14          to the Northern State Parkway, I will say  
15          that we -- it's a -- it's constantly on our  
16          list. We've been executing a plan for paving  
17          good portions of it. It is a long-term  
18          investment, and one that will continue, so --

19           SENATOR KAPLAN: Okay, I was told that  
20          last year was going to be -- there was a lot  
21          of work that was done right when you actually  
22          exit my district going further east, but not  
23          much really was done in the 7th District and  
24          also Senator John Liu's district. And that

1 that was going to happen in 2019, but not  
2 much really has happened.

3 And I'm happy to give some of the list  
4 of some of our main roads that are really  
5 also in bad shape.

6 COMMISSIONER DOMINGUEZ: I'd be happy  
7 to receive it, and I'll look through it and  
8 make sure that we're -- that I respond  
9 directly to you.

10 SENATOR KAPLAN: I appreciate it.

11 I also want to echo the same  
12 sentiments as my colleague Senator Comrie  
13 said; Cross Island is also another point that  
14 really needs to be looked at and worked on.  
15 We share that area. And going east is part  
16 of my district, and I see again there's a lot  
17 of need for resurfacing and refurbishing and  
18 also repaving.

19 And if I could, may I ask a technical  
20 question. The interchange where the traffic  
21 from Northern State Parkway enters the  
22 Meadowbrook Parkway, heading south is really  
23 dangerous, with cars immediately merging in,  
24 and it actually causes a lot of traffic and a

1 lot of accidents.

2 I think this is something that really  
3 a study should be done. The southern  
4 entrance is really abrupt, and maybe  
5 something can be done about that.

6 COMMISSIONER DOMINGUEZ: I will tell  
7 you that it's something that our region has  
8 been looking at, so I'd be happy to follow up  
9 with you more directly and get additional  
10 details from you.

11 SENATOR KAPLAN: I appreciate it.  
12 Thank you.

13 CHAIRWOMAN WEINSTEIN: Assemblywoman  
14 Fahy.

15 ASSEMBLYWOMAN FAHY: Thank you.  
16 Welcome, Commissioner and Deputy  
17 Commissioner.

18 COMMISSIONER DOMINGUEZ: Thank you.

19 ASSEMBLYWOMAN FAHY: Thank you, and I  
20 want to join -- I heard one of my colleagues  
21 mention the responsiveness of your office,  
22 and I want to start with that. Really  
23 appreciate the responsiveness of your office,  
24 of the regional office. And again, even when

1 the answer is -- we prefer to have otherwise,  
2 you're always responsive. So really  
3 appreciate that.

4 COMMISSIONER DOMINGUEZ: Thank you.

5 ASSEMBLYWOMAN FAHY: Also appreciate  
6 the work you've done on the limousines as  
7 well as the goals that you are joining on  
8 climate change. Because I've often said  
9 transportation is such a critical, critical  
10 aspect of reaching any of our climate change.

11 Last, thanks -- and before I get to my  
12 questions -- Exit 3, your investment in  
13 Exit 3 and the airport, along with the  
14 additional parking, has been huge, a big  
15 economic development boost. Although it's  
16 technically not my region, it's all tied to  
17 this region and our economic development  
18 efforts there. So very appreciated on that.

19 A couple of questions and another  
20 comment. The 1.5 billion on  
21 electrification -- and we're really pleased  
22 to see that monies -- those monies set aside.  
23 You mentioned earlier that you anticipate  
24 some of the same levels on STOA funding for

1           our transit authorities. And as you know,  
2           and I have to brag for a second, the Capital  
3           District Transit Authority is the first one  
4           to have electric buses, and Ron was at our  
5           ribbon-cutting on that. But it took a --  
6           really, it took quite an effort to get that  
7           launched, partly because of the  
8           infrastructure.

9                     And are any monies being set aside  
10           there for the infrastructure for e-buses with  
11           that billion and a half?

12                    COMMISSIONER DOMINGUEZ: There are.

13                    ASSEMBLYWOMAN FAHY: Or is it being  
14           delineated in any way that you can tell us?

15                    COMMISSIONER DOMINGUEZ: Well, there  
16           are investment dollars that are going to be  
17           tied to creating that infrastructure, because  
18           obviously that's the type of investment that  
19           we want to incent, one where we're reducing  
20           greenhouse gas emissions writ large.

21                    I do want to make a point about  
22           federal funding -- and again, because STOA is  
23           directly connected to it -- and that is, you  
24           know, it's not just surface, meaning road or

1 bridge dollars that we need to advocate for,  
2 it's transit dollars. And we've seen a  
3 steady decline in overall transit  
4 availability from the federal side, and we  
5 need to be direct advocates. The state has  
6 been very invested in making sure that our  
7 voice is heard in Washington with regard to  
8 that continued level of investment, because  
9 it is so important for all New York  
10 communities.

11 ASSEMBLYWOMAN FAHY: I hear you on  
12 that. And I'm glad the state is still going  
13 full speed ahead, no pun intended, on its  
14 transit investments, because it is  
15 critical -- not just for the people who need  
16 it and use it, but also to address some of  
17 these climate change issues.

18 So happy to join you in support and --

19 COMMISSIONER DOMINGUEZ: Thank you.

20 ASSEMBLYWOMAN FAHY: -- trying to seek  
21 any of those additional federal dollars.

22 Another question that one of my  
23 colleagues mentioned earlier, and that is on  
24 the -- well, for me, pedestrian crossings as

1 well as the bike lanes, and making sure that  
2 we are adding that into the infrastructure.

3 We've been challenged in trying to  
4 give our own multimodal grants. And I don't  
5 know if there's anything that you can offer  
6 there in terms of when we've tried to address  
7 some pedestrian crossings, it often has to be  
8 tied to road repair or renovations. The same  
9 with bike lanes; it often has to be tied to a  
10 road repair as opposed to just going in to do  
11 the bike lanes themselves or pedestrian  
12 crossings.

13 And I don't know if we're maybe  
14 looking in the wrong place or if there's more  
15 that we can do there. Because we have a lot  
16 of aging baby boomers here, and we are  
17 continually attracting more millennials, and  
18 it's -- I think the move is on to create more  
19 walkable communities. So welcome your  
20 thoughts on that.

21 COMMISSIONER DOMINGUEZ: I would be  
22 happy to sit down with you and make sure we  
23 understand what you're talking about with  
24 regard to the opportunities in your district.

1           You should know that with every  
2 project the department executes, we look for  
3 that connectivity for pedestrians and  
4 bicyclists, recognizing that more and more  
5 people are using that mode of transportation.  
6 So we want to make sure not only are they  
7 available, but that we're investing in them  
8 readily and literally we've got a trail and a  
9 path forward for those.

10           ASSEMBLYWOMAN FAHY: Okay. Thank you.  
11 We'll look forward to continuing to work on  
12 that.

13           Last piece -- and also very pleased to  
14 see the e-bikes having been authorized and  
15 e-bikes as well as the e-scooters. I know we  
16 need to regulate them, but I'm pleased that a  
17 compromise has been negotiated here, and we  
18 look forward to seeing more of those here in  
19 the Capital Region, given that they are --  
20 they can open up all sorts of new jobs.

21           Last piece, I-787, I commend the  
22 Governor on what he's done to re -- help work  
23 with other cities, Syracuse -- well, I'll  
24 start west: Buffalo, Rochester, Syracuse and

1           then, south of us, the Boston Expressway.  
2           Really appreciate what he's done on  
3           reclaiming the waterfronts.

4                     And I guess my time is out, so I'd  
5           like to continue to work with you on the  
6           Albany waterfront. Following up on the  
7           Capital District Transportation Committee  
8           report, looking to go beyond the initial  
9           feasibility to do an engineering study on  
10          that. Thank you.

11                    Thank you, Chair.

12                    CHAIRWOMAN WEINSTEIN: Thank you.  
13                    Senate.

14                    CHAIRWOMAN KRUEGER: Thank you.

15                    Senator Jim Seward.

16                    SENATOR SEWARD: Thank you,  
17          Madam Chair.

18                    And to the Commissioner and  
19          Mr. Epstein, I just want to say thank you for  
20          being here today and for the good work you do  
21          on behalf of the people of the State of  
22          New York.

23                    But for the record, I just want to  
24          echo the sentiments of many of my colleagues

1 in our disappointment of only having a  
2 two-year capital plan for roads and bridges  
3 throughout the state, as compared to the  
4 extended period for the MTA. Traditionally  
5 we've had that same number of years -- what  
6 we've done for the MTA, we've done for roads  
7 and bridges -- and I hope that we can get  
8 back to that. It's very, very important.

9 And also for the record, my  
10 disappointment in -- that the CHIPS funding  
11 is flat and the extreme weather monies have  
12 been dropped from the budget. Those are two  
13 programs that are very, very important to our  
14 local municipalities.

15 But moving on, there is a question --  
16 a couple of questions. Can you share with  
17 us -- and I think you alluded quite a bit  
18 earlier, probably hours ago, in terms of the  
19 bridges in New York State. In terms of the  
20 capital program that's before us, can you  
21 share with us how much investment is  
22 dedicated to fix the over 1700 bridges that  
23 are currently rated either poor or  
24 structurally deficient, and they carry nearly

1 11.6 million vehicles per day.

2 Can you share with us what kind of  
3 investment we're making in the bridges and  
4 how many of these 1700 bridges you think  
5 could be dealt with?

6 COMMISSIONER DOMINGUEZ: So, Senator,  
7 thank you for your question. I just want to  
8 clarify that there are actually 17,000  
9 bridges in the state that are state-owned,  
10 and we also work with our local partners in  
11 terms of making sure that the bridges  
12 statewide are safe.

13 The Executive Budget actually  
14 increases -- as it's put forward right now,  
15 increases the funding necessary to both  
16 support the work that NYSDOT does in terms of  
17 our bridge inspection program, as well as,  
18 you know, the combination of our preventative  
19 maintenance program, to make sure that we not  
20 only preserve what we have but also keep our  
21 bridges in good condition, as well as  
22 rehabilitation and replacement of any of  
23 those bridges that are in poorer condition  
24 that we need to look at.

1           SENATOR SEWARD:  When I mentioned 1700  
2           bridges, I was referring to those that  
3           were -- are deficient.

4           COMMISSIONER DOMINGUEZ:  So I want to  
5           clarify that just because -- I think you're  
6           referring to something called the Graber  
7           report.  And just because a bridge is  
8           designated as deficient, it does not mean  
9           that it's unsafe.  The designation of a  
10          deficiency is engineering parlance for  
11          finding that a bridge has had significant  
12          wear and tear.

13          I want to assure you that we take  
14          those very seriously.  It does not equate to  
15          an unsafe bridge.  And deficient bridge is  
16          one category.  If there is something that's  
17          very significant, it actually gets flagged as  
18          a red flag, and that's something that we take  
19          very seriously.

20          SENATOR SEWARD:  We've talked a lot  
21          about the needs of -- transportation needs,  
22          roads and bridges throughout the state.  Can  
23          you share with us when the last time there  
24          was a full needs assessment for New York

1 State's roads and bridges, the last time such  
2 a needs assessment was completed?

3 And also can you share with us, is  
4 there a -- what are the total capital needs  
5 that we have in New York State to bring our  
6 state's roads and bridges to a state of good  
7 repair?

8 COMMISSIONER DOMINGUEZ: So I think  
9 that there -- we're constantly looking at the  
10 state of all of our infrastructure, and  
11 that's how DOT goes about its work, by  
12 constantly looking to assess where the  
13 condition -- what the condition of the roads  
14 are, and the bridges, and making sure that  
15 we're identifying those that have the highest  
16 need, that need to be addressed first.

17 I will not speak to the last  
18 full-scale report or something that's been  
19 done along those lines. The bottom line is  
20 is that anything that gets -- whatever is  
21 agreed to prior in terms of the last  
22 five-year plan is something that we have  
23 invested in directly and move forward on.

24 SENATOR SEWARD: Thank you.

1 CHAIRWOMAN KRUEGER: Assembly.

2 CHAIRWOMAN WEINSTEIN: Assemblyman  
3 Norris.

4 ASSEMBLYMAN NORRIS: Thank you,  
5 Madam Chair.

6 And thank you, Commissioner, for the  
7 opportunity for you being here today. We  
8 appreciate that. And I also would like to  
9 just echo -- as you know, I'm from Western  
10 New York, near -- in the Niagara County/Erie  
11 County region. And they've been fantastic,  
12 your regional staff, in terms of helping my  
13 office, and I just want to point that out to  
14 you.

15 COMMISSIONER DOMINGUEZ: Thank you.

16 ASSEMBLYMAN NORRIS: Though, being  
17 from upstate, it is very important to me and  
18 my constituents that the CHIPS funding does  
19 get increased over time, and that Extreme  
20 Winter Recovery money does get restored in  
21 this budget.

22 We -- you know, in upstate New York,  
23 particularly in my region, these highway  
24 superintendents and local municipalities

1 depend on these dollars, and any assistance  
2 that you can provide in advocating to the  
3 Governor, it would be greatly appreciated in  
4 terms of that aspect.

5 As you know, I represent part of the  
6 Erie Canal, and there are many bridges along  
7 the canal that are either deficient or  
8 currently out of service. So my specific  
9 question to you is, does the New York State  
10 Department of Transportation have an  
11 earmarked amount of funds to improve bridges  
12 along the Erie Canal? That has a significant  
13 impact on our agricultural community, in our  
14 tourism community, public safety.

15 And as you also know -- and you've  
16 been very generous in discussing this  
17 matter -- we do have an eyesore right down in  
18 downtown Lockport with one of our lift  
19 bridges. And I know you're working on that,  
20 so I appreciate that in the long term.

21 But what dollar amounts are earmarked  
22 within the budget for repairs and  
23 rehabilitation of bridges along the  
24 Erie Canal?

1           COMMISSIONER DOMINGUEZ: I can tell  
2           you that over the course of the last five  
3           years, the department has invested about  
4           \$350 million in our overall bridge --  
5           Erie Canal bridge program. And it's  
6           something that we're, you know, obviously  
7           invested in.

8           The canal program is something that  
9           the Governor put forward in his Executive  
10          Budget, reimagining the canals and how we can  
11          further leverage that investment that has  
12          been so significant to the State of New York.

13          ASSEMBLYMAN NORRIS: Thank you,  
14          Commissioner. And I -- I support the  
15          reimagined canal and the task force, and I  
16          appreciate the Governor making that  
17          investment, particularly in terms of the  
18          economic development and tourism  
19          opportunities, and agricultural improvements  
20          that will occur because of the irrigation.

21          I just have a question regarding the  
22          MOU report as well. It is my understanding  
23          that the report is not necessarily about  
24          getting results of things that are actually

1 done in the cap plan, but it's more about a  
2 need assessment and what needs are there.

3 So can you just provide a timeline to  
4 when the State Legislature can expect, as  
5 required to do so, the assessment needs  
6 report as of the MOU?

7 COMMISSIONER DOMINGUEZ: As I have  
8 stated before, I would be happy to look into  
9 the actual delivery of the plan -- or,  
10 rather, the report. I will follow up  
11 directly.

12 ASSEMBLYMAN NORRIS: I appreciate  
13 that, Commissioner, on both issues, on the  
14 bridges along the Erie Canal and the  
15 investment there, as well as with the report  
16 back on the MOU. Thank you very much for  
17 your time.

18 COMMISSIONER DOMINGUEZ: You're  
19 welcome.

20 CHAIRWOMAN WEINSTEIN: Senate?

21 CHAIRWOMAN KRUEGER: Senator Martinez.

22 SENATOR MARTINEZ: Thank you,  
23 Senator Krueger.

24 Good afternoon, and thank you for

1           being here, Commissioner. I just have a  
2           couple of questions.

3                     First, I understand that Suffolk is  
4           receiving a 16 percent increase for STOA.  
5           But in the Governor's budget it also says  
6           that CHIPS remains flat and that 65 million  
7           for Extreme Weather funding has been  
8           eliminated. So my question is, how will the  
9           state help the localities in making sure that  
10          their roads are maintained during the extreme  
11          weather?

12                    COMMISSIONER DOMINGUEZ: So the  
13          extreme weather funding is something  
14          that's -- I will leave to the Legislature and  
15          the Executive to negotiate moving forward.  
16          As I understand it, that is part of a larger  
17          discussion.

18                    And with regard to investment in local  
19          roads and bridges, we've had a good  
20          opportunity to have a healthy exchange on the  
21          level of investment that this Executive  
22          Budget actually represents.

23                    SENATOR MARTINEZ: Okay, because we're  
24          also seeing -- I come from Suffolk County,

1 Long Island, and what we're seeing a lot also  
2 is who's in charge of what -- you know, when  
3 it comes to fixing our roads, whether it's  
4 maintained by the municipalities, whether  
5 it's maintained by the state. And there's  
6 always a back-and-forth of who's going to lay  
7 out the money for this, while people's cars  
8 are, I guess -- you know, one of them is  
9 mine -- where the pothole hit and now you  
10 have no tires, two flat tires. So is there  
11 any way that we can really delineate who has  
12 access to what and which roads and -- in  
13 order to help the local municipality's budget  
14 for their maintenance?

15 COMMISSIONER DOMINGUEZ: So the -- the  
16 bottom line is is that designations of  
17 actually who owns which roadway is designated  
18 in law, in highway traffic law. And so  
19 specifically Suffolk County, which roads are  
20 owned and should be maintained by Suffolk  
21 County versus the state, they're --  
22 they're -- it's pretty well defined.

23 SENATOR MARTINEZ: Yes and no.  
24 Because -- let's say, for example, Sunrise

1 Highway. Sunrise Highway is a New York State  
2 road, and so are the service roads. But  
3 Suffolk County maintains them. They don't  
4 own them. So the county has to actually put  
5 up that money to help those roads, when in  
6 actuality it belongs to the state.

7 COMMISSIONER DOMINGUEZ: So I don't  
8 want to engage in a back-and-forth with  
9 regard to kind of who owns what  
10 infrastructure, but I'd be happy to follow up  
11 with you.

12 The bottom line is is that those roads  
13 that are designated as being owned by the  
14 county are indeed ones that they are -- that  
15 they are designated to maintain.

16 SENATOR MARTINEZ: Okay. So I  
17 definitely would love to follow up on that,  
18 because I do have other questions, so we  
19 don't go back and forth.

20 But my second question is in the  
21 Governor's budget proposal there's an upstate  
22 airport revitalization initiative --

23 COMMISSIONER DOMINGUEZ: Mm-hmm,  
24 \$100 million towards upstate revitalization.

1           SENATOR MARTINEZ: What about the  
2           downstate airports? As cochair of the  
3           Aviation Caucus, we know that that brings  
4           millions of dollars into revenue, job  
5           creation. What are we doing with the  
6           downstate airports?

7           COMMISSIONER DOMINGUEZ: Well, we've  
8           invested significantly in downstate airports,  
9           just JFK and LaGuardia alone.

10           I will tell you that the department  
11           maintains a level of investment, it's about  
12           \$16 million across the board for general  
13           aviation airports and the like. Aviation is  
14           a huge economic driver, and the level of  
15           investment that the Governor has put forward  
16           in the last budget cycle has proven  
17           remarkable. And again, this \$100 million  
18           investment moving forward will be yet another  
19           opportunity.

20           SENATOR MARTINEZ: So then -- yes,  
21           that's JFK and LaGuardia, right. But then we  
22           have MacArthur, we have Gabreski also in  
23           Suffolk County. So again, that's another  
24           conversation that I would love to engage in

1 at a later time.

2 But these are airports that are  
3 driving the economy, are driving the  
4 workforce, industry. We are working to get  
5 more airlines in. So that's something that I  
6 would also love to have a conversation with  
7 you on.

8 COMMISSIONER DOMINGUEZ: I'd be happy  
9 to.

10 SENATOR MARTINEZ: And MacArthur is  
11 a --

12 COMMISSIONER DOMINGUEZ: As I  
13 understand it, we've invested significantly  
14 in those airports over time. So if there's  
15 more projects that are identified, be happy  
16 to talk to you --

17 SENATOR MARTINEZ: There are always  
18 more projects. (Laughing.)

19 And my third question is -- and this  
20 is specific to my district. There's  
21 something known as the Oakdale merge, Sunrise  
22 Highway. This Oakdale merge is a constant  
23 bottleneck of traffic. Back in 2017 and  
24 2018, \$20 million was provided to do a

1 feasibility study of that merge. A proposal  
2 was created of different options of what the  
3 state would take. As of yet, we have no clue  
4 what will happen with that. And the downfall  
5 to this is that that same area, the roads  
6 were just paved, so if anything -- if any  
7 work is going to be conducted on that area,  
8 we just repaved this road. And we're trying  
9 to see what we do with the Oakdale merge.

10 COMMISSIONER DOMINGUEZ: It is  
11 something that -- we definitely completed the  
12 study, and it is an area that we have looked  
13 at significantly. I'm familiar with the  
14 project.

15 SENATOR MARTINEZ: Okay. So we don't  
16 have a plan right now as to where are we  
17 going in terms of which proposal has been  
18 selected?

19 COMMISSIONER DOMINGUEZ: No.

20 SENATOR MARTINEZ: Do we have a  
21 timeline?

22 COMMISSIONER DOMINGUEZ: No, but I'd  
23 be happy to follow-up with you. I know that  
24 it's a project that we've looked at, and the

1 question is kind of how do we move forward  
2 from here.

3 SENATOR MARTINEZ: Okay. Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Assembly.

6 CHAIRWOMAN WEINSTEIN: Assemblyman  
7 Magnarelli.

8 ASSEMBLYMAN MAGNARELLI: Thank you,  
9 Madam Chair.

10 Another round. Commissioner, I don't  
11 want to belabor this point, but a number of  
12 my legislative colleagues have asked about  
13 the annual report that has not been  
14 forthcoming from the Department of  
15 Transportation.

16 Why did the Department of  
17 Transportation stop producing that report?  
18 My understanding is is that the information  
19 that would have been required in that report  
20 is available. Why not issue a report?

21 COMMISSIONER DOMINGUEZ: So I can't  
22 speak for what's happened in the past. I can  
23 tell you that I have inquired now as to how  
24 we can advance it. But I will tell you,

1           again, as I've stated previously, that at the  
2           end of the day, regardless of what's in the  
3           report, we've actually been taking action on  
4           the projects that are there --

5                     ASSEMBLYMAN MAGNARELLI:  I -- I heard  
6           you say that --

7                     COMMISSIONER DOMINGUEZ:  -- and moving  
8           forward.

9                     ASSEMBLYMAN MAGNARELLI:  I heard you  
10          say that, Commissioner.  And with all due  
11          respect, that's fine, but people want to know  
12          and people want to see it.  And there are  
13          legitimate reasons to have that report in  
14          front of people so that they can make  
15          determinations on how they're going to work  
16          with the state, et cetera, in doing other  
17          things.

18                    So it's important.  It's something  
19          that I'm asked all the time:  Where is the  
20          report?  Where is the report?  What are you  
21          doing about getting the report?  So I can't  
22          emphasize enough what a pain this is to have  
23          to deal with.  And I would appreciate it  
24          if -- at least give us an answer as to -- or

1 let's not do it. Say you're not going to do  
2 it. But let's find out where we are on this  
3 report, okay?

4 I appreciate that, and thank you. I  
5 don't want to belabor it anymore.

6 Does the Executive proposal include  
7 any additional funding for the state to  
8 reimburse municipalities for the cost of  
9 maintaining state roads? The arterial  
10 maintenance question. This is something that  
11 hasn't been addressed since 1987. And I know  
12 that municipalities that are doing this are  
13 obviously being shortchanged. Just wondered  
14 where we are on that.

15 COMMISSIONER DOMINGUEZ: So the  
16 department obviously partners with our  
17 communities across the state, and we  
18 actually, you know, reimburse them for work  
19 that they do on our behalf. And any changes  
20 to that formula with regard to the arterial  
21 agreement I would leave to the Legislature to  
22 deliberate directly with the Executive,  
23 because I -- in essence, it's pending  
24 legislation.

1           ASSEMBLYMAN MAGNARELLI: But it's  
2 something that could have been addressed in  
3 the budget. What I'm saying is, it was 1987  
4 when those rates were established. Do you  
5 believe it's time to re-look at those rates?

6           COMMISSIONER DOMINGUEZ: I haven't --  
7 I do not have a direct response because I  
8 think that in answer to your question, I  
9 would argue that the capital budget as it's  
10 now been put forward addresses the needs of  
11 the system. So how arterial maintenance  
12 agreements are actually funded is something  
13 that I would leave to the Legislature to  
14 advise on how to move forward.

15           ASSEMBLYMAN MAGNARELLI: Okay. These  
16 are state roads that are being maintained by  
17 municipalities. So it's got -- it's not  
18 capital, it's maintenance.

19           COMMISSIONER DOMINGUEZ: I understand.

20           ASSEMBLYMAN MAGNARELLI: Moving on.  
21 The Executive Budget increases penalties for  
22 crimes against highway workers, motor vehicle  
23 inspectors, and motor carrier inspectors.  
24 How widespread is this problem?

1                   COMMISSIONER DOMINGUEZ: It's pretty  
2 significant. I mean, I've been out on the  
3 roadways and when you look at the safety of  
4 our employees who are actually working out on  
5 the roadway each and every day, they put  
6 their life on the line every day. We've got  
7 a lot of distracted drivers that are out  
8 there. We need to make sure that the  
9 corollary penalties are there for people that  
10 intrude the work zone.

11                   ASSEMBLYMAN MAGNARELLI: I don't  
12 disagree with you. And I want to keep them  
13 safe. Let's be clear on that, okay?

14                   But my question now is, why are  
15 current penalties for assaults insufficient?  
16 In other words, we're increasing penalties  
17 for a specific worker or a specific person, a  
18 specific individual, versus somebody else who  
19 gets assaulted in another way in a different  
20 profession.

21                   COMMISSIONER DOMINGUEZ: So the bottom  
22 line, the way that I look at it is anytime  
23 you have an increased enforcement -- and as I  
24 talked about in my opening statement,

1           Operation Hard Hat and our partnership with  
2           the State Police, where the State Police are  
3           going undercover and actually issuing tickets  
4           for violators of work zone intrusion --  
5           anytime you have a level of enforcement and  
6           that is then educated -- the public is then  
7           educated as a result of the enforcement  
8           that's occurring, if you have repeat  
9           offenders and they're -- those civil  
10          penalties are increased, it's a deterrent.  
11          And the more we educate and enforce -- it's  
12          not just about engineering, it's about  
13          education and enforcement as well. And  
14          that's why it's so significant.

15                 ASSEMBLYMAN MAGNARELLI: Just one more  
16          question. And if I don't ask it, I can't go  
17          home. Where do we stand on Route 81?

18                 COMMISSIONER DOMINGUEZ: I would say  
19          that we're in very good stead. The community  
20          grid proposal has advanced, we've done an  
21          enormous number, dozens of public meetings in  
22          and around Syracuse and the adjoining  
23          communities. We've had the opportunity to  
24          talk to a lot of different stakeholders. And

1 we're collecting comments that are advancing  
2 the environmental work that we're  
3 undertaking. And we hope that by later this  
4 summer, early fall, we'll be in a position to  
5 advance the next draft of the environmental  
6 study.

7 ASSEMBLYMAN MAGNARELLI: Okay. Thank  
8 you very much.

9 COMMISSIONER DOMINGUEZ: Thank you.

10 CHAIRWOMAN WEINSTEIN: Senate?

11 CHAIRWOMAN KRUEGER: And to close, Tim  
12 Kennedy.

13 Just to remind everyone, the second  
14 round is only for the chairs and is only  
15 5 minutes.

16 So Tim Kennedy to close.

17 SENATOR KENNEDY: Thank you,  
18 Commissioner, again, and again, thank you for  
19 your leadership. There's two consistencies  
20 that I heard throughout this entirety, and  
21 one was the issues with the budget that's  
22 been proposed that we will deal with over the  
23 course of the next several weeks and months;  
24 the other is a consistent appreciation for

1 your work.

2 So again, thank you for your  
3 leadership. And I know it's been less than a  
4 year, so welcome again to your first budget  
5 hearing. I hope you're enjoying it as much  
6 as we are.

7 (Laughter.)

8 SENATOR KENNEDY: That being said, I  
9 spent the first course of my conversation  
10 here with you on roads and bridges, and we've  
11 heard a lot about that. I want to get into  
12 public transportation, particularly upstate.

13 I think what's been proposed for  
14 upstate public transit unfortunately is  
15 woefully inadequate to the needs -- and,  
16 quite frankly, to the consistent requests  
17 that we're getting from every single region  
18 of the state non-MTA. They need at least a  
19 10 percent from -- increase from what was  
20 allocated last year. What we're seeing is a  
21 4 percent increase. We've put in place  
22 revenue enhancers -- the rental car surcharge  
23 and the like -- to ensure that there is a  
24 sustainable funding source for upstate

1 particularly. Now, we're talking about a  
2 region of the state that for years and years  
3 was underfunded for the political realities  
4 that we had to deal with here in Albany.

5 That being said, the reality has  
6 changed and the funding is necessary. So  
7 what do we need to do to increase the funds  
8 for upstate public transit further than that  
9 \$10 million? Because over all of the various  
10 agencies that that \$10 million will be  
11 disbursed, it will never allow those agencies  
12 to function.

13 COMMISSIONER DOMINGUEZ: So I think  
14 that -- I think you have to look at it in the  
15 totality of things. As you mentioned, this  
16 is an increase this year by 4 percent, just  
17 over 4 percent. That builds off the increase  
18 from last year of 10 percent that was put  
19 forward in the Executive Budget. And that  
20 builds off of the last decade of investment  
21 in upstate transit services, which has  
22 basically increased by about 46 percent while  
23 Governor Cuomo has been the Executive in this  
24 state. So it's year over year over year of

1 long-term sustained investment.

2 That said, you've built in some of  
3 these things that you talked about directly,  
4 some of the other enhancements, including  
5 extraordinary investment, whether that's  
6 increased General Fund support or the rental  
7 car tax. All of these are innovative ways of  
8 looking at this problem.

9 At the end of the day, when it comes  
10 down to how do we further invest in our  
11 transit choices, I think there's a great  
12 level of investment from the Executive.  
13 Senator Kennedy, you yourself last year were  
14 a huge proponent of another \$100 million for  
15 the Buffalo transit system, which we're  
16 executing on now. That's another great level  
17 of investment.

18 But, you know, we've got some tough  
19 choices to make. At the end of the day, MTA  
20 and the community in and around New York City  
21 has a different tax regimen and different  
22 funding sources about how they actually look  
23 at transit. And so how we actually move  
24 forward, it's a series of difficult choices.

1           SENATOR KENNEDY: I understand that.

2           And again, I appreciate your comments.

3           That being said, though, we were so  
4           underfunded for so long that the systems were  
5           hollowed out and breaking down. And we know  
6           basically the funding that we got for capital  
7           improvements out in Western New York -- the  
8           only light rail system outside of the City of  
9           New York in the entire state -- was simply to  
10          stop the bleeding. It's a 35-plus-year-old  
11          system that needed that sort of investment  
12          over five years. We're getting it, and I  
13          very much appreciate that.

14          That being said, though, when we talk  
15          about operational funding and the STOA funds  
16          that are being implemented across upstate,  
17          there is a clear disparity, and that has to  
18          be changed. We always talk about parity, we  
19          always talk about equitable distribution of  
20          resources. And when you look at other areas  
21          of the state that are getting four times as  
22          much funding as upstate, when upstate's been  
23          neglected for so long, it's something that  
24          absolutely has to change. And so I would

1           urge you to work with us to do that before  
2           the budget's enacted.

3                     I want to change to the distribution  
4           of funds for the electric bus fleets to  
5           various agencies across the state.  
6           \$100 million is a great start, but I can tell  
7           you, NFTA alone has said to enact the  
8           electric bus fleet for themselves, for that  
9           particular agency, we're talking about a  
10          \$120 million allocation.

11                    These agencies are dependent upon  
12          state resources. So \$100 million, a great  
13          first step, but it's not going to cut it to  
14          do what it is that the Governor and the  
15          Legislature envisions long-term and what  
16          these agencies desire to do.

17                    So could you talk about what we need  
18          to do and how we're going to get to where we  
19          all envision the state to be with the  
20          electrification of these fleets?

21                    CHAIRWOMAN KRUEGER: Actually, no,  
22          you're going to follow up with Chair Kennedy  
23          after you're done with the rest of the people  
24          who want to --

1           SENATOR KENNEDY: Chairwoman, I would  
2 just ask respectfully if she could answer  
3 that question and then be done with it.

4           CHAIRWOMAN KRUEGER: Can you answer it  
5 quickly?

6           COMMISSIONER DOMINGUEZ: I would just  
7 say that it is indeed a necessary and vital  
8 first step. The level of investment is  
9 critical to prove not just the concept but to  
10 actually get us there. And we'll continue to  
11 work with you on it.

12          SENATOR KENNEDY: So you do recognize  
13 a hundred is just a start.

14          COMMISSIONER DOMINGUEZ: I think that  
15 the -- (laughing) -- I was just going to say  
16 it actually -- it's just -- it's the first  
17 step because it complements the existing  
18 other funds that we're putting toward that  
19 entire infrastructure that needs to be built  
20 out. It really is the next level of work  
21 that we need to do.

22          SENATOR KENNEDY: Fair enough. Thank  
23 you.

24          CHAIRWOMAN KRUEGER: Thank you.

1           CHAIRWOMAN WEINSTEIN: Sorry, one  
2 question, and I think then you'll be able to  
3 stand up and stretch your legs and -- and run  
4 for the hills, right.

5           (Laughter.)

6           CHAIRWOMAN WEINSTEIN: Run for the  
7 road.

8           So in your testimony you -- that was  
9 presented to us you mentioned in the  
10 infrastructure section about rebuilding in a  
11 way that's more resilient and less  
12 susceptible to extreme weather events. And I  
13 was just wondering, since there have been  
14 certain areas of the state recently that  
15 faced severe flooding, is there any  
16 discussion regarding prioritizing  
17 infrastructure needs in areas that have been  
18 affected or potentially will be affected?

19           COMMISSIONER DOMINGUEZ: Absolutely.  
20 In fact, as part of the work that we've done  
21 around the REDI Commission, we've got -- we  
22 have numerous transportation projects, and a  
23 number of those are actually road work,  
24 bridge work, but, importantly, culvert work

1           that we're undertaking to make sure that the  
2           areas that we're rebuilding are actually  
3           being done in -- it's a smart investment,  
4           we're making it more resilient and hardening  
5           those infrastructures.

6                     CHAIRWOMAN WEINSTEIN: Great. Thank  
7           you. I believe that concludes the questions  
8           for you today, Commissioner. Thank you for  
9           being here.

10                    COMMISSIONER DOMINGUEZ: Thank you  
11           very much.

12                    CHAIRWOMAN WEINSTEIN: Next we will be  
13           hearing from Mark Schroeder, commissioner,  
14           New York State Department of Motor Vehicles.

15                    So Commissioner Schroeder, when --

16                    COMMISSIONER SCHROEDER: Okay?

17                    CHAIRWOMAN WEINSTEIN: You're on.

18                    COMMISSIONER SCHROEDER: Good  
19           afternoon. Thank you, Chairperson Krueger,  
20           Chairperson Weinstein, Chairperson Kennedy,  
21           Chairperson Magnarelli, and other members of  
22           the New York State Legislature for inviting  
23           me here today. My name is Mark Schroeder.  
24           I'm the commissioner of the Department of

1 Motor Vehicles. I also serve as the chair of  
2 the Governor's Traffic Safety Committee.

3 I have submitted longer testimony, but  
4 I will take this opportunity to share with  
5 you some abbreviated comments.

6 Governor Cuomo's Executive Budget plan  
7 provides \$428 million for DMV to support its  
8 main office in Albany, 27 state-operated  
9 offices, and 102 county-operated offices, and  
10 will enable us to continue our efforts to  
11 improve overall customer service, promote  
12 traffic safety, and protect consumers.

13 DMV will use these funds to  
14 accommodate more in-office customer visits as  
15 a result of the increasing driver license  
16 renewal volumes, increased federal mandates  
17 when testing for commercial driver's  
18 licenses, implementation of the Green Light  
19 Law, and the additional in-office  
20 transactions resulting from our  
21 implementation of the Federal Real ID Act.

22 These factors have resulted in  
23 short-term customer service challenges that  
24 we are addressing through the addition of

1 staff, additional equipment, additional use  
2 of reservations, increasing office hours --  
3 including Saturdays -- and the expansion of  
4 our service network, among other changes.

5 The New York State Department of  
6 Motor Vehicles collects more than  
7 \$2.1 billion, \$2.1 billion, in revenue each  
8 year, which not only indirectly funds our  
9 department but also assists in funding state  
10 road and bridge repair, as well as other  
11 state and local government agencies.

12 On December 16, 2019, DMV implemented  
13 the Green Light Law that allows residents of  
14 New York State to obtain a driver's license  
15 without providing proof of legal presence in  
16 the United States. We believe this will  
17 result in safer roads, as drivers must pass  
18 the eye, written, and road tests administered  
19 by the department and be required to provide  
20 proof of insurance for any registered  
21 vehicles.

22 I'd like to share with you one  
23 paragraph having to do with Real ID. DMV  
24 started issuing a standalone Real

1 ID-compliant document on October 30, 2017.  
2 Currently over 3.4 million New Yorkers hold  
3 Real ID-compliant documents.

4 One paragraph about our website.

5 DMV continues to redesign and  
6 re-engineer the website and mobile user  
7 experience, making it easier for customers to  
8 obtain information and complete transactions.  
9 Our website received more than 43 million  
10 visits over the past year and currently  
11 offers more than 68 online transactions and  
12 services. In 2019, customers performed more  
13 than 7.7 million internet transactions  
14 totaling nearly \$613 million.

15 One paragraph on modernization.

16 As part of our modernization effort,  
17 DMV is replacing its outdated computer  
18 system, upgrading all workstations, testing  
19 stations and credit card devices in its field  
20 offices; increasing network capacity and  
21 scanning capabilities; and improving its  
22 website accessibility -- all in an effort to  
23 improve performance and reliability for our  
24 customers.

1           One paragraph on the Governor's  
2           Traffic Safety Committee.

3           Partnering with several state agencies  
4           through the Governor's Traffic Safety  
5           Committee, DMV will continue its outstanding  
6           work that has made New York's roadways among  
7           the safest in the nation. The goals of the  
8           Governor's Traffic Safety Committee are to  
9           prevent motor vehicle crashes, save lives and  
10          reduce the severity of injuries suffered in  
11          crashes occurring on the state's roadways.

12          New York State continues to lead the  
13          way in adopting legislation and promoting  
14          education for all New Yorkers that will make  
15          the roads safer. As a result of these  
16          efforts and many others, fatality rates have  
17          dropped to a record low. Fatalities in  
18          New York State have dropped over 18 percent  
19          in the past decade.

20          Looking forward, DMV will continue its  
21          commitment to improve traffic safety, protect  
22          consumers, innovate and improve our  
23          procedures, maintain a high level of customer  
24          service, and provide convenient options for

1           our customers to complete transactions. We  
2           remain strongly committed to our core mission  
3           to serve the citizens of New York State.

4                     Once again, thank you for this  
5           opportunity to speak with you today. I  
6           welcome any questions that you might have  
7           about the DMV.

8                     CHAIRWOMAN WEINSTEIN: Thank you.

9                     We go to our Transportation chair,  
10          Assemblyman Magnarelli.

11                    ASSEMBLYMAN MAGNARELLI: Thank you,  
12          Madam Chair.

13                    Commissioner, welcome back.

14                    COMMISSIONER SCHROEDER: Thank you.  
15          Happy to be back. Thank you.

16                    ASSEMBLYMAN MAGNARELLI: The Executive  
17          proposal increases DMV operations by  
18          \$32 million, or 8.2 percent. This comes in  
19          addition to a similar increase last year.  
20          How will these funds be used? How many  
21          additional employees will be hired, and for  
22          what types of positions?

23                    COMMISSIONER SCHROEDER: Thank you,  
24          Assemblyman.

1           So the increase is necessary because  
2           we have been in a position recently because  
3           of the peak renewals, because of Real ID --  
4           that begins in 246 days, but who's  
5           counting -- because of the Green Light Law,  
6           we have been in a position through the budget  
7           to be able to hire in this year's budget over  
8           400 full-time employees, thus being able to  
9           help us assist our customers in our statewide  
10          offices.

11           ASSEMBLYMAN MAGNARELLI: The last time  
12          we spoke I gave you an example of something  
13          that had happened in Syracuse, and I wonder  
14          if this is part of what you were just talking  
15          about in changing the computers and changing  
16          everything else -- but someone had gone in,  
17          and it was supposed to take about a half an  
18          hour to get through the procedure to get an  
19          ID, you know, a new license, and it took  
20          3½ hours because there was a computer glitch  
21          or something happened.

22           I just wondered, is that the norm? Is  
23          that happening across the state? Or do you  
24          feel what you're doing is alleviating those

1 types of problems?

2 COMMISSIONER SCHROEDER: So,  
3 Assemblyman, we just began the modernization,  
4 the comprehensive modernization program. And  
5 I believe that this will curtail many of the  
6 outages and glitches that we've had across  
7 the state.

8 In your particular case, because -- I  
9 know it well because you had mentioned it was  
10 a couple of weeks ago --

11 ASSEMBLYMAN MAGNARELLI: Right.

12 COMMISSIONER SCHROEDER: So I can tell  
13 you it was Monday, January 13th.

14 ASSEMBLYMAN MAGNARELLI: Oh, okay.

15 COMMISSIONER SCHROEDER: And the  
16 reason why I know it, there were about 50  
17 county clerks here in town for an association  
18 meeting and they weren't happy because this  
19 just was not a Syracuse thing, this actually  
20 was national.

21 So AMVA, which is the American Motor  
22 Vehicle Association, also serves as a vendor  
23 nationwide on particular things like your  
24 customers went in for that day, the advanced

1 driver's license or Real ID. So that was a  
2 prolonged outage, it took a few hours, but  
3 then we were up and running.

4 So if there was any inconvenience to  
5 any of your customers, if they have  
6 subsequently taken care of their transaction,  
7 great. If not, I'd be happy to be helpful.

8 But the modernization is going to be  
9 so important because the modernization is  
10 because the DMV has only been around since  
11 around 1961. There are legacy lines, believe  
12 it or not, that date back to that time.  
13 There are over 295 data source lines that  
14 each decade, because of new technology, we  
15 add on, we add on, we add on. What happens?  
16 Glitches, outages.

17 This comprehensive modernization is  
18 going to completely mitigate that, and we're  
19 very, very comfortable and we're glad that it  
20 has begun just recently. We did the launch  
21 just a month ago.

22 ASSEMBLYMAN MAGNARELLI: Okay.  
23 Switching gears a little bit, how many  
24 registrations have been revoked as a result

1 of penalties related to cashless tolling, and  
2 what triggers this action? What safeguards  
3 are in place to ensure that this action is  
4 taken only in cases of truly bad actors?

5 COMMISSIONER SCHROEDER: So I think,  
6 Assemblyman, the best way for me to answer it  
7 is that -- in our conversation also -- there  
8 are fines and surcharges. And so one of the  
9 things I wanted to present to you today is  
10 that DMV has taken in, you know, annually  
11 about \$87 million; that's from 2018-2019.  
12 That would affect approximately 91,000  
13 New Yorkers whose license is suspended for  
14 failure to appear and failure to pay the  
15 fine.

16 Would you like me to address  
17 registration, or is license the part of your  
18 question?

19 ASSEMBLYMAN MAGNARELLI: Well, I think  
20 maybe the licensing I think would be more  
21 important to me. I want to make sure that  
22 people can maintain their licenses.

23 COMMISSIONER SCHROEDER: Okay. Right.  
24 So all in all, there is a very large number

1 of New Yorkers who have suspended licenses,  
2 and it goes into many different categories.

3 I think the questions that you're  
4 asking is having to do with the New Yorkers  
5 who are suspended for failure to appear or  
6 failure to pay. So right at this point we're  
7 at around 91,000 New Yorkers.

8 ASSEMBLYMAN MAGNARELLI: Ninety-one  
9 thousand, okay.

10 And in cashless tolling, does this  
11 have -- just -- it's kind of a part of that,  
12 okay, but does that have a big impact on that  
13 or most of them come from other reasons, just  
14 people not showing up for a traffic ticket?

15 COMMISSIONER SCHROEDER: Yeah, so  
16 cashless tolls, that would affect a  
17 New Yorker's registration. So right now, the  
18 good news, Assemblyman, is that the toll  
19 agencies, they have put in a pay toll  
20 advocate. So if there are certain  
21 complications or problems, they are put in  
22 place to navigate that for your constituents.

23 If over a five-year period a  
24 New Yorker has three violations, then the

1 tolling agency can then advise us, and then  
2 it -- at which time we would then be able to  
3 impose a suspension.

4 ASSEMBLYMAN MAGNARELLI: Okay.

5 Couple of things on the surcharges,  
6 okay. Counties have requested that revenue  
7 from surcharges related to Stop DWI Programs  
8 accrue to a new fund and be dedicated to the  
9 Ignition Interlock Monitoring Program and  
10 county Stop DWI Programs.

11 How much funding do these programs  
12 require? How much money does DMV collect  
13 from surcharges related to the Stop DWI and  
14 Ignition Interlock programs, how much money  
15 does DMV spend towards these programs?  
16 Basically, is it possible to take some of  
17 these funds and put them into those programs,  
18 the surcharges?

19 COMMISSIONER SCHROEDER: So,  
20 Assemblyman, also last year I know you were  
21 also concerned about it -- I sat up in the  
22 balcony and I heard the question, so I've had  
23 a chance to think about this.

24 And so the DWI programs that are

1 administered through the counties, it's my  
2 understanding -- it's just my  
3 understanding -- that sometimes the judges  
4 who pursue the surcharges, that amount then  
5 goes to New York State. Those who pursue the  
6 fines -- and I'm not making a judgement, I'm  
7 just trying to answer your question -- then  
8 the -- that allotment, the fines would then  
9 go to the counties.

10 And so looking at this, my  
11 understanding is that Onondaga County has  
12 kind of been at the same number. It's around  
13 \$663,000, which seems to be a generated  
14 number coming from fines. So that's my  
15 understanding --

16 ASSEMBLYMAN MAGNARELLI: Well, I think  
17 what they're looking for, commissioner, is a  
18 part of the surcharge as well to go strictly  
19 into the DWI programs.

20 And another thing that the counties  
21 have come to me on -- because I'm watching my  
22 time here --

23 COMMISSIONER SCHROEDER: Okay.

24 ASSEMBLYMAN MAGNARELLI: -- and just

1 to put this in front of you, is that counties  
2 want an increase -- the counties that don't  
3 have a state DMV office, and they're  
4 processing the licenses and whatever else the  
5 DMV transactions might be, they get  
6 12.7 percent of the transaction fees. Can  
7 that ever -- is there any look at increasing  
8 that percentage of transactions, of the fee  
9 toward the counties?

10 Just a question that I've been asked.  
11 They've been traveling from all over the  
12 state to come to my office in Syracuse, which  
13 is fantastic -- but, I mean they're traveling  
14 a long way to ask for this, so I thought I  
15 should ask you.

16 COMMISSIONER SCHROEDER: Yeah. No,  
17 thank you, Assemblyman.

18 And so the answer would be it has been  
19 about 22 years since there's been an  
20 adjustment to their retention. And so this  
21 would be a legislative matter of which the  
22 DMV would be -- we would be happy to assist  
23 to give you the information. Right now,  
24 collectively, there are 51 county clerks

1 across the state. They bring in  
2 approximately \$409 million to the state. So  
3 anytime there is going to be a  
4 conversation to maybe be helpful to the  
5 county clerks, because they are serving --  
6 they serve as DMV agents, as you know, across  
7 the state, especially upstate.

8 But that would be a legislative  
9 matter. We would be willing to assist in  
10 providing you all of the information that you  
11 and this honorable body would need.

12 ASSEMBLYMAN MAGNARELLI: Okay.

13 CHAIRWOMAN WEINSTEIN: Thank you.

14 ASSEMBLYMAN MAGNARELLI: Thank you,  
15 Commissioner.

16 CHAIRWOMAN KRUEGER: Senator Ted --  
17 Tim Kennedy. Excuse me.

18 (Laughter.)

19 SENATOR KENNEDY: Thank you. If I had  
20 a nickel for everybody that called me "Ted,"  
21 I'd be a very rich man.

22 Commissioner, thank you. Thanks for  
23 being here, thanks for your service, thanks  
24 for your leadership. It's been a pleasure to

1 watch you in your new role over the course of  
2 the last year or so -- not even.

3 COMMISSIONER SCHROEDER: Thank you,  
4 Senator.

5 SENATOR KENNEDY: And welcome back.

6 COMMISSIONER SCHROEDER: Thank you.  
7 I'm happy to be back.

8 SENATOR KENNEDY: So obviously you're  
9 out there, you're on the move, you're working  
10 hard, you're all over the state. You've  
11 visited each and every DMV location. You  
12 want to speak to that before I give you my  
13 line of questioning here?

14 COMMISSIONER SCHROEDER: Thank you.

15 When I was nominated by the Governor  
16 in January, then confirmed by this honorable  
17 body in June, I made the decision in January  
18 that I would visit every single state-run  
19 office. There's 27 district offices. Across  
20 the Hudson into New York City, 12 of them,  
21 and eight in Long Island. And also Syracuse  
22 and Albany. I've been to every one, and I've  
23 been to them multiple times.

24 There are 51 county clerks, as I

1 mentioned to Assemblyman Magnarelli. I have  
2 gone to visit all 51 county clerks in their  
3 offices. It's because I know and I sensed  
4 that this could be one of the most  
5 challenging years that DMV ever has.

6 I want to make sure I have an  
7 established relationship with the offices so  
8 that when there are difficulties in terms of  
9 Real ID, difficulties having to do with the  
10 Green Light Law, difficulties having to do  
11 with the peak renewals, difficulties with  
12 customers coming in because it's tax season  
13 and we're already busy enough, I want to be  
14 able to have these conversations with the  
15 district offices or with the county clerks.

16 And that's what we've been able to  
17 establish, and I thank you for acknowledging  
18 that, Senator Kennedy.

19 SENATOR KENNEDY: I think it's  
20 fantastic and it's a testament to your work,  
21 your leadership. So again, thank you.

22 You brought up the Real IDs.  
23 Obviously you're clearly aware on October 1st  
24 the U.S. will be required to have Real

1 ID-compliant identification, which includes  
2 the New York Enhanced Driver's License.

3 Can you just talk a little bit about  
4 what your DMVs are doing at each location to  
5 help encourage New Yorkers to get this  
6 Enhanced Driver's License?

7 COMMISSIONER SCHROEDER: Yeah. Thank  
8 you, Senator. That's one of the reasons why  
9 I talked a little bit earlier and in the  
10 testimony that we have installed what we call  
11 a full capacity plan, that we have hired 400  
12 more employees. Why have we done it? It's  
13 because we know that in 246 days Real ID  
14 comes into effect.

15 So that means New Yorkers who want to  
16 fly domestically -- and I know you know all  
17 of this, but I just want to reiterate the  
18 importance of it -- New Yorkers who want to  
19 fly domestically, they must have a Real ID or  
20 they must have the Enhanced Driver's License  
21 and/or a passport. So we know that we have  
22 been getting a lot of customers coming in.

23 One of the difficulties too, Senator,  
24 because of the Real ID requirements is

1           that -- there was a time when you could come  
2           in and get a license and you would be able to  
3           successfully do the transaction on the first  
4           visit. This is a little bit more difficult,  
5           because there are more things that are  
6           required that the customer, your  
7           constituents, bring in for Real ID. So  
8           oftentimes we're unable to get them in and  
9           out the first time.

10                    That is the reason why we're relying  
11           so heavily on our website. That is the  
12           reason why we sent out 4.2 million emails  
13           just recently explaining to customers, you  
14           know, what to do, how to do transactions and  
15           what to bring in when they come to visit us,  
16           whether in the 27 district offices or the  
17           county clerks. So that is part of the  
18           situation. But we're upbeat and we know that  
19           we can do it, and that we feel very  
20           comfortable that we will be successful by the  
21           October 1st date.

22                    SENATOR KENNEDY: That's great, thank  
23           you.

24                    And last year with the voter reforms

1           that we passed through the legislature, we  
2           passed legislation allowing 16- and  
3           17-year-olds to register to vote, including  
4           when they apply for a learner's permit. Can  
5           you just talk a little bit about if that's  
6           had an impact on your office and if there's  
7           any improvements in the law that we should be  
8           looking at that you may recommend?

9                    COMMISSIONER SCHROEDER: Yeah. So I  
10           believe it has had a positive impact, because  
11           when we have young people coming in being  
12           able to have opportunities and also to sit  
13           for their permit or to be able to responsibly  
14           drive a car, I think that's beneficial.

15                   In terms of overtaxing the staff or  
16           anything of that nature, I don't believe that  
17           has been a problem whatsoever.

18                   So the initiative is something that  
19           we're able to do, we are doing it  
20           successfully, and we do have some results  
21           that -- I don't have that at my fingertips,  
22           Senator, but I'd be happy to share with you  
23           the number of 16- and 17-year-olds who have  
24           come in.

1           SENATOR KENNEDY: That's great.

2           Just switching to some of the Article  
3           VII language within your department, there  
4           was the relatively monumental legislation  
5           that was proposed for the e-bikes and  
6           e-scooters. And I think it's a very strong  
7           compromise, it's included with the  
8           protections for youth and safety requirements  
9           that are built into that legislation. That's  
10          something that you're supportive of and feel  
11          like there should be a relatively smooth  
12          rollout for?

13          COMMISSIONER SCHROEDER: So, Senator,  
14          thank you for that question. And we at DMV,  
15          we support the provisions proposed by the  
16          Governor. And DMV will implement whatever is  
17          passed by the Senate and the Assembly and  
18          signed by the Governor.

19          And also, Senator, at that point we  
20          would also assist in sending out what we  
21          would call a police memo, making sure that  
22          all of the law enforcement agencies across  
23          the state are also aware of this.

24          SENATOR KENNEDY: That's great. Thank

1           you.

2                   COMMISSIONER SCHROEDER: Thank you.

3                   CHAIRWOMAN KRUEGER: Assembly.

4                   CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

5                   ASSEMBLYMAN RA: Thank you. Good to  
6 see you. Thank you for being here today.

7                   COMMISSIONER SCHROEDER: A pleasure,  
8 thank you.

9                   ASSEMBLYMAN RA: I just wanted to move  
10 to the subject of the Green Light Law and the  
11 implementation. Do you know what the current  
12 or updated number is in terms of law  
13 enforcement agencies who haven't signed that  
14 agreement that's needed for them to continue  
15 to access the database?

16                   COMMISSIONER SCHROEDER: Assemblyman,  
17 repeat that again?

18                   ASSEMBLYMAN RA: Sure. There's been  
19 a -- you know, a few weeks ago there were  
20 some news reports about, you know, the law  
21 enforcement agencies, there were provisions  
22 within that law to basically, you know,  
23 prevent federal law enforcement agencies from  
24 gaining access to the data that the DMV has

1 available, and part of that was that the  
2 State Police were requiring law enforcement  
3 agencies, local law enforcement agencies, to  
4 sign an agreement; otherwise, they would have  
5 their access to the DMV database cut off.

6 Do you --

7 COMMISSIONER SCHROEDER: Okay, thank  
8 you.

9 ASSEMBLYMAN RA: And at the time they  
10 said it was about 40 law enforcement  
11 agencies. I'm just wondering if you know if  
12 there's an updated number.

13 COMMISSIONER SCHROEDER: So the -- we  
14 often refer to it as the Green Light Law, but  
15 you know that it's the Driver's License  
16 Access and Privacy Act.

17 And so within the privacy act there  
18 are provisions of the law which prevents  
19 information going to the different  
20 immigration agencies.

21 The law enforcement agencies are still  
22 able to get DMV information. That process  
23 goes through the Department of Criminal  
24 Justice. And so they have an agreement or an

1 MOU with the Department of Criminal Justice  
2 and the law enforcement agencies.

3 At this moment in time, I know of no  
4 situation or problem where there is a law  
5 enforcement agency not able to get the  
6 information that is still -- they're able to  
7 get. If you know otherwise, please let me  
8 know and we'll do everything we can to be  
9 helpful in gathering the information.

10 ASSEMBLYMAN RA: Okay, thank you.

11 COMMISSIONER SCHROEDER: You're  
12 welcome.

13 ASSEMBLYMAN RA: Yeah, and that was  
14 the concern. So there are -- there are none  
15 that you know of right now that have been cut  
16 off from access.

17 COMMISSIONER SCHROEDER: Not to my  
18 understanding. And I did look at this just a  
19 few days ago. If I get information that has  
20 changed, I will take my -- it will be my  
21 responsibility to let you know.

22 ASSEMBLYMAN RA: Okay, thank you very  
23 much.

24 COMMISSIONER SCHROEDER: You're

1 welcome.

2 ASSEMBLYMAN RA: And then just along  
3 the same lines, but in terms of the funding  
4 for staffing, I happen to have -- next time  
5 you're at the Garden City DMV, my district  
6 office is in the building next door, so let  
7 me know --

8 COMMISSIONER SCHROEDER: I was there  
9 on Saturday, could have come over and we  
10 could have had coffee.

11 ASSEMBLYMAN RA: Yeah. Let me know  
12 next time you're down there.

13 COMMISSIONER SCHROEDER: Thank you.

14 ASSEMBLYMAN RA: But I have, you know,  
15 as December went on and into January, you  
16 know, I drive past each day as I'm pulling  
17 into the lot where my district office is, and  
18 there's often at times been lines out the  
19 door and everything. So I think definitely  
20 the resources are needed. And I've certainly  
21 been hearing from constituents frustrated  
22 with getting appointments and things of that  
23 nature.

24 Is this kind of being allocated across

1 the board to make sure there are -- you know,  
2 there are additional personnel available for  
3 all the different variety of services? Or is  
4 it more targeted, you know, to process new  
5 license applications that are coming in?

6 COMMISSIONER SCHROEDER: Thank you,  
7 Assemblyman. So what we've been able to do  
8 is we look at the 27 district offices and  
9 then we would do need assessments.

10 Quite frankly, the full capacity plan  
11 that we've installed, there's more employees  
12 going to all of our district offices. So if  
13 you remember maybe when you went in Garden  
14 City a month ago, you may have looked at the  
15 counter and there could have been maybe 20  
16 MVRs, motor vehicles reps. If you go in now,  
17 you'll see that there's more than 20. There  
18 could be 24, 28, 32, depending on what we  
19 were able to do there in terms of space  
20 management.

21 And also we've opened up earlier in  
22 the morning, 7 o'clock in the morning, and  
23 then we stay later at night, and then we've  
24 been doing this Saturdays. So we've been

1           able to accommodate customers coming in to do  
2           all transactions.

3                     We do believe that we're getting  
4           there, that there is a hump that we're trying  
5           to get over. The -- you know, the Real ID is  
6           upon us, the Green Light Law just started  
7           30 days ago, and so we're doing the best we  
8           can and we think we are making progress.

9                     ASSEMBLYMAN RA: Okay. And just  
10          with -- I know I only have 15 seconds, but in  
11          those expanded hours are there additional  
12          opportunities to make appointments so that  
13          people come in for a scheduled appointment  
14          and can do their business quickly?

15                    COMMISSIONER SCHROEDER: Yeah. So  
16          thank you. We have -- we have opportunities  
17          for reservations. We've increased  
18          opportunities for more reservations.

19                    And also -- I'm glad you mentioned it,  
20          Assemblyman -- so when we do have a long  
21          line, we are then able to maybe give them a  
22          pass that would say, listen, we're real busy  
23          right now, but we think the slot, what you're  
24          here for, could open up in maybe an hour or

1 two, or two hours, or maybe the best thing  
2 would be maybe tomorrow or Saturday.

3 We're trying to give our customers  
4 options, because we know that time is  
5 important to them as well. But all of those  
6 things you mentioned, we are doing our best  
7 to implement.

8 ASSEMBLYMAN RA: Thank you,  
9 Commissioner.

10 COMMISSIONER SCHROEDER: You're very  
11 welcome. Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Our next questioner is Senator Seward.

14 (Discussion off the record.)

15 CHAIRWOMAN KRUEGER: Excuse me,  
16 Senator Liu. You were next; I apologize.

17 SENATOR LIU: It's quite all right,  
18 Madam Chair.

19 I will be very brief. I don't have as  
20 many questions as I have comments, which is  
21 to thank you for your forthright comments  
22 about the DMV being relieved about the  
23 legislation we passed last year granting  
24 everybody, all New Yorkers, the right to get

1 licenses, for the simple reason that they all  
2 now can go through -- can take the written  
3 test, the vision test, the road test, and be  
4 safe drivers on the roadways of this state.  
5 And for the DMV to properly ascertain that  
6 they have -- the vehicles are all properly  
7 insured.

8 So I think it speaks volumes to your  
9 leadership and the work of the DMV. Look,  
10 everybody complains about the DMV. I've had  
11 my share. I suspect you have had yours as  
12 well over the years. But it's about making  
13 the agency's job more efficient and easier.  
14 And without the concern of doing the work of  
15 the federal government, the DMV can now focus  
16 on its core responsibilities of keeping New  
17 Yorkers safe.

18 COMMISSIONER SCHROEDER: Thank you.  
19 Thank you, Senator.

20 SENATOR LIU: So thank you very much.  
21 And we all realize that there's a great deal  
22 of work to be done this year to comply with  
23 the Real ID requirements. It's going to be a  
24 lot of work, I know you're up to it, and I

1 want to thank you for making the rounds  
2 before your confirmation, taking the process  
3 seriously. And once again, congrat --  
4 congratulations or deepest condolences, take  
5 whichever one you'd like.

6 (Laughter.)

7 SENATOR LIU: Thank you. Thank you,  
8 Madam Chair.

9 COMMISSIONER SCHROEDER: Thank you,  
10 Senator. Thank you very, very much.

11 CHAIRWOMAN KRUEGER: Thank you.  
12 Assembly.

13 CHAIRWOMAN WEINSTEIN: Assemblyman  
14 Byrne.

15 ASSEMBLYMAN BYRNE: Thank you,  
16 Chairwoman.

17 And thank you, Commissioner, for being  
18 here.

19 Some of this might be a little bit  
20 repetitive, based on questions that were  
21 asked, but there's a reason. Just trying to  
22 get to the bottom of this. It is a little  
23 bit cliched to complain about the line at the  
24 DMV, like it's out of a sitcom. But in

1 recent weeks and months, obviously the lines  
2 have gotten tremendously longer, and  
3 particularly in the counties in the areas I  
4 represent, which is the Hudson Valley --  
5 Putnam, Northern Westchester County.

6 And one of the concerns that I've had  
7 is with this increase in the lines and people  
8 going to the DMV for services, particularly  
9 because of the Real ID and the Green Light  
10 Law, there's been -- they've had to augment  
11 their staff in the county governments because  
12 of these laws that we're -- well, at least  
13 particularly the Green Light Law that was  
14 passed by the state, they're now taking local  
15 property tax resources to pay -- to augment  
16 their services at the county DMV.

17 In some ways it turns into a little  
18 bit of an unfunded mandate because now  
19 they're paying for this.

20 Is there any sort of support that the  
21 state is providing in this budget to the DMV?  
22 I know the Transportation chairman mentioned  
23 the share from the processing fees. I know  
24 that can always be a little bit prickly

1           because we do want to make sure we invest in  
2           those roads and make sure that's done as  
3           well. But I actually thought it was only  
4           18 years ago, and you said it was 22 years  
5           ago it was revisited.

6                     Is there any other options for us to  
7           bring dollars back to help assist those  
8           county governments providing those services?

9                     COMMISSIONER SCHROEDER: So I totally  
10          understand your question. And because I've  
11          begun the -- establishing the relationship  
12          with the county clerks across the state, they  
13          have made it clear to me that the retention,  
14          in their view, is inadequate, in that it  
15          hasn't changed in a long, long time. And  
16          that they have to provide more services, many  
17          of which that you just indicated.

18                    And they also have said that because  
19          of some of the things that they have to do,  
20          maybe it's because of state law or because of  
21          federal law, that what it does is it kind of  
22          interrupts their budget. Their budget, as  
23          you know, goes through a process within their  
24          county and within their county government.

1 And they have to present their budget and  
2 they have to say, you know, what they need  
3 and why they need it.

4 And right now I do know, by having  
5 conversations with many counties within your  
6 area, that they are very concerned about the  
7 budget crunch it has on them, and that they  
8 feel it's inadequate on the county retention.

9 So, Assemblyman, I understand and I  
10 hear your question.

11 ASSEMBLYMAN BYRNE: Thank you,  
12 Commissioner. That will be an outstanding  
13 challenge for us to tackle as time continues.

14 Another question. Something that's  
15 been raised as a concern from folks in -- one  
16 of my local county clerks has been with the  
17 Motor Voter Program. And we've already had  
18 this kind of preexisting issue in the past  
19 with folks who are just noncitizens but have  
20 been able to legally drive and get licenses.  
21 But now with the Green Light Bill, with more  
22 people trying to get their driver's license,  
23 there's concern about having this  
24 customer-facing device encouraging people to

1 register to vote.

2 And some people have asked me, local  
3 advocates, would it be possible just to  
4 disable that customer -- the customer-facing  
5 device if they're a noncitizen. Is that  
6 something that the state and the DMV could  
7 potentially do?

8 COMMISSIONER SCHROEDER: So again,  
9 thank you. And quite frankly, this is not  
10 the first time, because of my opportunities  
11 to be out there with county clerks who have  
12 the concern that you just voiced.

13 So all I can really say to you, and I  
14 want to be clear about this, is that the DMV,  
15 we do not register, we not register anybody  
16 to vote. We are guided by state and federal  
17 law that we have to give anybody coming in  
18 the opportunity to apply --

19 ASSEMBLYMAN BYRNE: I'm sorry, I'm  
20 running low on time, I don't mean to  
21 interrupt, Commissioner.

22 But we're making it easier for people  
23 to vote. You're not registering them to  
24 vote, and I can understand that. I think the

1 concern is just if -- we don't want to make  
2 it easier for someone who's a noncitizen who  
3 doesn't have that right to register to vote.

4 And I want to move on. But I  
5 appreciate you --

6 COMMISSIONER SCHROEDER: Sure.

7 ASSEMBLYMAN BYRNE: -- because there's  
8 one more question, I feel like I know the  
9 answer.

10 COMMISSIONER SCHROEDER: Okay.

11 ASSEMBLYMAN BYRNE: But it comes back  
12 to license plates, which was a big issue last  
13 year -- and I think we've back-pedaled that.  
14 But I want to confirm that we're not going to  
15 be mandating individuals to be replacing  
16 license plates regardless of the condition of  
17 their plate.

18 I know that we are going to be getting  
19 new plates, because that contest was done.  
20 But are we going to be mandating people --  
21 and I know the Legislature empowered the DMV  
22 to put a price on it, but that was really a  
23 cap. I mean, you could charge a dollar if  
24 you really wanted to.

1           So if you could just speak on that,  
2 confirm the status of the license plates.

3           COMMISSIONER SCHROEDER: So the way I  
4 would answer your question and your comment  
5 is that there is a new plate. New Yorkers  
6 decided on what that plate would look like.  
7 The distribution process will begin in April.

8           ASSEMBLYMAN BYRNE: But they're not  
9 mandated to replace that plate, they're not  
10 going to be mandated to purchase it. If they  
11 have a plate that's in good condition and  
12 it's 10 years old, are they going to be  
13 mandated to purchase a new plate?

14           COMMISSIONER SCHROEDER: So let me  
15 address that as well. So in September when  
16 the -- when all this came up, I said in  
17 September this proposal, the 10-year  
18 replacement, isn't -- is not going forward.

19           So if that changes, then a  
20 conversation would have to take place with  
21 this honorable body.

22           ASSEMBLYMAN BYRNE: Thank you,  
23 Commissioner.

24           COMMISSIONER SCHROEDER: You're very

1 welcome.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 Senate?

4 CHAIRWOMAN KRUEGER: Thank you.

5 Senator James Seward.

6 SENATOR SEWARD: Thank you.

7 And thank you, Commissioner, for being

8 here.

9 COMMISSIONER SCHROEDER: Thank you.

10 SENATOR SEWARD: Could you describe  
11 for us the -- what kind of training were DMV  
12 employees given to ensure that license  
13 security was upheld when issuing licenses  
14 under the new Green Light Law? Was there  
15 additional training? Particularly when  
16 you're adding new staff and so on as well.

17 COMMISSIONER SCHROEDER: Sure.

18 SENATOR SEWARD: Directed at license  
19 security.

20 COMMISSIONER SCHROEDER: Yeah.

21 So we -- we have continuous training  
22 for all of our MVRs, motor vehicle  
23 representatives, for our supervisors, and for  
24 our office staff. And then, you're quite

1 right, when we bring in so many employees --  
2 which we have, over a very short period of  
3 time -- what we're doing, Senator, is we're  
4 going through what I would call like a double  
5 training.

6 They get the training coming in that  
7 everybody gets, but then what happens when  
8 they're in our district office, then the  
9 supervisors who -- so the MVRs are at the  
10 counter and then there is a desk behind where  
11 the MVRs are, and the supervisors there  
12 really are on-the-job trainers to make sure  
13 that all the transactions, no matter what it  
14 is, is going well. For example, we have some  
15 very good technology and I believe it's very  
16 efficient.

17 And so, for instance, the supervisor  
18 would have a live screen, and so there could  
19 be a customer at Counter 6. Now, the  
20 supervisor can see, because it's in an orange  
21 block, it will say the customer has been  
22 there for nine minutes. Then it changes to  
23 red when the customer is there for 12  
24 minutes. Now, the supervisor is busy and has

1 other responsibilities. At that time, the  
2 supervisor gets up, goes to the MVR at the  
3 counter to make sure that they have the right  
4 information that they need to take care of  
5 the customer.

6 So we're doing everything we possibly  
7 can to make sure that everybody understands  
8 best practices, the 4,000 procedures, the  
9 VTL, and all of the statutory requirements  
10 that we have.

11 SENATOR SEWARD: Okay, thank you.

12 COMMISSIONER SCHROEDER: You're  
13 welcome.

14 SENATOR SEWARD: Getting back to the  
15 line of questioning from Assemblyman Ra on  
16 this law enforcement agencies' access to DMV  
17 databases, did I understand you to say that  
18 really nothing has changed? I mean, what  
19 data -- there was a flutter in the press, and  
20 I must say I have no personal knowledge of  
21 this, but I know it was pretty widely  
22 reported a few weeks ago that dozens of law  
23 enforcement agencies were being denied access  
24 to DMV databases.

1           So I mean, what databases were they  
2 denied access to, and what has the impact  
3 been on public safety, in your view?

4           COMMISSIONER SCHROEDER: So to answer  
5 the question specifically, the Green Light  
6 Law prohibits DMV from disclosing data to an  
7 agency that primarily enforces immigration  
8 law, like ICE, Customs and Border Protection,  
9 and Citizenship and Immigration Services. So  
10 that's clear from the law.

11           Law enforcement agencies are able to  
12 get some prescribed information, DMV  
13 information, providing that they work with  
14 the Criminal Justice Department in  
15 establishing an MOU. And primarily what it  
16 means, Senator, is that the law enforcement  
17 will not share that information with those  
18 prescribed in law who cannot get it, since --  
19 such as immigration agencies. That's what I  
20 said, and I'm sorry if I wasn't clear.

21           SENATOR SEWARD: Okay. No, I just  
22 wanted to clarify that.

23           COMMISSIONER SCHROEDER: Okay, thank  
24 you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Senator Comrie.

3 SENATOR COMRIE: Thank you.

4 Good afternoon, Commissioner.

5 COMMISSIONER SCHROEDER: Good  
6 afternoon.

7 SENATOR COMRIE: I wanted to ask you  
8 about the -- two things. Number one, what  
9 can we do, as I had asked you before, what  
10 can we do to improve the ability to have  
11 faster service or expand the Springfield or  
12 Jamaica DMV locations? Those are two of the  
13 busiest locations in the state, and whenever  
14 you go there, there's people -- it's crowded,  
15 it's just a massive amount of people that  
16 continue to move through there. And I know  
17 that with the issues with Green Light, it  
18 only increased the volume.

19 Can you share with us what you're  
20 planning to do about trying to reduce the  
21 wait times and whether or not there can be  
22 some weekend service at either one of those  
23 two locations?

24 COMMISSIONER SCHROEDER: So thank you,

1           Senator, for the question. And I do know  
2           you're concerned about it, we did see each  
3           other not too long ago and you did voice that  
4           concern.

5                     I have been to all of the DMV district  
6           offices within your Senate district. And to  
7           answer your question specifically, we are now  
8           looking very closely -- I can't announce it,  
9           I wish I could, but we don't have all of the  
10          information at this moment, and I don't want  
11          the anticipation clock to begin. But we are  
12          looking right now for an additional remote  
13          site that would actually be in New York,  
14          within your district. We're also looking at  
15          a remote site to assist us in Long Island.

16                    So I'm hopeful that we might be able  
17          to give you more information in short order,  
18          but for now, we are looking at that because  
19          we know exactly what you're saying. Early in  
20          the morning there are people coming in, they  
21          are there through the course of the day, and  
22          many of our district offices are staying open  
23          late at night in order to try help all of the  
24          transactions that the customers come in with.

1           So I understand your question. It's a  
2 good question. And it's something that we're  
3 trying to do.

4           SENATOR COMRIE: Great, thank you.

5           And just I had one of those failing  
6 plates. Is that over with now, or -- the  
7 failing plate? I had a failing plate, I  
8 caught a ticket for it, and I didn't realize  
9 it was a phenomenon until I got up here, that  
10 there seemed to be a defective set of plates  
11 with the Empire gold plates. And have all  
12 those been identified now, or are we still  
13 getting consumers that wind up getting  
14 tickets because of a failing plate?

15           COMMISSIONER SCHROEDER: So I wish I  
16 could say that it is totally over. I don't  
17 believe that it is because, quite frankly,  
18 there still could be maybe 3 million plates  
19 still out there that are within exactly what  
20 you said, Senator -- let's just call it  
21 within eight and 19 years that have been out  
22 there.

23           So again, this is a good opportunity  
24 for me to say this so that all of your

1 constituents would know as well. If your  
2 constituent has a peeling plate that is not  
3 their fault, they need to either bring it in  
4 to a DMV office, or they need to call a  
5 customs plate unit. There's a directory on  
6 our website. They can call and we will  
7 instruct your constituent what to do. In  
8 essence, they will get a free license plate.

9 If they back into a brick wall and  
10 they mangle their license plate, then,  
11 Senator, they're probably going to have to  
12 come in and pay for a new replacement plate.

13 SENATOR COMRIE: Okay. All right.  
14 Thank you.

15 COMMISSIONER SCHROEDER: You're very  
16 welcome.

17 SENATOR COMRIE: Thank you,  
18 Madam Chair.

19 CHAIRWOMAN KRUEGER: Senator Anna  
20 Kaplan.

21 SENATOR KAPLAN: Good afternoon,  
22 Commissioner.

23 COMMISSIONER SCHROEDER: Good  
24 afternoon, Senator.

1           SENATOR KAPLAN: As it's been  
2 mentioned, obviously there's been a big surge  
3 in customers at DMV because of the Green  
4 Light. So you talked a little bit before --  
5 and I echo the same sentiments as my  
6 colleagues here, that the wait time has been  
7 really huge for a lot of our constituents. I  
8 have also the Nassau County DMV in  
9 Garden City, and the lines are not getting  
10 any shorter anytime soon.

11           You talked about 400 people being  
12 additionally employed to help. Do you think  
13 this is enough in terms of trying to really  
14 meet the demands of these customers?  
15 Especially in light of the fact that you just  
16 mentioned yourself, in October a lot of  
17 people are going to come back to you and try  
18 to get the enhanced licenses.

19           I feel like we're not doing enough and  
20 that we really need to do a lot more to  
21 address this. And I have constituents  
22 calling me and saying that they've waited for  
23 six hours on a DMV line. I had someone who  
24 called me up and said she went in at 11

1 o'clock and got a ticket for her turn.

2 At 2 o'clock she was told -- two hours later,  
3 she was told that they will not be able to  
4 help her that day.

5 And also I'd like to point out you  
6 talked about having longer hours and also  
7 having Saturday hours. That's not on your  
8 website. So it would be really important to  
9 update the website to make sure that the  
10 people who go out and check this to find out  
11 what are there times they can go, to get the  
12 accurate information, I think.

13 COMMISSIONER SCHROEDER: Thank you,  
14 Senator. And the frustration that you have  
15 on behalf of your constituents, I have the  
16 same frustration not only for your  
17 constituents but also for your constituents  
18 who work for DMV in your sites in the  
19 counties that you've talked about.

20 And so we do feel, however, that we  
21 are making some progress. And so the way  
22 that I look at it is it is on an individual  
23 basis. So if we have 27 district offices and  
24 there's a few offices in upstate that are not

1 affected right now by the long lines, I take  
2 them out of the column. Then I go to the 24  
3 district offices, of which would be including  
4 Garden City. And what we do is we look at it  
5 individually and we look to see what can we  
6 do more than what we've done already.

7 So starting at 7 o'clock in the  
8 morning, maybe that isn't working. Maybe  
9 that isn't working in terms of what your  
10 constituents have experienced in being there  
11 so long. So we try to go further.

12 We have people greeting your  
13 constituents as they come in. The reason why  
14 we're doing that is we're trying to identify  
15 why they are here and what we can do to make  
16 their experience an expedited experience.

17 And so what we do is once upon a time  
18 we were able to have like an information  
19 desk. But the information desk doesn't work  
20 anymore because the lineup is too long. So  
21 what have we done? We've now put six MVRs,  
22 who are very equipped, who know what to do,  
23 they're talking to your customers the minute  
24 they come in to make sure we understand what

1 are you here for, do you have the right  
2 documents or the right information.

3 If you don't, we then say maybe --  
4 here you go, here's a pass, could you come  
5 back a little bit later or tomorrow. What we  
6 don't want to do is somebody get in a line  
7 and to begin the process and then to be  
8 interrupted a little bit later and saying  
9 that we can't help you, or the 2 o'clock  
10 instance that you gave.

11 So I am very aware of everything you  
12 just said, and we are trying to work through  
13 it, we continue to do that. And I know that  
14 we're going to have success, Senator.

15 SENATOR KAPLAN: I really appreciate  
16 it. I also want to mention that two of those  
17 constituents who called did say the employees  
18 were very respectful and very patient. So  
19 kudos to all the employees.

20 But we just need to make the time much  
21 shorter. People have a lot on their plate,  
22 and they're just trying to get by and do what  
23 they need to do. So thank you.

24 COMMISSIONER SCHROEDER: Senator,

1           thank you for that. And I will convey what  
2           you just said to our employees there, but  
3           also to all of our employees here too who  
4           have been working on this here at DMV  
5           headquarters here in Albany for so long,  
6           trying to make this work for everybody. And  
7           we're not done yet, we know we have to  
8           continue to make improvements, and we will.

9                         SENATOR KAPLAN: Thank you.

10                        COMMISSIONER SCHROEDER: You're  
11           welcome.

12                        CHAIRWOMAN KRUEGER: Senator Tom  
13           O'Mara.

14                        SENATOR O'MARA: Thank you.

15                        Good afternoon, Commissioner. Thank  
16           you for being here.

17                        COMMISSIONER SCHROEDER: Hi, Senator.

18                        SENATOR O'MARA: I want to thank you  
19           for your outreach, not just to my office but  
20           to all the county clerks within the Senate  
21           district I represent. Your leadership has  
22           been outstanding in that regard.

23                        COMMISSIONER SCHROEDER: Thank you.

24           Thank you, Senator.

1           SENATOR O'MARA: With regard to the  
2 computer systems, what is the cost to  
3 counties on the redoing of the computer  
4 systems right now?

5           COMMISSIONER SCHROEDER: So the  
6 modernization -- that's I believe what you're  
7 talking about -- we're doing a comprehensive  
8 modernization, and that is something that the  
9 state is doing, we're doing it. There is no  
10 cost to your counties on this.

11           So we are doing a comprehensive  
12 three-year modernization program, and there's  
13 all sorts of different tenets of what that  
14 means. Some of the things I mentioned  
15 earlier. But in terms of costs to the  
16 counties, that is nonexistent.

17           Plus, Senator, we have two county  
18 clerks who are on the modernization Mod  
19 Team -- Modernization Team. The reason why  
20 we're doing that is just in case we start  
21 going down the wrong road in terms of county  
22 clerks, we know that these two on our  
23 committee aren't shy and they'll let us know  
24 about it, and then this way we can stay on

1 track.

2 SENATOR O'MARA: Well, good. I thank  
3 you for that. Because I think, you know, the  
4 last system was abysmal. I think from the  
5 point that it was implemented to the point  
6 that it's being replaced, it has been a  
7 constant problem.

8 Now, with regard to the 400 FTEs you  
9 mentioned in this budget, what's the overall  
10 cost of that?

11 COMMISSIONER SCHROEDER: The 400 FTEs,  
12 Senator, isn't in the budget proposal that  
13 we're talking about right now. We did that  
14 in the current fiscal year, in the fiscal  
15 year we're in right now.

16 SENATOR O'MARA: Okay. Where do we  
17 stand on filling those?

18 COMMISSIONER SCHROEDER: So thank you  
19 for that. We had just begun the process  
20 about two months ago, and that we feel that  
21 by the end of January, early February, we  
22 will have all of the 400 FTEs -- supervisors,  
23 audit folks -- in place.

24 Senator, just to be clear, these

1 are -- this would be in our state-run  
2 offices. The counties, as you know, they go  
3 through their own budget process --

4 SENATOR O'MARA: Right. No, I  
5 understand that.

6 COMMISSIONER SCHROEDER: -- and I'm  
7 very mindful of what those concerns are.

8 SENATOR O'MARA: So none of those  
9 employees are in our county DMV offices.

10 COMMISSIONER SCHROEDER: Correct.

11 SENATOR O'MARA: I get that.

12 With regards to the driver's licenses  
13 for illegal immigrants, I know you were on  
14 record prior to the implementation of this  
15 that you thought it was a misguided policy.  
16 I'm not going to ask you about that. I  
17 appreciate that stance, because I believe  
18 it's misguided as well.

19 Of the 400 FTEs that have been added,  
20 how many of those are dedicated or really  
21 responsible or were caused, those positions  
22 caused by the need of issuing driver's  
23 licenses to illegal immigrants?

24 COMMISSIONER SCHROEDER: So, Senator,

1 first of all, in 2007 when I was a member of  
2 the State Assembly, I said publicly at the  
3 time that when the Governor, Governor  
4 Spitzer, was trying to do this by executive  
5 order, I suggested that was ill-advised. I  
6 always believe that this should be done by  
7 the Legislature in an open forum. And so  
8 that was my comment back then.

9 For now, the 400 FTEs, they have been  
10 trained properly and they're getting  
11 additional training from their supervisors.  
12 And their responsibility not only has to do  
13 with the Green Light Law, it would also have  
14 to do with Real ID, it would have to do with  
15 registration renewals, all of the different  
16 functions that a customer would come in any  
17 of our offices. All of our employees need to  
18 be well versed on how to be able to do that  
19 transaction.

20 SENATOR O'MARA: I would argue,  
21 though, that you would need less than 400 if  
22 the components weren't for issuing driver's  
23 licenses for illegal immigrants to be part of  
24 that.

1           With regards to the issuance of these  
2 driver's licenses to illegal immigrants,  
3 what -- I've heard a lot of complaints from  
4 my county clerks on lack of training for  
5 their workers in their county offices on  
6 appropriately identifying foreign documents  
7 that are being used to establish these  
8 licenses and this state-issued ID to an  
9 illegal immigrant.

10           What training is going on with that,  
11 and what precautions are you taking that  
12 these illegal immigrants, while they're  
13 registering for their license, are not  
14 getting registered to vote?

15           COMMISSIONER SCHROEDER: So let me try  
16 to answer all of the questions.

17           So as has been indicated, I did it on  
18 purpose to go to see all 51 county clerks.  
19 I've been to two of their conference meetings  
20 where all the clerks come together, within  
21 the last three months. I gave the overview  
22 to them all on the training necessary for the  
23 Green Light Law.

24           Then our professional staff conducted

1 two training sessions, webinars, and we had a  
2 help desk number so that if they had any  
3 concerns or questions, that that could be  
4 answered.

5 And also in terms of we -- I -- they  
6 were very clear to me to what their concerns  
7 were. We did everything we could to respond  
8 to them, including the documents. They  
9 wanted to make sure that these documents were  
10 authentic, how would that be. So we  
11 hand-delivered, by our department -- DFI, the  
12 Department of Field Investigators -- they  
13 hand-delivered authentication devices and  
14 explained to the county clerks, to their  
15 supervisors, to their deputy county clerks,  
16 how to use it.

17 Plus there have been some county  
18 clerks who were concerned further. They  
19 called me directly, which I wanted them to  
20 do -- that's why I went to see them in the  
21 first place. And then we established an  
22 opportunity where DFI, for a six-week period,  
23 was going out there to try to be helpful to  
24 them so that they could get through the

1 process.

2 So that does not mean that we  
3 shouldn't be doing more; we will, we can.  
4 But we did what we could in the beginning to  
5 get started on the December 16th date.

6 SENATOR O'MARA: And the next part of  
7 the question was with regards to how are you  
8 taking efforts to make sure they're not  
9 automatically registered to vote.

10 COMMISSIONER SCHROEDER: So as I  
11 mentioned before, Senator, we -- we are  
12 obliged, through state law and federal law,  
13 so that when somebody comes in, that they  
14 would begin the application process. And so  
15 that happens. We do not register people to  
16 vote.

17 The DMV, however, does not process any  
18 voter registration applications. Those  
19 applications are sent to the Board of  
20 Elections to review and either accept or  
21 deny.

22 CHAIRWOMAN KRUEGER: {Mic off.} I'm  
23 just going to cut you off now. Thank you.

24 COMMISSIONER SCHROEDER: Thank you,

1 Senator.

2 CHAIRWOMAN KRUEGER: {Mic off.} I  
3 think I'm the last questioner.

4 CHAIRWOMAN WEINSTEIN: Mic.

5 CHAIRWOMAN KRUEGER: Oh, sorry. Thank  
6 you.

7 There were a couple of license plate  
8 questions before about the peeling license  
9 plates, et cetera. So there were a number of  
10 proposals earlier in the year about a -- new  
11 license plate replacement proposals for  
12 everybody. Are we going to try to do that  
13 again? And at what cost?

14 COMMISSIONER SCHROEDER: So -- so,  
15 Senator, I would like to say this, to be  
16 clear about this. So in September when the  
17 replacement plate -- 10-year replacement  
18 plate came up, and many of our elected  
19 officials had many, many different concerns.  
20 And so at that time I said, quote -- I said  
21 in September this proposal, this 10-year  
22 replacement plate proposal, is not going  
23 forward. Is not going forward.

24 So if that changes, then the

1 obligation would be on me to have a  
2 conversation with all of you.

3 What hasn't changed is that the new  
4 plate that New Yorkers voted on, that will be  
5 ready for distribution in April.

6 CHAIRWOMAN KRUEGER: But you don't  
7 have to get that.

8 COMMISSIONER SCHROEDER: I'm sorry?

9 CHAIRWOMAN KRUEGER: But you don't  
10 have to change your plate in April.

11 COMMISSIONER SCHROEDER: So if -- if  
12 you -- if you choose to get a new plate, you  
13 will be able to do so at any one of our  
14 sites. And so that's how that will work.

15 CHAIRWOMAN KRUEGER: Great. Thank  
16 you.

17 COMMISSIONER SCHROEDER: You're very  
18 welcome.

19 CHAIRWOMAN KRUEGER: So now switching  
20 to electric-powered scooters --

21 COMMISSIONER SCHROEDER: Okay.

22 CHAIRWOMAN KRUEGER: -- so under  
23 current law, it's not legal to ride an  
24 electric scooter on roadways or sidewalks.

1 Under the Governor's proposal, TED Bill Part  
2 AAA, electric scooters not going more than 15  
3 miles an hour would be allowed to operate on  
4 public roads with speed limits of 30 miles  
5 per hour or less, and couldn't drive on  
6 sidewalks but could park on sidewalks. And  
7 it seems to explicitly say that localities  
8 wouldn't be able to regulate the -- electric  
9 scooters not being allowed to park on the  
10 sidewalks.

11 So my question is, let's imagine a  
12 city called New York with eight and a half  
13 million people, and in some cases sidewalks  
14 that people fight to stay on because they're  
15 so crowded with population density and all  
16 this other equipment on our sidewalks. And  
17 so now we wouldn't be able to say no, you  
18 can't just leave your electric scooters  
19 wherever the hell you want on the sidewalks?

20 COMMISSIONER SCHROEDER: So -- so,  
21 Senator, I've had the opportunity, when going  
22 through the nomination process, to talk with  
23 you, and I know this is on your mind. I know  
24 it. And I know that you have great concerns

1 about this, especially -- not only the whole  
2 state, but also the part of the state that  
3 you represent.

4 And I know this isn't the answer that  
5 you want to hear from me, but the only answer  
6 that I can really provide to you is that it's  
7 not common for somebody in my position to  
8 comment on legislation that is pending.

9 However -- however -- what I can say  
10 is we support the provisions by the Governor,  
11 especially having to do with the concerns of  
12 public safety, and DMV will implement  
13 whatever is passed by this honorable body and  
14 signed by the Governor. So some of the  
15 concerns that you have, I'm unable really to  
16 comment any further on right now, but I know  
17 that there is a deliberation that is going on  
18 amongst the members and the administration,  
19 and I know that will continue.

20 CHAIRWOMAN KRUEGER: And there's  
21 another section that says the bill prohibits  
22 leaving the scene of an incident and  
23 operating under the influence of alcohol or  
24 drugs, provided that the DWAI provision is



1 very, very much for this opportunity.

2 CHAIRWOMAN KRUEGER: Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 Now we'll hear from Matt Driscoll,  
5 executive director of the New York State  
6 Thruway Authority.

7 Feel free to begin.

8 EXECUTIVE DIRECTOR DRISCOLL: Okay.

9 Good afternoon, everyone, and thank you.

10 Chairs Krueger, Weinstein, Kennedy and  
11 Magnarelli, and distinguished members of the  
12 Senate and Assembly fiscal and Transportation  
13 Committees, thank you for having me here  
14 today. My name is Matthew Driscoll. I am  
15 the executive director of the New York State  
16 Thruway Authority.

17 The Governor Thomas E. Dewey Thruway  
18 is a 570-mile superhighway spanning New York  
19 State, and is one of the longest toll systems  
20 in the United States of America.

21 Underscoring its importance to the state,  
22 region and nation, Thruway customers in 2019  
23 traveled approximately 8.4 billion  
24 vehicle-miles on the highway, averaging more

1 than 22.8 million vehicle-miles each and  
2 every day.

3 The Thruway serves as a vital link to  
4 long-distance interstate travel and provides  
5 the major route of access for visitors to our  
6 state's tourism anchors -- it is also a  
7 principal artery of commerce and serves as a  
8 primary catalyst of the state's economic  
9 activity.

10 The 2020 Thruway Authority budget  
11 represents a total financial commitment of  
12 \$1.3 billion. It is a budget that is  
13 balanced, provides the necessary resources to  
14 sustain the system, and maintains our  
15 facilities infrastructure by maximizing  
16 funding for critical projects in our  
17 multiyear capital plan.

18 The Thruway is undergoing several  
19 customer-centric improvement projects,  
20 including the conversion of our entire  
21 facility to cashless tolling and the  
22 redevelopment of all 27 service areas. These  
23 improvements will propel the Thruway into a  
24 new era, providing our customers with

1 modernized service amenities for generations  
2 to come.

3 By the end of 2020, the Thruway will  
4 implement systemwide cashless tolling. This  
5 conversion will reduce congestion and improve  
6 traffic flow. We currently operate cashless  
7 tolling facilities at all seven of our  
8 fixed-price toll barrier locations.

9 In support of systemwide cashless  
10 tolling, the authority has continued an  
11 aggressive education and marketing campaign  
12 to raise awareness of and to promote E-ZPass  
13 usage, and this year we will expand that  
14 effort even further.

15 We have taken steps to enhance our  
16 customer support, including the creation of  
17 an Office of the Toll Payer Advocate.

18 Maintaining and modernizing a  
19 superhighway requires continual reinvestment.  
20 The Thruway has not had a toll adjustment  
21 since 2010. Over the last several years, the  
22 authority has reinvested approximately  
23 \$630 million into its infrastructure,  
24 including bridges and accelerated roadway

1 rehabilitation and replacement projects  
2 across the state. As the authority continues  
3 to undertake these capital improvements,  
4 we've introduced a modest proposal to adjust  
5 tolls. I'd like to make clear what these  
6 proposed changes mean for our customers.

7           Simply stated, other than at the  
8 Governor Mario M. Cuomo Bridge, if you have a  
9 NY E-ZPass, your tolls will remain the same.  
10 For example, Western New York customers with  
11 a New York E-ZPass and the Grand Island  
12 Commuter Plan or Resident Plan will see no  
13 increase to their tolls. Neither would a  
14 daily commuter on I-90 or anywhere else on  
15 the Thruway system, except for the Governor  
16 Mario M. Cuomo Bridge.

17           On the bridge, New York E-ZPass  
18 customers will pay \$5.75 by 2022,  
19 representing an increase of 50 cents in 2021  
20 and 50 cents in 2022. I can let you know  
21 that we heard loud and clear the community's  
22 concerns, and this proposal reflects what we  
23 heard. This means we will maintain a bridge  
24 commuter discount plan and we will create a

1 discount plan that will be offered to  
2 Westchester and Rockland County residents.

3 This collective toll proposal will  
4 support the statewide conversion to cashless  
5 tolling. And again, aside from the bridge,  
6 New York E-ZPass customers will see no impact  
7 to their toll rates, while out-of-state  
8 E-ZPass holders and those choosing to pay  
9 with Tolls by Mail will see a difference.  
10 However, to be clear, motorists can avoid the  
11 differential by getting an E-ZPass.

12 As a user-supported,  
13 non-tax-revenue-receiving highway, this toll  
14 adjustment proposal is a fair and equitable  
15 approach that recognizes the needs of  
16 motorists and residents alike.

17 As you're all aware, both spans of the  
18 bridge are now open to traffic while work  
19 continues on the 3.6-mile bicycle and  
20 pedestrian path connecting Rockland and  
21 Westchester Counties. In its final  
22 configuration, motorists will benefit from  
23 the addition of breakdown lanes, advanced  
24 traffic monitoring systems, dedicated bus

1 lanes in both directions, and four emergency  
2 turnarounds along the two spans. In  
3 addition, there will be six majestic  
4 overlooks as part of the shared use path.

5 All these safety, educational and  
6 recreational features are happening in one of  
7 the busiest traffic corridors in the  
8 northeast. The project remains within its  
9 budget of \$3.98 billion.

10 I'd like to take this opportunity to  
11 again thank the talented men and women of the  
12 Thruway Authority for their dedication and  
13 professionalism in bringing the highest  
14 standards of safety and reliability across  
15 our Thruway system. Those that work out on  
16 the roadway each day are key to our success,  
17 and they deserve to have a safe work  
18 environment as much as any other employee.

19 In closing, please know that I remain  
20 committed to keeping the Thruway the safest  
21 and most convenient means of travel. Whether  
22 that means one is commuting to work, visiting  
23 friends or family, enjoying the recreational  
24 opportunities around our state, or supporting

1 the freight economy, the Thruway will take  
2 you there.

3 So thank you for your time, and I'm  
4 happy to answer any questions that you may  
5 have.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 We go to the chair of our Corporations  
8 Committee, Assemblywoman Paulin.

9 ASSEMBLYWOMAN PAULIN: Thank you.

10 And thank you for coming today and  
11 sharing with us, you know, what's happening  
12 and giving us an opportunity to ask  
13 questions.

14 The first questions I have have to do  
15 with the Mario Cuomo Bridge. What -- you  
16 know, what is the process for the proposed  
17 increase? Will there be public participation  
18 and comments in regard to -- for that toll  
19 increase? And also related to the bridge,  
20 the Tappan Zee constructors have sued the  
21 Thruway Authority for \$900 million. I  
22 wondered what the status of that dispute is.  
23 And would toll prices be impacted by the  
24 ruling against the Thruway?

1 EXECUTIVE DIRECTOR DRISCOLL: Okay.

2 So first, yes, there is a process for the  
3 toll proposal this year, and we will have  
4 public hearings. We have not selected dates  
5 for that yet. We are required by law to hold  
6 a minimum of three. There will be plenty of  
7 advance notification. There will be a very  
8 public process regarding that.

9 You know, last summer myself and some  
10 members of the board and others attended two  
11 sessions in Westchester and Rockland, so we  
12 held public meetings, which is kind of the  
13 basis of what I mentioned that we developed  
14 our plan from. But we will be doing that  
15 this year as well. This summer we will be  
16 having those meetings.

17 Just to respectfully correct, there is  
18 no lawsuit from Tappan Zee Contractors, the  
19 consortium. Simply stated, what there is and  
20 was built into the contract was what's called  
21 a dispute resolution. Very common when you  
22 talk about projects of this magnitude. And  
23 so that is a mechanism that is built in, and  
24 it's a very defined process where if people

1 have grievances, it works through a process.

2 There is no lawsuit at this time, and  
3 as I stated, the project remains on budget.

4 ASSEMBLYWOMAN PAULIN: And just  
5 related to the toll increase, again, you  
6 know, will that toll increase be sufficient  
7 to pay the debt that's owed, the state  
8 portion of the debt that's owed for the  
9 reconstruction of the bridge?

10 EXECUTIVE DIRECTOR DRISCOLL: Yeah. I  
11 mean, you know, actually right now, we can  
12 cover that debt without that toll increase.  
13 But as I stated, we have not had a toll  
14 increase in 10 years. And so, you know,  
15 that's a long time.

16 So yes, that covers all of our debt  
17 going forward, and that will actually carry  
18 us through the end of 2024.

19 ASSEMBLYWOMAN PAULIN: Thank you.

20 Regarding some of the proposals that  
21 are in the budget, the executive proposal  
22 includes legislation that would exempt the  
23 use of the Thruway Authority's fiber optic  
24 system. We've seen this before. And just

1           wondered if you could just state for the  
2           record why it's necessary, what would be the  
3           fiscal impact, and what would happen to  
4           already existing contracts for use of the  
5           fiber optic system.

6                     EXECUTIVE DIRECTOR DRISCOLL:  So those  
7           existing contracts are expired.  And simply  
8           stated, you know, this is going to really  
9           keep costs for consumers lower than what  
10          they've seen in the past.  I think it  
11          provides more incentive for those users.  
12          It's a volume situation.  The more users we  
13          have in the system, the better it will be for  
14          the delivery of the services to local  
15          communities.

16                    And I know you and I have spoken about  
17          this and will do so again, but we really  
18          believe this is going to be far better than  
19          what the Thruway has had in years past, and  
20          it will allow for more competition, quite  
21          candidly, within the framework of our fiber  
22          optic system.

23                    ASSEMBLYWOMAN PAULIN:  And the second  
24          proposal that I was hoping you could shed

1           some light on is it would -- the proposal to  
2           merge the New York State Bridge Authority and  
3           the Thruway Authority. And, you know,  
4           wondered about how maintenance of bridges  
5           would be impacted, what would happen to the  
6           employees, what would happen to debt. And,  
7           you know, why we think it's necessary to do  
8           this.

9                     EXECUTIVE DIRECTOR DRISCOLL: Sure.  
10           So that's a fair question. You know, I guess  
11           I'd start by saying I haven't delved into  
12           this yet -- as you know, it's rather new --  
13           but I will be.

14                    But the Governor has been pretty clear  
15           from the beginning about finding ways to be  
16           more efficient in terms of state agencies as  
17           an example. You know, as a matter of kind of  
18           record, we're all held to the same standard  
19           of keeping our budgets at 2 percent or below,  
20           as has been the case across the state. And  
21           so there are efficiencies here.

22                    And, you know, the first thing I'd  
23           mention would be cashless tolling. I mean,  
24           we do the same functions. They are also

1 going to be adopting a cashless tolling going  
2 forward as well.

3 So I think that there's economies of  
4 scale there. I would view this as, quite  
5 honestly, another extension. As a division,  
6 they do a tremendous job in terms of the  
7 operation and maintenance of those  
8 facilities. But I have not yet begun to  
9 really delve into that at this time. But I  
10 will be having those conversations moving  
11 forward.

12 ASSEMBLYWOMAN PAULIN: And the --  
13 there's also legislation in the budget that  
14 would make toll violations a Class A  
15 misdemeanor for -- and would make it a  
16 violation for a fine up to \$500 to drive on a  
17 toll road with an obscured license plate.  
18 And, you know, I just wondered if you could  
19 talk about the need for that and the concern,  
20 you know, that -- or do you have concern  
21 that, you know, we had proposed new license  
22 plates for the very fact that there were  
23 license plates that might not be readable.

24 You know, will there be confusion and

1 a problem with distinguishing between a  
2 license plate that might be older, since we  
3 didn't reissue those license plates, and an  
4 obscured license plate, and possibly putting  
5 someone in harm's way because we would be  
6 claiming they were violating and possibly,  
7 you know --

8 EXECUTIVE DIRECTOR DRISCOLL: Well,  
9 you know, I'm not one for speculating on  
10 what, you know, could happen. I can only  
11 tell you that, you know, resolution is very  
12 important to us, as it is to the MTA and the  
13 Port Authority, naturally, because, you know,  
14 we want to get it right. And we want to make  
15 sure that the billing is accurate.

16 You know, so in terms of resolution  
17 with current license plates, I'd say it  
18 works, you know, well. And the new license  
19 plates, although I have not seen them yet,  
20 but certainly resolution is an important  
21 factor to the Thruway Authority and any other  
22 tolling agency as well.

23 So, you know, we'll be working forward  
24 with DMV on that as well. But resolution is

1 important to us, of course, for what I would  
2 hope would be obviously reasons.

3 ASSEMBLYWOMAN PAULIN: And about the  
4 penalty level, is that really needed? And  
5 what is it going to prevent? You know,  
6 are --

7 EXECUTIVE DIRECTOR DRISCOLL: Well,  
8 I --

9 ASSEMBLYWOMAN PAULIN: The  
10 misdemeanor A, you know, that seems high  
11 for -- so I just wondered if --

12 EXECUTIVE DIRECTOR DRISCOLL: Yeah, so  
13 I -- the truth is that I don't have an answer  
14 for whether it's too high or not. I'm not  
15 that conversant on the DMV law with respect  
16 to that.

17 ASSEMBLYWOMAN PAULIN: Mm-hmm. And,  
18 you know, as far as the open tolling, you  
19 know, I just -- I think we spoke last year  
20 and made the -- or we acknowledged that  
21 sometimes the violations are more money than  
22 the toll collection.

23 And I just wondered, you know, it must  
24 cost money -- or I know it costs money to

1 send out notices and do all that, so I just  
2 -- you know, so even though the collection  
3 might be high, I wondered, you know, how that  
4 balances out in terms of the cost of the  
5 agency and going after those.

6 EXECUTIVE DIRECTOR DRISCOLL: Yeah.  
7 So, you know, the fact of the matter is we  
8 largely collect -- I think our collection  
9 rates are -- with E-ZPass and even Tolls by  
10 Mail, is about 93 percent.

11 But yes, there's instances where we  
12 have to chase that 7 percent. That's kind of  
13 always in flux, right? Some people may  
14 choose to pay the first time that they get  
15 that bill, others may not. And for those  
16 that do not, yes, we pursue. Because quite  
17 honestly, it's not fair to everybody else who  
18 does pay their bills on time, or even a  
19 little bit late, but do pay.

20 There are people who would prefer not  
21 to pay. And so yes, we go after them. And  
22 we will always continue to do that. But  
23 that's why we're making, you know, a strong  
24 push to get as many people to have an E-ZPass

1 as possible; it makes it easier on everybody.  
2 It makes it easier on the consumer. From our  
3 end, we collect immediately, we don't have to  
4 chase anybody. It's important to our kind of  
5 financial cycle, if you will, in terms of  
6 collections, because we don't want to have to  
7 pursue 7 percent where, you know, that  
8 7 percent number is always in flux.

9 So enforcement is important. We will  
10 always have a strong level of enforcement.

11 ASSEMBLYWOMAN PAULIN: So I wondered  
12 if we could just get a cost analysis, maybe  
13 after this hearing, of how much it costs you  
14 to actually chase, so that we have a real  
15 understanding of, you know, what looks like a  
16 very large number might not be as large if we  
17 understood, you know, the complexity of the  
18 department's --

19 EXECUTIVE DIRECTOR DRISCOLL: Right.  
20 We don't sell our debt, so I don't believe  
21 that it's a very high number. But we'll pull  
22 something together for you.

23 ASSEMBLYWOMAN PAULIN: And my time is  
24 almost up, so -- I have one more fairly

1           lengthy question, so I'll wait till my next  
2           round.

3                     EXECUTIVE DIRECTOR DRISCOLL:   Okay.

4                     CHAIRWOMAN WEINSTEIN:   Senate?

5                     CHAIRWOMAN KRUEGER:   Thank you.

6                     Senator Leroy Comrie, chair of Public  
7           Authorities and Corporations.

8                     SENATOR COMRIE:   Thank you.

9                     Can you express to us in a little more  
10          detail what would happen with the Bridge  
11          Authority and the Thruway Authority?  And are  
12          both authorities operating in the black at  
13          this present time?  Are you concerned that  
14          the merger would create a stress on  
15          maintaining the tolls?  Could you explain if  
16          that would be so?

17                    EXECUTIVE DIRECTOR DRISCOLL:  I'm  
18          sorry, Senator, I'm not hearing you that  
19          well.

20                    SENATOR COMRIE:  I'm sorry.

21                    They're talking about -- well, you  
22          said earlier you really hadn't delved into  
23          the merger of the Bridge Authority into the  
24          Thruway Authority.

1 EXECUTIVE DIRECTOR DRISCOLL: Correct.

2 SENATOR COMRIE: So the concern -- is  
3 your Thruway Authority operating in the black  
4 at this present time?

5 EXECUTIVE DIRECTOR DRISCOLL: Yes.

6 SENATOR COMRIE: And you see in your  
7 next forecast that you would continue to  
8 operate in the black?

9 EXECUTIVE DIRECTOR DRISCOLL: Yes, we  
10 will be.

11 SENATOR COMRIE: And do you know if  
12 the Bridge Authority is operating in the  
13 black at the present time?

14 EXECUTIVE DIRECTOR DRISCOLL: I have  
15 not looked at their financial information  
16 yet, but my educated guess would be that they  
17 are. But it's not always just about that,  
18 it's about economies of scale. And so in  
19 terms of projects as an example, the more  
20 projects that you do, the greater kind of  
21 economies of scale that you may get on  
22 materials and other cost benefits.

23 So, you know, from an operations  
24 standpoint, as I've said, my understanding is

1           they've done a great job. I have no reason  
2           to disbelieve that whatsoever. But I do  
3           think that there's likely efficiencies to be  
4           had by a merger of both the Thruway Authority  
5           and the Bridge Authority.

6                        So I will be working in earnest with  
7           the leadership there moving forward.

8                        SENATOR COMRIE: I'm concerned about  
9           the Thruway Authority's ability to have  
10          meetings. So where do you hold your  
11          meetings? Where does the Thruway Authority  
12          hold its meetings?

13                       EXECUTIVE DIRECTOR DRISCOLL:  
14          Meetings? Our meetings? Yeah, well, we hold  
15          them in Tarrytown, we have them in Albany, we  
16          have a location in Syracuse. So we're  
17          frankly all over the state. So that's really  
18          not a concern, at least from my standpoint.

19                       SENATOR COMRIE: And your meetings are  
20          open public meetings in your --

21                       EXECUTIVE DIRECTOR DRISCOLL: Sure.

22                       SENATOR COMRIE: Okay. We had reached  
23          out to -- yeah, how much notice do you give  
24          to the public before you hold a meeting?

1 EXECUTIVE DIRECTOR DRISCOLL: How many  
2 what?

3 SENATOR COMRIE: How much notice do  
4 you give to the public before you hold a  
5 meeting?

6 EXECUTIVE DIRECTOR DRISCOLL: Well,  
7 our agenda -- as an example, for 2020, our  
8 dates are all published now, right through  
9 the year of 2020. So our calendar is  
10 published.

11 SENATOR COMRIE: I was concerned  
12 because last year -- last year I sent you a  
13 letter when we found out that you were going  
14 to look at holding a review of some of the  
15 Thruway comfort stations and looking at  
16 putting new vendors in, and we never saw a  
17 notice of that meeting. There were folks  
18 that were concerned about the types of  
19 vendors that were coming in to -- and whether  
20 or not certain vendors should have their  
21 contracts retained.

22 I never got an answer until last week,  
23 and I'm sure that those decisions had been  
24 made. So I'm concerned about how you're

1 posting the meetings. You know, something  
2 like that should have come to my office or  
3 should have come to either one of our  
4 offices. But when I checked, there was no  
5 notice of that meeting or decision. And the  
6 letter that you sent me frankly was a circle  
7 around, going back to my original question  
8 with no answer and with no -- nothing saying  
9 that a vendor had been selected or what your  
10 process is.

11 So I'm concerned about when you're  
12 noticing people and what that process is.

13 EXECUTIVE DIRECTOR DRISCOLL: Right.  
14 So, you know, we typically try to notice  
15 people several days in advance. I will  
16 acknowledge that there's been times where we  
17 haven't been good at that. But that's  
18 something that I'm undertaking internally, to  
19 ensure that we do.

20 But I want to go back to your letter,  
21 because I read the letter, the initial  
22 letter, and your initial letter was sent --  
23 I believe this was on the McDonald's --

24 SENATOR COMRIE: Yes.

1 EXECUTIVE DIRECTOR DRISCOLL: Yes.  
2 That was well after we had issued an RFP --  
3 and I can't speak about it today because  
4 we're still in that phase. But that was well  
5 after the RFP had been issued soliciting --

6 SENATOR COMRIE: My point is that you  
7 put out an RFP and you never noticed anyone.  
8 None of us -- none of my staff or the  
9 analysts here had gotten a notice about the  
10 RFP. We found out about it through a third  
11 party. So --

12 EXECUTIVE DIRECTOR DRISCOLL: We'll be  
13 happy to pull that information and give it to  
14 you.

15 SENATOR COMRIE: -- you said in the  
16 beginning that you have had some problems  
17 with noticing. I would hope that we clean  
18 that up.

19 EXECUTIVE DIRECTOR DRISCOLL: Sure.

20 SENATOR COMRIE: You've never reached  
21 out to my office for a meeting. You know,  
22 we've contacted you again on issues regarding  
23 E-ZPass, and I've been totally frustrated at  
24 the lack of response to try to help our

1 constituents that are being dropped into  
2 situations where they have to get loans to  
3 pay E-ZPass with.

4 EXECUTIVE DIRECTOR DRISCOLL: Well,  
5 I'm disappointed to hear that, because if  
6 you've reached out on any toll issues, I'm  
7 typically well aware of those -- and I'm not.  
8 You and many of your colleagues have turned  
9 to me when you've had constituents who've had  
10 problems, and we have addressed those  
11 immediately.

12 So if that's happened, I will  
13 apologize to you. I'm not aware that you did  
14 that. I'll take that up internally.

15 With respect to your McDonald's  
16 letter, as we stated, that was after the RFP.  
17 But we can discuss that as well in further  
18 detail if you'd like to.

19 SENATOR COMRIE: But you said that RFP  
20 is not closed yet, it's still pending?

21 EXECUTIVE DIRECTOR DRISCOLL: It is --  
22 nope, we have -- we are in negotiations. So  
23 it's not been awarded, so I'm really limited  
24 as to what I can discuss in this phase.

1           SENATOR COMRIE: Can you send us a  
2 copy of the RFP so that we can know at least  
3 what you are asking for?

4           EXECUTIVE DIRECTOR DRISCOLL: Sure.  
5 Sure.

6           SENATOR COMRIE: Okay. Another set of  
7 questions.

8           The Office of Toll Payer Advocate, is  
9 that totally established now? And how many  
10 staff are dedicated to that office?

11          EXECUTIVE DIRECTOR DRISCOLL: So we  
12 have a person -- actually, a toll-impacted  
13 employee who will be handling that function.

14          SENATOR COMRIE: One person?

15          EXECUTIVE DIRECTOR DRISCOLL: That's  
16 all we need. It's all done online.

17          SENATOR COMRIE: How many cases has  
18 that person resolved, do you have an idea?

19          EXECUTIVE DIRECTOR DRISCOLL: There's  
20 been no complaints in some time.

21          And I think this is a good, you know,  
22 point for me to talk a little bit about the  
23 history from cashless tolling.

24          SENATOR COMRIE: Okay.

1 EXECUTIVE DIRECTOR DRISCOLL: Because  
2 I think it will get to this whole issue.

3 You know, in '16 and '17 when cashless  
4 tolling was being implemented by the MTA and  
5 the Port Authority, and then of course at the  
6 Mario Cuomo Bridge, in its infancy there was  
7 a lot of challenges with cashless tolling.  
8 Why? Because it was new. You may recall  
9 when I first arrived at the Thruway  
10 Authority, the first thing we did was hit the  
11 reset button. And we did an amnesty program  
12 and started over.

13 But here we are now, four years later,  
14 and I can tell you directly that the number  
15 of complaints related to cashless tolling in  
16 the areas where we have cashless tolling --  
17 those seven barrier areas and the bridge --  
18 are significantly down. Why? Because of the  
19 education process that -- and that early bit  
20 of pain -- but the education process that's  
21 taken place since then.

22 And as I mentioned in my remarks, we  
23 will have a very robust education and  
24 outreach campaign this year as well because,

1 as I say, at the end of this year the system  
2 will be fully implemented to cashless  
3 tolling.

4 So there are very little complaints,  
5 quite honestly. And the complaints that I  
6 get are from you and your colleagues, which  
7 we handle directly and try to take care of  
8 right away. So the complaint numbers are way  
9 down.

10 SENATOR COMRIE: I would have to take  
11 umbrage with that. We still have many  
12 constituents that are having bills that are  
13 coming to them in thousands of dollars  
14 because of fines and fees. I have many  
15 commuters that because of the process and the  
16 system, they're not getting notice until the  
17 end of the month, after they've already been  
18 knocked out of the system and been then given  
19 fines and fees that they're not aware of  
20 until 30 days after.

21 So I would really want to drill down  
22 on how you're processing those and when the  
23 cutoff date is --

24 EXECUTIVE DIRECTOR DRISCOLL: Sure.

1 Sure.

2 SENATOR COMRIE: -- and what the  
3 notification and response is to people.  
4 Because, you know, a lot of folks, their  
5 credit card changes during the year that  
6 they've -- for processing it, and --

7 EXECUTIVE DIRECTOR DRISCOLL: Well,  
8 you know, Senator, we're all responsible for  
9 our own actions and --

10 SENATOR COMRIE: Right. Well, most of  
11 them are put on for over 30 days --

12 EXECUTIVE DIRECTOR DRISCOLL: The fact  
13 of the matter is, if I may --

14 SENATOR COMRIE: -- until their bills  
15 come in --

16 EXECUTIVE DIRECTOR DRISCOLL: You know  
17 what, the fact is is the --

18 SENATOR COMRIE: -- and then that  
19 30-day -- I -- I'm sorry, I was speaking.  
20 You spoke over me. I don't normally speak  
21 over people.

22 EXECUTIVE DIRECTOR DRISCOLL: Okay.

23 SENATOR COMRIE: But, you know, many  
24 constituents don't find out until their next

1 bill, which is 30 days later. And within  
2 that period, they're winding up with major  
3 fines and fees. So that the process of  
4 notification to constituents that have been  
5 paying on a regular basis and haven't been  
6 paying is something that we need to drill  
7 down into. Because a lot of people are going  
8 into financial distress. And most people  
9 don't have \$10,000 in their account to pay  
10 fines.

11 EXECUTIVE DIRECTOR DRISCOLL: Right.  
12 So the notification process is they don't get  
13 a bill until 30 days after that they go  
14 through a crossing. So the major fine that  
15 you're speaking of is \$5.

16 Many times what we've learned is  
17 people have not changed their DMV  
18 registration. If they've moved, they haven't  
19 notified the DMV of their new address.

20 One of the problems in the past was  
21 they simply weren't opening the envelope, and  
22 people made the argument that they didn't  
23 know it was a bill, a toll bill.

24 So we've changed all of those. But

1 the notification process is if they go  
2 through a Toll by Mail crossing, they get a  
3 bill in 30 days. That's the first bill. If  
4 they don't pay it, we send them another bill  
5 within another 30 days. Now you're at  
6 60 days. If they don't pay that, now we send  
7 them the final bill, which is about a hundred  
8 days later, and that's where you would have a  
9 \$50 fee assessed on that final bill, which  
10 would be nearly a hundred days after they  
11 went through the toll crossing.

12 SENATOR COMRIE: Can you send us that  
13 process in writing, and --

14 EXECUTIVE DIRECTOR DRISCOLL: Sure.  
15 Be happy to give it to you.

16 SENATOR COMRIE: -- copies of the  
17 envelope that is sent to the constituents?

18 EXECUTIVE DIRECTOR DRISCOLL: Sure.  
19 Yup.

20 SENATOR COMRIE: And I'll get back to  
21 you with specifics, because I know my  
22 colleagues still have many constituents that  
23 are getting reamed by this process.

24 EXECUTIVE DIRECTOR DRISCOLL: Sure.

1                   SENATOR COMRIE: I'll come back for a  
2 second round.

3                   CHAIRWOMAN KRUEGER: Thank you.  
4 Assembly.

5                   EXECUTIVE DIRECTOR DRISCOLL: Happy --  
6 happy to do that.

7                   CHAIRWOMAN WEINSTEIN: Assemblyman  
8 Magnarelli, chair of the Transportation  
9 Committee.

10                  ASSEMBLYMAN MAGNARELLI: Welcome.

11                  EXECUTIVE DIRECTOR DRISCOLL: Good to  
12 be here.

13                  ASSEMBLYMAN MAGNARELLI: How are you,  
14 Commissioner?

15                  EXECUTIVE DIRECTOR DRISCOLL: Great.

16                  ASSEMBLYMAN MAGNARELLI: God, I  
17 haven't seen you in a long time.

18                  EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
19 it's been a week.

20                  (Laughter.)

21                  ASSEMBLYMAN MAGNARELLI: I've got  
22 three questions. The first one is more of a  
23 statement, because many of my colleagues have  
24 already cornered me on it, and that's the

1 Bridge Authority and the Thruway Authority  
2 merger, or whatever you want to call it. And  
3 these are coming from people in that area  
4 along the Hudson, okay, where this is going  
5 to have a major effect on people that have to  
6 go across that bridge all the time. And it's  
7 very local.

8 I just -- I want to make that really  
9 clear. It's a local problem. Or not a  
10 problem. That's the point. There's no  
11 problem, it's not broken. They like the  
12 bridges. The bridges have been maintained.  
13 The bridges are in good shape. If it ain't  
14 broken, why are you trying to fix it?

15 I understand what you're saying about,  
16 you know, scale. But the things you want to  
17 put in could still be put in under the Bridge  
18 Authority. It doesn't need to be merged in  
19 with the Thruway Authority.

20 And I think a lot of these local  
21 representatives, you know, the Assembly  
22 members especially who have talked to me are  
23 very concerned that this is going to be put  
24 into a much bigger authority and they're

1 going to lose whatever, you know, feeling  
2 people have for those bridges.

3 I've got to tell you, being up and  
4 down the Hudson, I've seen the bridges, I've  
5 traveled on the bridges. They're beautiful.  
6 I don't know why we're even touching them.  
7 They're in good shape.

8 So I just wondered -- I want you to be  
9 aware of that.

10 EXECUTIVE DIRECTOR DRISCOLL: Well,  
11 I -- may I --

12 ASSEMBLYMAN MAGNARELLI: Absolutely.

13 EXECUTIVE DIRECTOR DRISCOLL: So thank  
14 you. And I would agree with what you're  
15 saying, they're operated wonderfully.

16 The thing I would say to people is I  
17 don't believe that people are going to see  
18 any difference. It should be a very seamless  
19 transition should this go through. The same  
20 people who are working there that may have an  
21 emblem that says the Bridge Authority will  
22 just say the Thruway Authority. None of  
23 that's going to change.

24 ASSEMBLYMAN MAGNARELLI: I -- I think

1           it's --

2                   EXECUTIVE DIRECTOR DRISCOLL:   So I  
3           think it's --

4                   ASSEMBLYMAN MAGNARELLI:   -- more of an  
5           accountability to the local entities, to the  
6           local people that are there.  Whereas if it  
7           gets into the Thruway Authority, it's more  
8           like a big, nebulous -- a bigger  
9           organization.  And -- you know, and I think  
10          that's their problem.

11                   EXECUTIVE DIRECTOR DRISCOLL:   I can  
12          appreciate that.

13                   ASSEMBLYMAN MAGNARELLI:   I've got two  
14          other questions, Commissioner.  Yeah.

15                   One deals with -- and I should have  
16          asked the Department of Transportation this,  
17          but I'm going to get your -- your feeling  
18          too.  Legislation proposed in the Executive  
19          Budget would allow trucks to operate on local  
20          routes in proximity to the Thruway in order  
21          to access Thruway tandem lots.  This has to  
22          do with your changing the tolls and  
23          everything else.

24                   EXECUTIVE DIRECTOR DRISCOLL:   That's

1 correct.

2 ASSEMBLYMAN MAGNARELLI: What's your  
3 feeling on that?

4 EXECUTIVE DIRECTOR DRISCOLL: Well, I  
5 think it's important that we do everything we  
6 can to support the freight industry. It's a  
7 big part of New York State's economy. But  
8 where -- in the very few instances where we  
9 may need to access local roads for  
10 configuration of those tandem lots, safety is  
11 the first and most important thing.

12 ASSEMBLYMAN MAGNARELLI: Is it  
13 something that the Thruway Authority could do  
14 itself by creating a road for them or  
15 something? I know there's a lot of land  
16 around these Thruway exits.

17 EXECUTIVE DIRECTOR DRISCOLL: We don't  
18 want to place any costs on a local community.  
19 So whatever the configuration needs may be,  
20 or the access to a particular area, would be  
21 borne by the Thruway Authority, of course,  
22 not local government.

23 ASSEMBLYMAN MAGNARELLI: Well, I think  
24 it's more than just what the cost is to put

1 it in, it's also the safety of having  
2 these --

3 EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
4 that's what I'm saying.

5 ASSEMBLYMAN MAGNARELLI: -- tandem  
6 trucks on the road or -- and something that I  
7 think we really have to take a good look at  
8 going down the road.

9 EXECUTIVE DIRECTOR DRISCOLL: And I  
10 want to say that we are -- and again, we are  
11 very mindful of, you know, the impact,  
12 potential impact on some, the few -- very  
13 few -- local roads that this could happen at.  
14 But we also want to make sure that we're  
15 supporting the freight industry as well. So  
16 it's a big part of -- as I'm sure you can  
17 understand --

18 ASSEMBLYMAN MAGNARELLI: Well, I'm for  
19 that too. I'm for that too.

20 EXECUTIVE DIRECTOR DRISCOLL: --  
21 they're, you know, kind of business-minded.

22 ASSEMBLYMAN MAGNARELLI: And now I'm  
23 going to ask you for something personal: 81  
24 and Thruway tolls. When we get into it and

1 we start doing 81, it would be very, very  
2 beneficial to be able to knock down the  
3 Thruway tolls in the Syracuse area that we  
4 could get cars on the Thruway and keep them  
5 off of that construction area, so to speak.

6 I would hope that the Thruway  
7 Authority would take a good look at this.  
8 I've proposed these bills in the past; they  
9 basically haven't gone anywhere with the  
10 Governor. But I think in this situation -- I  
11 hope it will be looked at again.

12 EXECUTIVE DIRECTOR DRISCOLL: Okay.

13 ASSEMBLYMAN MAGNARELLI: Thank you.

14 EXECUTIVE DIRECTOR DRISCOLL: Thank  
15 you.

16 ASSEMBLYMAN MAGNARELLI: Thank you,  
17 Commissioner.

18 CHAIRWOMAN WEINSTEIN: Senate.

19 CHAIRWOMAN KRUEGER: Thank you.  
20 Senator Kennedy.

21 SENATOR KENNEDY: Thank you,  
22 Commissioner, once again. And I will also  
23 thank you really for your leadership in the  
24 various positions that you've held in state

1 government that I've been here. And I think  
2 you're doing a tremendous job, and the work  
3 that you've done with me. You've been  
4 extremely responsive at all times of the day  
5 and night and have been there when necessary.  
6 So again, thank you for your leadership and  
7 your continued work on behalf of the people  
8 of New York.

9 Obviously there's a lot of questions  
10 to be answered as it pertains to the tolling.  
11 The rollout was a mess. It sounds like  
12 you've gotten a handle on it. Obviously some  
13 questions remain. Can you provide, as it  
14 pertains to the Western New York region and  
15 the high-speed tolling implementation, a  
16 timeline that we can look forward to for the  
17 full-scale implementation of the high-speed  
18 tolls.

19 EXECUTIVE DIRECTOR DRISCOLL: So it's  
20 a design-build project and it's being done at  
21 different segments all across the system. So  
22 in Western New York -- it will all be done by  
23 the end of 2020. And there's kind of moving  
24 parts with the placement of gantries and so

1           forth. Some will actually start as soon as a  
2           few weeks from now just south of here, on 87.  
3           Some, because of predicted weather, will  
4           start a little later in Western New York.  
5           You know, there's better weather to work with  
6           south of Albany.

7                         But at the end of the day it will all  
8           be completed at the end of 2020. Because the  
9           system all needs to be activated at the exact  
10          same time. We can't just turn on one portion  
11          of it, we have to activate the entire system  
12          at the exact same time. So when we flip that  
13          switch, it all has to work and it all has to  
14          be at the exact same time.

15                        SENATOR KENNEDY: Thank you. I want  
16          to talk a little bit about the Thruway  
17          stabilization funds. The capital plan  
18          projects about \$213 million in systemwide  
19          projects supported by these particular funds.  
20          Do you have a a breakdown of what projects  
21          will be supported by the funds?

22                        EXECUTIVE DIRECTOR DRISCOLL: I don't  
23          have a site-specific breakdown. I can get  
24          you that. But again, it's -- you know, this

1 year, our capital plan is 533 million. Half  
2 of that will go to support cashless tolling;  
3 the other half will be broken up, you know,  
4 across the system in projects -- bridges,  
5 road reconstruction, full depth replacement  
6 in the Seneca Nation, as an example. Culvert  
7 work, et cetera. So we can provide that to  
8 you.

9 SENATOR KENNEDY: Great, and  
10 exactly -- you led right into what I was  
11 going to ask you next, and that's regarding  
12 the capital obligations regarding the  
13 reconstruction work, the bridge work and  
14 that.

15 Can you talk a little bit about the  
16 plan as far as addressing the aging bridges  
17 and the infrastructure particular to the  
18 Thruway Authority?

19 EXECUTIVE DIRECTOR DRISCOLL: Right.  
20 So we have about 814 bridges across the  
21 system, and so we use an asset management  
22 program to identify critical needs and we try  
23 to, you know, list those out in terms of a  
24 triage approach, right -- what's the most

1 critical. Working, you know, kind of from  
2 the most need to the least.

3 Our goal is to get not only our  
4 bridges but our roadway surface into a  
5 position where it's in good condition.  
6 Because the longer that we can stabilize  
7 that, the less expensive it will be for the  
8 authority.

9 As an example, we're using local  
10 resources in divisions, like the Buffalo  
11 division and others, where we have our own  
12 maintenance forces going out and doing deck  
13 work and others that historically may have  
14 been bid out. It's a good use for our own  
15 resources. It's frankly a good resource  
16 because it's a morale builder for our  
17 personnel. And we're able to elongate a  
18 bridge deck and a bridge replacement program  
19 by 25 years.

20 So, you know, we're making do with  
21 what we have. And I want to emphasize again  
22 we don't get, you know, taxpayer support.  
23 This whole system is completely operated and  
24 maintained by tolls only. We don't get

1 federal funding. So we're very site-specific  
2 on where we spend our resources, and we try  
3 to do that in a very strategic way.

4 SENATOR KENNEDY: Thank you. And  
5 again, just referring back to your  
6 leadership, as a former mayor of Syracuse,  
7 you recognize the hands-on approach that has  
8 to be taken. I think you've done that. Part  
9 of this is in implementing your vision within  
10 the authority.

11 As it pertains to rolling out these  
12 projects for RFP and just through the regular  
13 bid process, do you take into consideration  
14 the weather and the events that we have to  
15 deal with, especially in upstate? Because  
16 with the DOT we've actually had to roll out  
17 an entirely separate focus on the western  
18 region because of the timing for construction  
19 projects.

20 Can you talk a little bit about that  
21 and what you do at the Thruway Authority?

22 EXECUTIVE DIRECTOR DRISCOLL: Yeah. I  
23 mean, clearly we do. And, you know, like now  
24 is our planning time because we're clearly

1 not going to be, you know, doing road work  
2 unless it's an emergency during the winter  
3 months.

4 So all of our lettings and our program  
5 is designed trying to capture that critical  
6 six-month window, if you will. You know,  
7 there's two seasons, winter and construction  
8 season, right? And so we absolutely take  
9 into account the weather conditions.

10 Again, I'll go back to the Seneca  
11 Nation. You know, we knew that that was --  
12 and it turned out to be a much bigger project  
13 than we had initially thought, because we  
14 hadn't been able to get in there for many  
15 years. But the plan was two-phased, because  
16 I knew we would never be able to complete  
17 that work in this year. And so we got in, we  
18 made that section of the Thruway certainly  
19 much smoother, but now much safer as well.

20 And so in the spring when we know  
21 we're going to have better weather and we've  
22 got a really good construction season, we're  
23 going to be doing a complete rebuild, full  
24 depth all the way down. And so we planned

1 that purposely because, you know, we'd be  
2 pushing resources to try to do something too  
3 quick in the late summer/fall months into the  
4 winter. Very risky.

5 CHAIRWOMAN KRUEGER: Thanks,  
6 Commissioner, I'm going to have to --

7 EXECUTIVE DIRECTOR DRISCOLL: And so  
8 you want to make sure you do that because  
9 those weather conditions impact your product.  
10 Right? Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.  
12 Assemblyman Otis.

13 ASSEMBLYMAN OTIS: How are you doing?  
14 Nice to see you.

15 EXECUTIVE DIRECTOR DRISCOLL: Good.  
16 Good to see you again, Assemblyman.

17 ASSEMBLYMAN OTIS: I represent the  
18 corner of New York State that includes the  
19 very big Last Mile project. And the  
20 project -- it's a complicated project, a lot  
21 of work going on. But the project would  
22 appear to be actually ahead of schedule and  
23 going quite well.

24 So I'd ask you if lessons learned of

1           what's going on there that you're using in  
2           other parts of the state to make that happen.  
3           And before you answer that, I would also just  
4           convey the appreciation for my constituents  
5           and my office in terms of dealing with your  
6           folks. Because it's a complicated project.  
7           As problems come up, the response from your  
8           team and especially Todd Gold in your office  
9           has been tremendous, because -- and also,  
10          working with the contractors, ECCO II has  
11          been very good. But when there are problems  
12          that come up from constituents, they are  
13          responded to immediately, and that is  
14          tremendous. I want you to hear that.

15                 But lessons learned for being able to  
16          make things come in on time like that.

17                 EXECUTIVE DIRECTOR DRISCOLL: Well --  
18          and thank you. And I want to say that I try  
19          to pride myself on that communication and  
20          that connection piece, which is why I'm  
21          disappointed hearing Senator Comrie's  
22          experience, which I will fix.

23                 You're right, the Last Mile project is  
24          a big, huge project. It's a very noisy

1 project. I have been there multiple times  
2 myself. And it sounds simple, but really  
3 what we have done is we've placed kind of an  
4 additional layer, if you will, of oversight  
5 on it. Namely, I picked someone and told  
6 them that they are going to be on that  
7 project 24/7 to make sure it gets done and it  
8 gets done on time.

9           There's always going to be problems.  
10 You're going to experience challenges. That  
11 happens, you know that from your local  
12 government experience. But we try to emulate  
13 that now across the board, whether it's an  
14 outreach from Todd and the staff at the  
15 Thruway, who do that, but more importantly  
16 for our program and project managers to be  
17 more hands-on, to essentially put a stake in  
18 the ground, if you will, and be present and  
19 make sure that the contractors or vendors who  
20 may be doing this work for us understand  
21 there are expectations. And the public of  
22 course deserves their expectations to be met.  
23 And we try to do that both from an  
24 administrative end and a financial end as

1 well.

2 As I say, our resources are limited.  
3 You know, we live off of our tolls. And so  
4 there's a lot of work to be done, so every  
5 dime counts and time is money. And so we're  
6 trying to really focus on that. I think it's  
7 working across the system, we're seeing  
8 better results, but I still think that  
9 there's room for improvement.

10 ASSEMBLYMAN OTIS: Well, thank you.  
11 You say it takes a mayor to get that done,  
12 so --

13 EXECUTIVE DIRECTOR DRISCOLL: It's  
14 boots on the ground. I know you know that  
15 well also.

16 ASSEMBLYMAN OTIS: Thank you very  
17 much.

18 EXECUTIVE DIRECTOR DRISCOLL: Thank  
19 you.

20 CHAIRWOMAN KRUEGER: Senator Jim  
21 Seward.

22 SENATOR SEWARD: Thank you,  
23 Madam Chair.

24 And Mr. Driscoll, I just want to thank

1           you for being here this evening and also take  
2           this opportunity to thank you for your  
3           responsiveness, whether -- in your various  
4           roles you've had in state government -- the  
5           EFC, DOT, and of course now the Thruway  
6           Authority. Have I missed any in there?

7                     EXECUTIVE DIRECTOR DRISCOLL: No,  
8           you've gotten them all. That's plenty.

9                     SENATOR SEWARD: And you've always  
10          been very responsive, and great service to  
11          the people of the state, and always very  
12          helpful whenever we've called upon you.

13                    I just had one question regarding the  
14          Governor Mario M. Cuomo Bridge. Now that the  
15          bridge is complete, can you share with us  
16          what the total cost of this new bridge was?  
17          And when does the authority plan on releasing  
18          a full accounting report for this project?

19                    EXECUTIVE DIRECTOR DRISCOLL: So  
20          before I answer that, let me -- I just want  
21          to take a second to thank you. Because, you  
22          know, you've mentioned the three  
23          opportunities that I've had. And, you know,  
24          I've worked with you for going on 10 years.

1 And you've always been a gentleman. I read  
2 you're going to be moving on. I wish you  
3 well.

4 But I thank you for your graciousness.  
5 Over the course of years of my experience  
6 with you, you've always been a real gentleman  
7 and I appreciate that.

8 So as I -- what I said was -- is the  
9 two spans of the bridge are open to traffic.  
10 The project is not done. We're still working  
11 on -- the consortium is still working on and  
12 completing the shared-use path portion. That  
13 won't be until very late this spring, early  
14 this summer.

15 It does remain within budget. And  
16 when the bridge is fully turned over to the  
17 Thruway Authority, we'll have a full  
18 accounting of that, but we remain within  
19 budget.

20 SENATOR SEWARD: Can you share what  
21 that budget is?

22 EXECUTIVE DIRECTOR DRISCOLL: \$3.98  
23 billion.

24 SENATOR SEWARD: Three-point-nine-

1 eight, okay. Thank you.

2 EXECUTIVE DIRECTOR DRISCOLL: Thank  
3 you.

4 CHAIRWOMAN KRUEGER: Assembly.

5 CHAIRWOMAN WEINSTEIN: Assemblywoman  
6 Williams.

7 ASSEMBLYWOMAN WILLIAMS: Thank you,  
8 Madam Chair.

9 This is a partial question, partial  
10 statement. In regards to the new initiatives  
11 to increase the tolls for commercial vehicles  
12 by 31 percent for 2021 and then an additional  
13 30 percent in 2022, how is this toll increase  
14 going to impact the trucking industry, our  
15 farmers and other retailers that rely on  
16 trucks to transport their merchandise?

17 EXECUTIVE DIRECTOR DRISCOLL: And  
18 that's a great question. Thank you.

19 So we are very mindful of the economic  
20 impact that the bridge has in the region.  
21 There's been tremendous growth and activity  
22 in the entire corridor, and in particular in  
23 the metro area. And we wanted to make sure  
24 that we also, you know, are mindful of the

1 residents there. I had mentioned that, you  
2 know, we had two public hearings in  
3 Westchester and Rockland, and one of the  
4 things that people talked about, you know,  
5 was the truck traffic. Which, you know, it's  
6 there, there's two facilities, really,  
7 there's that or the George Washington.

8 So we have aligned our pricing  
9 structures, as you point out, for commercial  
10 traffic, where there's an increase, but it's  
11 frankly significantly still far less than  
12 what they face at the GW.

13 As an example, in 2021 at a peak hour,  
14 that number would go from about \$32 to cross  
15 to about \$44 and change. And then in 2022,  
16 that number would get upwards of about \$55,  
17 \$56, but still far below the GW, which is at  
18 a minimum of 90.

19 So, you know, we have to balance the  
20 needs of that. I think we've done that and  
21 we've done that fairly, and still allow for  
22 people an opportunity to affordably use the  
23 crossing.

24 ASSEMBLYWOMAN WILLIAMS: As

1 New Yorkers, you know, we always pride  
2 ourselves about eating local, local  
3 businesses, local farms. And, you know, on  
4 average it takes about 1500 miles to -- you  
5 know, from farm to plate and so forth. And  
6 it's really concerning because, you know, in  
7 the future are we really setting up ourselves  
8 for vendors to be looking at cheaper costs  
9 out of state because of these rising costs in  
10 tolls?

11 So I don't know if that's something  
12 that we can take up in the future because  
13 again, if the tolls are being raised, I'm  
14 sure it's going to one day trickle down to  
15 the farmer. With the farmer not being able  
16 to transport his goods to the local  
17 supermarkets or wherever in New York State,  
18 then that cost then comes down to the  
19 consumer as well.

20 EXECUTIVE DIRECTOR DRISCOLL: Right.  
21 Well, that's true. And we're mindful of  
22 that. That's why I say that the kind of  
23 pricing schedule that we've put in place  
24 takes that into order.

1           But we've also held the line for  
2           10 years on any toll increases on the  
3           Thruway. It's always been a good buy. It's  
4           still a good buy, even with this modest  
5           increase. And so we're mindful of the impact  
6           that we have on the economy and try to  
7           balance that as we, you know, think about  
8           these things moving forward.

9           ASSEMBLYWOMAN WILLIAMS: So after  
10          these two increases go into effect, do we see  
11          any tolls increases again after that?

12          EXECUTIVE DIRECTOR DRISCOLL: I'm not  
13          going to speculate on what that may be. As I  
14          said, the -- the -- this toll increase, we  
15          have sufficient revenues to carry us through  
16          the end of 2024.

17          You know, one of the things that when  
18          you talk about, you know, financing and  
19          looking at opportunities, we actually just --  
20          we have a lot of tools at our disposal. As  
21          an example, we just refinanced an old debt  
22          and we saved \$328 million. And that's real  
23          money.

24          And so it's those types of strategies

1 that we will continue to utilize even going  
2 forward, because we will have other recurring  
3 debts, bond series that will be coming due --  
4 and use those as we think about what the  
5 future looks like. But for now, I think  
6 people can rest assured that our debt is  
7 covered, the tolls that were in place are  
8 what is being proposed through 2022.

9 By the way, tolls remain flat through  
10 this year, there's no toll increase through  
11 2020. And the toll increases will only be  
12 till 2022.

13 ASSEMBLYWOMAN WILLIAMS: Right. I  
14 just want us to, you know, take into  
15 consideration in the future that our  
16 commercial businesses and truckers, that they  
17 are a very essential part of our day-to-day  
18 activity and business for our great state.

19 So I just want to have them into  
20 consideration. Thank you.

21 EXECUTIVE DIRECTOR DRISCOLL: And I  
22 agree. They're a big part of the Thruway,  
23 and the freight industry is hugely a part of  
24 the New York State economy.

1                   CHAIRWOMAN KRUEGER:  Senator Sue  
2                   Serino.

3                   SENATOR SERINO:  Thank you, Madam  
4                   Chairwoman.

5                   And thank you, Commissioner Driscoll.

6                   So I hail from the Hudson Valley, and  
7                   so my concern, of course, is the Bridge  
8                   Authority and the Thruway.  I'm always  
9                   supportive of government consolidation if  
10                  it's going to spur efficiency and reduce  
11                  costs.  But our area in the Hudson Valley, as  
12                  you see, we have big authorities like the  
13                  MTA, and you've seen what's happened with  
14                  that.  And that's really scary to all of us,  
15                  that we'll be treated like outsiders once  
16                  again.

17                  And I know that you had said that you  
18                  didn't really delve into the consolidation  
19                  portion of this yet.  So I just want to put  
20                  my questions on record, and then maybe we can  
21                  follow up after.  You might have some answers  
22                  right now for some of this.

23                  But can you point to anything in the  
24                  proposal that would prevent the tolls

1 collected on the bridges in the Hudson Valley  
2 from being used to subsidize the Thruway  
3 Authority? And I'll follow up with also, if  
4 the goal of consolidation is to save costs  
5 through the consolidation, can you give me  
6 any guarantee that the savings achieved would  
7 be used to actually reduce the cost of tolls  
8 on the bridges?

9 EXECUTIVE DIRECTOR DRISCOLL: Right.  
10 So the first thing I would say is -- and I  
11 might have missed your last part of your  
12 question -- is on the toll piece, which is,  
13 you know, we would need to be and would be  
14 very mindful of previous debt that the Bridge  
15 Authority has.

16 And so that the revenues that are  
17 collected to satisfy that debt are very  
18 important. Why? Because there are covenants  
19 that surround that and protect those  
20 investments -- outside investors buy your  
21 debt, and they invest into that facility.  
22 Those would need to be walled off to ensure  
23 that there's no disruption to that.

24 I understand from a local perspective

1           why people might be skittish at this. What I  
2           said at the beginning is is that I haven't  
3           delved into it yet, because I haven't. But I  
4           intend to. I actually have staff starting to  
5           do some work. I'll be reaching out to the  
6           acting director to speak with her as well.

7                     In my mind as I see this, I see this  
8           as a very seamless transition. I don't see  
9           this as the Thruway Authority coming in and  
10          taking resources away, because those  
11          facilities are very important to the users  
12          and to the Hudson Region that use them every  
13          day.

14                    The only thing I see really changing  
15          would be the patch on somebody's arm that may  
16          say the Bridge Authority to the Thruway  
17          Authority. The men and women who have been  
18          doing that job will still continue to need to  
19          do that job. I don't see that changing.

20                    SENATOR SERINO: That's good.

21                    The way I read the proposal also, the  
22          potential cost savings that I can see being  
23          generated from the consolidation would come  
24          from sharing the burden of transitioning to

1 electronic tolling. Is there anything in law  
2 or anywhere else that would prevent the two  
3 authorities from actually sharing services  
4 now?

5 EXECUTIVE DIRECTOR DRISCOLL: I don't  
6 think that there's anything in law.

7 But why -- you know, one -- one  
8 comment would be, as an example, since you're  
9 going to go to all-electronic tolling, why  
10 recreate the wheel? We already do it and we  
11 have it, and we have staff that does it.  
12 It's a very large undertaking.

13 And so that right there is an  
14 efficiency. I certainly couldn't at this  
15 point place a dollar amount on it. But I  
16 think that there's economies of scale that  
17 can be had and still provide the same quality  
18 level of service to the residents and the  
19 users of the Hudson Valley that use those  
20 facilities.

21 And I'm happy to meet with you as well  
22 to discuss this.

23 SENATOR SERINO: I would love that.

24 EXECUTIVE DIRECTOR DRISCOLL: Sure.

1           SENATOR SERINO: I also notice that  
2           the consolidation proposal would give only  
3           one board member -- because, you know, we  
4           deal with this with the MTA -- one board  
5           member to eight counties. So that's a really  
6           large geographic area. And with the MTA,  
7           we're called the quarter-pounders. So we  
8           really would like to have equal  
9           representation.

10           And I just want -- the other question  
11           I had was about the Walkway over the Hudson,  
12           because I'm concerned with that too. you  
13           know, that -- it's a beautiful walkway, we  
14           have people come from all over the world,  
15           plus our residents that use it too.

16           I would want to see -- and I want to  
17           just put it on your radar, because I wouldn't  
18           want to see funding that goes to the walkway  
19           now being used to go away from the walkway  
20           and used towards the Thruway.

21           EXECUTIVE DIRECTOR DRISCOLL: And I've  
22           used that myself. It's fantastic, and for  
23           good reason.

24           I would say to you nothing would

1 change that would harm any of that. That is  
2 a major tourism anchor there. We want that  
3 to continue for the region. It's a fantastic  
4 draw. So there would be no adverse impacts  
5 whatsoever from the Thruway Authority if the  
6 Thruway Authority was in fact, you know,  
7 leading that.

8 I see the same level of standards,  
9 frankly, potentially improved. And so to  
10 partner with the Parks Department and the  
11 county to make sure that facility continues  
12 to be a major draw and magnet that it is  
13 today.

14 SENATOR SERINO: Okay, good. And I  
15 look forward to talking to you afterwards  
16 too. Thank you.

17 EXECUTIVE DIRECTOR DRISCOLL: I  
18 will -- I will set something up, and we will  
19 visit.

20 SENATOR SERINO: Great. Thank you,  
21 Commissioner.

22 EXECUTIVE DIRECTOR DRISCOLL: I just  
23 -- I should say on this as well, you know, I  
24 do intend to be present, not an absentee

1 landlord, so to speak. So I would make  
2 myself there so that I get to know people and  
3 that there's a real connection going forward.  
4 I wouldn't just be sitting here in Albany.  
5 As I do now, I visit all of our divisions  
6 across the state, and I stay in tune with  
7 what each of those divisions does each and  
8 every day. And I would do the same, should  
9 this move forward as well, with the  
10 authority.

11 SENATOR SERINO: Okay. All right.  
12 And I just wanted to follow up, because you  
13 didn't guarantee that the funds from the  
14 bridges wouldn't be used to subsidize the  
15 Authority, correct?

16 CHAIRWOMAN KRUEGER: Sue, your time is  
17 up, I'm sorry.

18 SENATOR SERINO: I'll follow up with  
19 you afterwards.

20 EXECUTIVE DIRECTOR DRISCOLL: I'll set  
21 a meeting up. Be happy to visit.

22 SENATOR SERINO: Thank you. I  
23 appreciate it. Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you. Now

1 we go to the chair of Corporations, Amy  
2 Paulin, for her second time.

3 ASSEMBLYWOMAN PAULIN: Actually, my  
4 lengthy question was asked, so I have a very  
5 short one. Regarding the open-road tolling  
6 system, just when and how are law enforcement  
7 notified? Are they notified automatically  
8 when there's violations, unregistered  
9 vehicles? Like how does it work, the link to  
10 law enforcement, exactly?

11 EXECUTIVE DIRECTOR DRISCOLL: So it's  
12 a process that's generated out of our  
13 division, if you will, for all electronic  
14 tolling. It's a process that's ignited  
15 there, and DMV is notified, along with the  
16 State Police.

17 ASSEMBLYWOMAN PAULIN: And just as a  
18 follow-up, how many violators have you  
19 reported to DMV, for example, you know, in  
20 this -- you know, in --

21 EXECUTIVE DIRECTOR DRISCOLL: They've  
22 dropped significantly. I don't have a number  
23 for you. I don't know the number. But I  
24 know that they have dropped significantly.

1           You know, one of the things that when  
2 we changed -- back in 2017, the fine rate was  
3 \$100. And so when we did the amnesty  
4 program, we also changed that to 50. And so  
5 that had a big impact as well.

6           But as I pointed out, you know, when I  
7 answered the question previously, the  
8 enforcement piece is important. And you have  
9 to have that for that 7 percent or so that  
10 you might be chasing. But largely our  
11 numbers have dropped on suspensions, I just  
12 don't have a number.

13           ASSEMBLYWOMAN PAULIN: Thank you.

14           CHAIRWOMAN WEINSTEIN: Thank you.

15           Senate?

16           CHAIRWOMAN KRUEGER: Thank you.

17           Senator John Liu.

18           SENATOR LIU: Thank you, Madam Chair.

19           And thank you, Director Driscoll, for  
20 joining us. So there's this proposal to  
21 merge the Bridge Authority with the  
22 Thruway Authority. I gather you --

23           EXECUTIVE DIRECTOR DRISCOLL: Heard  
24 about it, yes.

1                   SENATOR LIU: You think it's a good  
2                   idea?

3                   EXECUTIVE DIRECTOR DRISCOLL: I think  
4                   any time that you can create efficiencies and  
5                   economies of scale, it largely turns out to  
6                   be a very good idea, yes.

7                   SENATOR LIU: So one of the advantages  
8                   that's being touted is that it will shore up  
9                   the Thruway's finances.

10                  EXECUTIVE DIRECTOR DRISCOLL: I  
11                  haven't heard that. That's -- that's not the  
12                  goal.

13                  SENATOR LIU: That's not the goal.

14                  EXECUTIVE DIRECTOR DRISCOLL: To shore  
15                  up the Thruway's finances? No. The Thruway  
16                  is in the black and operates very well, very  
17                  efficiently. We're on solid footing.

18                  SENATOR LIU: Well, that's -- I guess  
19                  you've been touting the fact that the tolls  
20                  haven't been increased in 10 years. But  
21                  there are plans to increase the tolls.

22                  EXECUTIVE DIRECTOR DRISCOLL: That's  
23                  correct.

24                  SENATOR LIU: Significantly.

1 EXECUTIVE DIRECTOR DRISCOLL: I  
2 wouldn't suggest 50 cents a year is  
3 significant.

4 SENATOR LIU: Well, 50 cents --

5 EXECUTIVE DIRECTOR DRISCOLL: For two  
6 years, for \$1. At the bridge only.

7 SENATOR LIU: Okay. Now, if the two  
8 authorities are merged, are there any bond  
9 covenants or any issues that would have to be  
10 worked out? I mean, I assume that you can't  
11 just merge them nilly willy, right?

12 EXECUTIVE DIRECTOR DRISCOLL: No. No,  
13 you're right. And that's -- I -- I suggested  
14 that earlier. That, you know, one of the  
15 things that you would need to do -- and I'm  
16 certain there's outstanding debt from the  
17 Bridge Authority -- is you would need to wall  
18 off the revenues that are dedicated to those  
19 bonds, those covenants that protect those  
20 bonds.

21 Why? Because investors purchase  
22 those.

23 SENATOR LIU: Of course.

24 EXECUTIVE DIRECTOR DRISCOLL: They

1 want to know that their investment is solid.

2 And so -- and that would happen, yes.

3 SENATOR LIU: And walling off those  
4 funds or those revenues, it will still make  
5 sense to merge the two authorities?

6 EXECUTIVE DIRECTOR DRISCOLL: You  
7 might get better economies of scale on  
8 projects -- certainly the electronic tolling  
9 component. One of the things I mentioned is  
10 that there would be a need for the Bridge  
11 Authority to create a whole sector to monitor  
12 that. The Thruway Authority already has  
13 that. So yes.

14 SENATOR LIU: On the other hand,  
15 despite the economies of scale, there's some  
16 concern that, well, perhaps less attention  
17 might be paid to certain aspects of  
18 maintenance.

19 EXECUTIVE DIRECTOR DRISCOLL: Sure, I  
20 understand that. I think --

21 SENATOR LIU: Are they unfounded?

22 EXECUTIVE DIRECTOR DRISCOLL: I'm  
23 getting -- I think they are. But I don't  
24 discount, you know, people's concerns. I

1           come from local government. I understand  
2           that. And I've heard it here loud and clear  
3           today, that there are concerns.

4                     I think there's a lot of speculation  
5           on, you know, what may happen, all these bad  
6           things that could happen. But I don't view  
7           it that way. I view it as a very seamless  
8           transition and a very seamless opportunity.

9                     SENATOR LIU: I understand that you  
10          understand, Mr. Mayor. That's fully been  
11          vetted.

12                    My other question has to do with there  
13          was a comment earlier from the -- well, let  
14          me just ask you, is there any plan to install  
15          electric vehicle charging stations on the  
16          Thruway?

17                    EXECUTIVE DIRECTOR DRISCOLL: There  
18          is. I mentioned that we're involved now, you  
19          know, on the service plaza or the service  
20          areas in the negotiations for that, to  
21          renovate all 27 of them. They need it. They  
22          need to be modernized.

23                    SENATOR LIU: All 27 rest --

24                    EXECUTIVE DIRECTOR DRISCOLL: All 27,

1 right.

2 SENATOR LIU: -- rest areas.

3 EXECUTIVE DIRECTOR DRISCOLL: Right.

4 And so as part of that, it would be -- a lot  
5 of lead effort would go into that in terms of  
6 greening them up, porous pavements, and  
7 installing EV charging stations. We're doing  
8 that in partnership with NYSERDA, and we have  
9 a pretty robust plan to do that.

10 SENATOR LIU: And are these charging  
11 stations, would they be compatible with  
12 pretty much all electric vehicles, consumer  
13 electric vehicles?

14 EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
15 well, they would need to be. And one of the  
16 challenges, as you probably are aware, is  
17 kind of the mechanism with which you plug in.  
18 So you need to make sure that you have the  
19 ones that are universal. So that, you know,  
20 if you've got a Chevy Volt or you have  
21 another vehicle, that it's able to connect.

22 But we have a program for that. It's  
23 part of that program. And, you know, we're  
24 looking at doing probably five to six at

1 least, at a minimum, per service area  
2 throughout the system.

3 SENATOR LIU: Okay. And those  
4 electric vehicle charging stations, there  
5 will be a charge for vehicle owners?

6 EXECUTIVE DIRECTOR DRISCOLL: I don't  
7 have the data on that. Very compet -- very  
8 minimal, whatever the charge is. We will not  
9 allow it to be, you know, like in a situation  
10 where they're overcharging as a comparative  
11 to another facility in New York State.

12 SENATOR LIU: I appreciate your  
13 comments and responses.

14 Thank you, Director.

15 EXECUTIVE DIRECTOR DRISCOLL: Thank  
16 you, Senator.

17 SENATOR LIU: Thank you, Madam Chair.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly? Oh, no, keep going with the  
20 Senate. Actually, I just have a couple of  
21 quick questions, and then Senator Comrie for  
22 his second round.

23 Is this on? I think it's on. Hi.

24 EXECUTIVE DIRECTOR DRISCOLL: Hi.

1           CHAIRWOMAN KRUEGER:  So up until  
2           recently, the Canal Authority was under the  
3           auspices of the Thruway Authority?  Or you  
4           just gave them a lot of money every year?

5           EXECUTIVE DIRECTOR DRISCOLL:  Well,  
6           that was, I think, about three -- it was --  
7           they were removed from the Thruway before I  
8           got there.  So that's about three years ago,  
9           at least.

10          CHAIRWOMAN KRUEGER:  So I'm just  
11          curious --

12          EXECUTIVE DIRECTOR DRISCOLL:  They're  
13          with NYPA, under NYPA now.

14          CHAIRWOMAN KRUEGER:  Do you know what  
15          the Thruway Authority money was used for by  
16          the Canal Authority?

17          EXECUTIVE DIRECTOR DRISCOLL:  I don't.

18          CHAIRWOMAN KRUEGER:  You don't.  It  
19          was just a pass-through.

20          EXECUTIVE DIRECTOR DRISCOLL:  Right.

21          CHAIRWOMAN KRUEGER:  So do you have  
22          any idea what the 300 million the Governor is  
23          asking for now is for?

24          EXECUTIVE DIRECTOR DRISCOLL:  I can

1 tell you that -- who's asking for  
2 300 million?

3 CHAIRWOMAN KRUEGER: The Governor in  
4 his budget proposes taking 300 million from  
5 NYPA for the Canal.

6 EXECUTIVE DIRECTOR DRISCOLL: I don't  
7 know. That's probably a question for the  
8 Executive in your deliberations.

9 CHAIRWOMAN KRUEGER: No, I just -- I  
10 had thought that you were where you are  
11 now --

12 EXECUTIVE DIRECTOR DRISCOLL: No.

13 CHAIRWOMAN KRUEGER: -- during the  
14 time that the Thruway Authority was actually  
15 spending the money for the Canal Authority,  
16 because I was curious what have we spent all  
17 that money for and what else do we need.

18 EXECUTIVE DIRECTOR DRISCOLL: No, the  
19 Canal has been gone for three-plus years, I  
20 think.

21 CHAIRWOMAN KRUEGER: Okay. I'm going  
22 to just move on to Senator Comrie's second  
23 round. Thank you. Oh, and yet he's not  
24 here. So I think we're going to excuse you.

1 EXECUTIVE DIRECTOR DRISCOLL: Okay.

2 CHAIRWOMAN KRUEGER: Thank you very  
3 much.

4 EXECUTIVE DIRECTOR DRISCOLL: Well,  
5 thank you very much. I appreciate the  
6 opportunity. And if there's -- anybody has  
7 any other questions, please feel free to  
8 reach out. Thank you. Have a great day.

9 CHAIRWOMAN KRUEGER: Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 So we will start with the  
12 nongovernment witnesses. A reminder that you  
13 have -- the time clock will be set for five  
14 minutes.

15 I'll just -- so people can prepare --  
16 go through the next few people who will be  
17 up. First we have the New York Public  
18 Transit Association, Bill Carpenter,  
19 president. Then the New York State  
20 Association of Town Superintendents of  
21 Highways, Joel Kie, Todd Gadd, William Geary.

22 MR. CARPENTER: You've been a very  
23 patient and very good audience. Great  
24 questioners.

1           So thank you, Chairwoman Weinstein,  
2           Chairwoman Krueger, for giving the New York  
3           Public Transit Association the opportunity to  
4           testify today.

5           Thank you, Chairman Kennedy,  
6           Chairman Magnarelli, Chairwoman Paulin, and  
7           the respective members of the Finance and  
8           Transportation Committees for your leadership  
9           on transit issues.

10           My name is Bill Carpenter, president  
11           of NYPTA and CEO for the system in Rochester,  
12           New York. Earlier you heard from MTA  
13           officials, so I'll summarize the needs of  
14           transit systems in upstate New York and  
15           downstate suburbs, who carry more than half a  
16           million customers every day.

17           Let me start by thanking Governor  
18           Cuomo for recognizing the importance of  
19           public transportation in his Executive Budget  
20           and for proposing increases in state  
21           operating and capital aid. These increases  
22           are appreciated and necessary to maintain  
23           essential transit networks throughout the  
24           state.

1           While the Executive Budget increases  
2           are a good start, two areas need action to  
3           improve fairness and equity, especially in  
4           upstate communities. The first is transit  
5           operating assistance. Last year you provided  
6           upstate systems with a 9.6 percent increase  
7           and downstate systems with a 7.3 percent  
8           increase, both much appreciated and already  
9           put to use to stabilize operations and expand  
10          service.

11           Because the level and rate of growth  
12          of the funding streams dedicated to operating  
13          aid to upstate and downstate are very  
14          different, the Executive Budget proposes a  
15          4 percent increase for upstate systems and a  
16          16 percent increase for downstate systems.  
17          But our transit riders are not different once  
18          you cross from downstate to upstate, and the  
19          costs and challenges to address growing  
20          demands for service do not lessen at some  
21          imaginary border that different funding  
22          streams create.

23           An increase in upstate operating aid  
24          closer to the 16 percent increase for

1 downstate will improve fairness to upstate  
2 communities and will allow us to continue the  
3 progress made from past investments.

4           The second issue is capital funding  
5 and the transition to electric vehicles. The  
6 Executive Budget proposes 130 million in  
7 capital funding for non-MTA systems, an  
8 increase of \$26 million from past levels.  
9 This additional funding is dedicated to two  
10 specific projects: Electric buses and an  
11 NFTA rail study.

12           That means there is no increase in the  
13 base capital funding for non-MTA systems to  
14 purchase vehicles, modernize facilities, and  
15 add customer-focused technology.

16           Just as a recently added MTA Capital  
17 Plan has grown by 70 percent, the  
18 infrastructure needs of all transit systems  
19 continue to grow, and greater investment is  
20 required to keep pace. All across the state,  
21 transit systems have decades-old facilities  
22 that are starting to crumble, buses that have  
23 been kept beyond their useful life on the  
24 road, and outdated technologies.

1 NYPTA's Capital Program for Upstate  
2 and Downstate Transit describes the need for  
3 a \$1.7 billion investment over five years to  
4 improve transit infrastructure. Available  
5 revenues will provide only \$700 million,  
6 leaving a funding gap of \$1 billion. The  
7 Governor has proposed a 2-year capital  
8 program for non-MTA; another 200 million is  
9 needed in 2021 and in 2022 to begin to  
10 address the infrastructure funding gap.

11 Transit systems are excited about the  
12 benefits of electric buses. CDTA here in  
13 Albany has four electric buses in service;  
14 RGRTA in Rochester will have 10 buses this  
15 summer. The MTA is testing them.

16 Moving to electric buses adds extra  
17 up-front costs for vehicles, charging  
18 infrastructure, access to power, and  
19 expanding or retrofitting maintenance  
20 facilities. These costs are over and above  
21 core capital needs, which means any  
22 transition to electric buses requires funding  
23 beyond the \$1 billion need I already  
24 mentioned.

1           The Governor has proposed \$20 million  
2           to begin the electric bus program, but for a  
3           successful transition, more is needed to  
4           cover additional infrastructure costs. We  
5           stand ready to work with the Governor and  
6           Legislature to find additional funding.

7           In conclusion, investment in transit  
8           is good for economic growth and driving many  
9           from poverty to prosperity. Investment in  
10          transit delivers more connections to jobs,  
11          healthcare, and education; it provides more  
12          reliable service; and it creates and retains  
13          thousands of jobs in the state's transit  
14          manufacturing and supply industry.

15          NYPTA thanks you for your continued  
16          support of public transit and your support of  
17          our role as a driver of economic growth.  
18          Thank you.

19          CHAIRWOMAN WEINSTEIN: Thank you.

20          We go to Senator Kennedy.

21          SENATOR KENNEDY: Thank you very much,  
22          Bill.

23          I just -- first of all, I want to  
24          thank you for your work and your efforts on

1           behalf of public transportation all across  
2           this state. I was out with you in Rochester  
3           to see the system that is doing very well  
4           under your leadership and vision. You have a  
5           tremendous team out there.

6                     I think what you've just clearly done  
7           is articulated exactly the line of  
8           questioning that I put before the  
9           commissioner earlier today. And look, we  
10          have several weeks and just a couple of  
11          months to put this together; we certainly  
12          will be leaning on you to advocate working  
13          with the network that you have in place.  
14          This is an important story to tell, we can't  
15          go backwards. So again, thank you for your  
16          efforts.

17                    MR. CARPENTER: We very much  
18          appreciate your leadership, Chairman Kennedy.

19                    CHAIRWOMAN WEINSTEIN: Assemblyman  
20          Magnarelli.

21                    ASSEMBLYMAN MAGNARELLI: I too want to  
22          just thank you for all the assistance you've  
23          given me in bringing me up to speed, so to  
24          speak, on upstate transit. And thank you for

1 the tour of the Rochester facilities, I  
2 appreciate that.

3 And we will -- as Senator Kennedy has  
4 just said, over the next few months we will  
5 be looking at this, and I believe that mass  
6 transit in upstate is one of the most  
7 important things we have to deal with here.  
8 So thank you again.

9 MR. CARPENTER: I appreciate your  
10 leadership, Chairman Magnarelli.

11 CHAIRWOMAN WEINSTEIN: Senator Seward.

12 SENATOR SEWARD: Unlike my colleagues,  
13 I actually have a question or two for you,  
14 and I think I may know the answers.

15 But seriously, last year's enacted  
16 State Budget did in fact contain some  
17 additional funding for transit upstate. Can  
18 you describe what was done with this  
19 additional funding last year, or how it was  
20 used?

21 MR. CARPENTER: First of all, we  
22 appreciate that new funding was made  
23 available, particularly for upstate, with  
24 those funding streams that have been very

1 constrained, slow or no-growth funds. And  
2 the rental car tax that was passed is  
3 providing the increase this year, because  
4 there will be a full year of growth or use of  
5 that revenue.

6 In Rochester we've redesigned our  
7 system, and with that funding increase we've  
8 added 9 percent more hours of service. I  
9 know in Syracuse the system there was looking  
10 at having to shrink back their service. With  
11 the increase they were able to stabilize  
12 operation and be able to get to some  
13 additional employment centers. The Albany  
14 system has increased frequency on their  
15 busiest routes. And downstate and in the  
16 Buffalo market, everyone has taken that  
17 funding to put it to good use.

18 SENATOR SEWARD: Is the current STOA  
19 formula for upstate New York sufficient to  
20 meet the needs of upstate transit?

21 MR. CARPENTER: I'm sorry, I didn't  
22 hear you.

23 SENATOR SEWARD: Is the current STOA  
24 formula for upstate New York -- is that

1 sufficient to meet the needs of upstate  
2 transit?

3 MR. CARPENTER: So last year was the  
4 first year of what we've asked for, a  
5 five-year 50 percent increase in STOA --  
6 increase. So the 10 percent was that  
7 first-year down payment on the 50 percent.

8 We see downstate, after two years,  
9 will be above the 20 percent. We would be  
10 looking for upstate to get to that 20 percent  
11 level.

12 But what we really need to fulfill the  
13 vision in what I've heard today in the  
14 questioning is the Legislature wants robust  
15 transit in upstate and downstate and the MTA  
16 across our state. And it's really that  
17 50 percent increase over five years that's  
18 needed to make that a reality.

19 SENATOR SEWARD: You mentioned the  
20 electric buses. Are the funds provided in  
21 this budget for electric bus purchases -- is  
22 that a sufficient amount?

23 MR. CARPENTER: So there's -- I'll  
24 speak just to the Rochester case, because I

1 think each one is different. Albany has some  
2 constraints to their campus.

3 We've got the ability on our campus to  
4 get to 30 electric buses, which would be  
5 about 15 percent of our fleet, before we  
6 would have to add another garage to do  
7 additional charging. So we were looking to  
8 add about 10 a year to get started. So we've  
9 got two or three years, so the funding  
10 provided in this year's budget works very  
11 well for us.

12 For someone else, another system that  
13 might need immediately to begin a campus  
14 expansion, this would be enough to buy the  
15 electric buses but not to create what our  
16 industry terms a fuel farm, the place where  
17 buses will be charged. Just like the Chevy  
18 Volt I have -- I don't go to the gas station  
19 and fill it up in three or four minutes, I  
20 park it in my garage, and it takes several  
21 hours. Well, the same with these buses --  
22 it's several hours. If you have 220 buses,  
23 that's a lot of plug-in chargers. It takes  
24 up space.

1           So the campus infrastructure is not  
2 provided, although the details of the  
3 \$1.5 billion electrification fund that the  
4 commissioner was talking about earlier -- the  
5 details are not clear. So it may be that  
6 funding for that is available in that funding  
7 stream.

8           SENATOR SEWARD: So it sounds like  
9 we'll kind of be needing to ease into this a  
10 bit to allow infrastructure to catch up.

11          MR. CARPENTER: Correct.

12          SENATOR SEWARD: Thank you.

13          CHAIRWOMAN WEINSTEIN: Thank you.  
14 That's all the questions we have. Thank you  
15 for staying here with us to this hour.

16          MR. CARPENTER: Thank you.

17          CHAIRWOMAN WEINSTEIN: Next we have  
18 the New York Association of Town  
19 Superintendents of Highways.

20                 We'll figure out which -- are all  
21 three of you planning to speak? Whoever goes  
22 first remember to save a little time for  
23 whoever is going last.

24          MR. KIE: Good afternoon, Senator

1 Krueger, Assemblymember Weinstein, and other  
2 members of the New York State Legislature. I  
3 am Joel Kie, president of the New York State  
4 Association of Town Superintendents of  
5 Highways, and public works commissioner for  
6 the Town of Dickinson.

7 With me, representing the County  
8 Highway Superintendents Association, is their  
9 president, Wyoming County Commissioner of  
10 Public Works Todd Gadd, and their legislative  
11 cochair, Erie County Commissioner of Public  
12 Works William Geary.

13 As always, we appreciate the annual  
14 opportunity to discuss the Executive Budget  
15 proposal and the needs of New York State's  
16 local transportation system.

17 We would like to thank you for showing  
18 your support to our local systems and asking  
19 questions to those who have testified before  
20 us today. We greatly appreciate that.

21 As you know, our collective membership  
22 is responsible for ensuring the safe  
23 operation of 87 percent of the state's public  
24 roads, half of its bridges, and plowing not

1           only our huge system but over a quarter of  
2           the New York State Department of  
3           Transportation roads. This massive local  
4           system is owned by 1,600 local governments  
5           and consists of over 97,000 centerline miles  
6           of roadways and 8,600 highway bridges.

7                     Every time there is a winter event --  
8           major snow accumulation, freezing  
9           temperatures or severe flooding -- these  
10          hardworking men and women of our local crews  
11          ensure New York State's drivers get to and  
12          from work, homes, schools, hospitals, and  
13          other destinations safely.

14                    The Executive Budget proposes a  
15          2-year, \$11.9 billion New York State  
16          Department of Transportation capital program.  
17          It increases funding by \$3 billion over the  
18          next two years -- 33 percent over the past  
19          two years of our current five-year  
20          transportation capital program.

21                    While we are pleased with the  
22          continuation of such valuable programs as  
23          CHIPS, BRIDGE NY, and PAVE-NY, and the budget  
24          proposes CHIPS funding for \$4.3 million for

1           what will be the eighth and ninth year -- and  
2           BRIDGE NY and PAVE-NY are also proposed to  
3           have no increases. And in addition, the  
4           Extreme Winter Recovery program is cut to  
5           zero over each of the next two years. All  
6           this --

7                     CHAIRWOMAN WEINSTEIN: You may want to  
8           summarize some of your remarks, or at least  
9           the high points.

10                    MR. KIE: I'm almost done. Thank you.

11                    Despite all of this 33 percent funding  
12           increase over the two-year DOT program, this  
13           means that we are held to \$678 million per  
14           year, to be distributed to all localities  
15           throughout the state, including New York  
16           City, to address the needs of our systems.  
17           This funding for local bridges and programs  
18           is simply not enough.

19                    According to NYSDOT, 10 years ago, in  
20           2009, local governments were allocated  
21           \$924 million in locally administered federal  
22           aid for bridge projects, which enabled them  
23           to build 56 replacement bridges and complete  
24           39 rehabilitations. In 2017, the last year

1 for which we have data, local governments  
2 were only allocated \$452 million, replacing  
3 only 26 bridges and rehabilitating only  
4 23 bridges -- even though the much-needed  
5 BRIDGE NY program has only appropriated  
6 \$450 million during the current five-year  
7 capital program, resulting in less funding  
8 available for local bridge work than in past  
9 years.

10 This lack of bridge funding has a  
11 crushing impact on local bridge conditions.  
12 In 2009, New York State DOT staff projected  
13 that approximately 600 bridges would become  
14 deficient over the following five-year  
15 period. In 2017, again the latest year for  
16 data available, New York State DOT projected  
17 1,075 local bridges would become deficient  
18 over the next five-year period -- nearly  
19 doubling the number of deficient bridges in  
20 just eight years.

21 In 2013, the New York State  
22 Association of Town Highway Superintendents  
23 conducted a study, and they said for -- on an  
24 annual basis they need \$1.3 billion. And

1 even though it's being updated today, we know  
2 that the needs are even greater.

3 So to that end, I've asked my  
4 counterpart from Erie County to join us today  
5 to speak to his specific needs in his  
6 infrastructure that is very typical  
7 throughout the area.

8 CHAIRWOMAN WEINSTEIN: If you could  
9 just take what -- I said five minutes goes  
10 faster than you think. If you could take one  
11 minute to just --

12 MR. GEARY: Yes, ma'am.

13 So in Erie County, which is no  
14 different than any other county across the  
15 state, we currently have 25 bridges that need  
16 to be rebuilt in the next 10 years. These  
17 are not only county bridges on county roads,  
18 but they're also county bridges on local town  
19 roads.

20 That price tag of the 25 bridges that  
21 we need to build -- that are from 1920s to  
22 current 1980s era -- is almost \$35 million.

23 The need for the local roads to get  
24 the funding that it deserves and the

1           equitability with and parity with other  
2           organizations across the state -- that's why  
3           we're here today, to express that need. And  
4           I think that most all of you know from  
5           traveling all over our roads and systems.

6           MR. GADD: So with that, we just want  
7           to say thank you for the time, allowing us to  
8           come up here and speak to you. We recognize  
9           that you guys have partnered with us and you  
10          guys see the need. So you have the rest of  
11          this testimony, and with that we'd be happy  
12          to answer any questions.

13          CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

14          ASSEMBLYMAN RA: Thank you.

15          Just a quick question regarding CHIPS.  
16          So the flat funding over the years -- we know  
17          that we've had the Extreme Winter Recovery,  
18          it's proposed to be cut. And I think that  
19          helped a little bit, but CHIPS being flat for  
20          those years -- how would that challenge your  
21          municipalities to meet the needs on your  
22          local roads?

23          MR. KIE: We have to do more with  
24          less.

1           ASSEMBLYMAN RA: Is it more, you know,  
2 triaging potholes and things like that? And  
3 things that --

4           MR. KIE: Absolutely.

5           ASSEMBLYMAN RA: Things that have to  
6 be repaved and things of that nature.

7           MR. KIE: And the nature of, like,  
8 villages and stuff like that, most of their  
9 CHIPS money all goes -- that's their paving  
10 budget. They don't have anything other than  
11 that.

12           And if you know of that, whenever you  
13 collect money from CHIPS, they have to --  
14 each one of the corners that they have  
15 sidewalks on, that has to be ADA-compliant.  
16 So that's another hit that comes out of that  
17 fund.

18           So when it's flat like this, roads are  
19 getting worse, and the funding just isn't  
20 there.

21           MR. GADD: What Joe is referring to  
22 also is the purchasing power that we have is  
23 less and less. Nothing -- apparently most  
24 things aren't cheaper from year to year. So

1 even though the requirements have  
2 increased -- that are good requirements, and  
3 there's nothing wrong with that -- the  
4 purchasing power and what we're able to do --  
5 so even though we have more requirements and  
6 more costs per project, the purchasing power  
7 we have is less and less.

8 MR. GEARY: And as our budgets are  
9 lessened, sometimes, because other areas of  
10 local government are seen to pay other fees  
11 or other burdens put on them, the first  
12 budgets that they typically go after are  
13 probably the highway budgets. So the funding  
14 on the CHIPS side is the lifeblood of our  
15 local system.

16 ASSEMBLYMAN RA: Thank you.

17 MR. KIE: Thank you.

18 MR. GEARY: Thank you.

19 MR. GADD: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 Senator Kennedy.

22 SENATOR KENNEDY: Thank you all for  
23 your leadership, statewide and locally.

24 Commissioner, welcome.

1 MR. GEARY: Thank you, sir.

2 SENATOR KENNEDY: So last year the  
3 Senate in our one-house did exactly what  
4 you're asking for us to do this year: We  
5 added \$150 million to CHIPS.

6 I think across the board there was a  
7 sentiment today that what was proposed again  
8 at the \$438 million level being flat for  
9 CHIPS was not acceptable, so that's something  
10 that we will be working with you to rectify.  
11 Hopefully, with the negotiated budget, the  
12 final outcome will be fruitful. So we look  
13 forward to the next couple of months working  
14 with you on that.

15 And again, thank you for your efforts  
16 to this point, on that and the other issues,  
17 whether it's PAVE-NY or BRIDGE NY or  
18 Marchiselli or everything in between.

19 I want to talk to you about the  
20 increase in thresholds from 250,000. We're  
21 very pleased to see that the Governor  
22 included that in his proposed budget. Can  
23 you talk about how that will have a benefit  
24 to the local communities?

1 MR. GEARY: Absolutely.

2 So there's -- it's a tradeoff. A lot  
3 of times internally, where we have our own  
4 workforce that is capable of doing some of  
5 these projects -- and as the cost of all our  
6 supplies go up, that threshold prohibits us  
7 from using that workforce to do the work  
8 in-house and, rather, have to put it out for  
9 public bid.

10 But obviously, with New York State DOT  
11 expanding some of their Office of General  
12 Services, we've done some public-private  
13 partnerships, which also would not be able to  
14 be accounted for for CHIPS reimbursement,  
15 where if we did an OGS quick quote for paving  
16 using private contractors working with  
17 municipal forces, which is probably the best  
18 of both worlds, being able to get 100 percent  
19 CHIPS reimbursement for that under the  
20 current condition, the \$250,000 threshold  
21 prohibits us from claiming that under CHIPS.

22 SENATOR KENNEDY: Right. I'm certain  
23 that it's because of your advocacy that that  
24 was included.

1 MR. GEARY: Yes, sir.

2 SENATOR KENNEDY: So job well done.

3 MR. GADD: Senator, may I add just one  
4 thing.

5 We have an example this year where we  
6 have a construction crew that goes out and  
7 not only maintains but were able to construct  
8 some of our large culverts. And we had a  
9 project that went over \$250,000, and I'm  
10 super proud of our guys -- they went out and  
11 they did it. But yet we weren't able to  
12 submit it for reimbursement, because it was  
13 over that \$250,000 threshold.

14 Now, that sounds kind of  
15 counterintuitive, and it really was. Here  
16 we're trying to do our best, stretching our  
17 dollars, because that we know that we can  
18 generally do it more efficiently, and yet we  
19 weren't able to submit it for CHIPS.

20 So this is big for us, quite honestly.

21 So thank you.

22 SENATOR KENNEDY: Thank you again.

23 CHAIRWOMAN WEINSTEIN: Senator Seward.

24 SENATOR SEWARD: Thank you.

1           As one that attends the Local Roads  
2 Matter rally every year in the Capitol, I'm a  
3 long-time supporter of your cause. Because  
4 most people travel on a local road or street  
5 or highway before they ever get to the state  
6 system, and so we need to recognize that.

7           You're absolutely right, you mentioned  
8 that for many towns and municipalities the  
9 CHIPS budget is their paving budget for the  
10 year. And obviously you can make a case for  
11 increased CHIPS funding, and I'm certain it  
12 will be there.

13           I did note that you did emphasize the  
14 tremendous need in the area of bridge and  
15 culvert replacement. And it's been my  
16 experience over the years that these local  
17 bridges and many times culverts are  
18 prohibitively expensive projects for many  
19 particularly smaller communities to take on  
20 by themselves.

21           And so could you just elaborate a bit  
22 in terms of should we be zeroing in on  
23 additional bridge money as well, and what the  
24 unmet needs might be out there?

1           MR. GADD: Yes, Senator, if I could  
2 point to the -- in the packet there's a  
3 little bit of information about that number  
4 of applications versus the number that was  
5 awarded. And that is quite a telling story.

6           So in 2016, round one, 229 bridges  
7 were applied for -- and again, I'll make note  
8 that there was a limit on how many each  
9 municipality could apply for -- and yet there  
10 was 93 bridges that were funded. In 2018,  
11 there was 259 bridge applications, and there  
12 was 86.

13           So you're looking at three to four  
14 times the amount of applicants that are  
15 submitting it versus the amount of funding  
16 that's available. I think that's a pretty  
17 good chart, and as long as -- as well as what  
18 Commissioner Geary spoke to about the needs  
19 that are out there.

20           SENATOR SEWARD: These are telling  
21 numbers. Thank you.

22           MR. GADD: Thank you.

23           CHAIRWOMAN WEINSTEIN: Thank you.

24           That's it for questions.

1 MR. GEARY: Thank you very much.

2 MR. GADD: Thank you.

3 MR. KIE: Thank you.

4 CHAIRWOMAN WEINSTEIN: Permanent  
5 Citizens' Advisory Committee to the MTA, Lisa  
6 Daglian, executive director.

7 Following that will be Jaqi Cohen,  
8 Straphangers campaign director. Following  
9 that, Railroads of New York, Scott Wigger,  
10 followed by New York Aviation Management  
11 Association. You might -- those people might  
12 want to start making your way down.

13 MS. DAGLIAN: Good afternoon. My name  
14 is Lisa Daglian, and I'm the executive  
15 director of the Permanent Citizens Advisory  
16 Committee to the MTA, also known as PCAC.

17 I'll actually shorten my remarks a  
18 little bit, as you all should have or we can  
19 make sure that you do have our longer  
20 version.

21 PCAC is the MTA's in-house rider  
22 advocacy organization that was created  
23 legislatively in 1981 -- and thank you very  
24 much for that -- representing the nearly

1           9 million daily riders of New York City  
2           subways and buses, the Long Island Rail Road  
3           and the Metro-North Railroad. Thank you for  
4           holding this hearing today.

5                     Last year we came to ask that you pass  
6           congestion-pricing legislation, and  
7           appreciate your action. Despite the  
8           unfortunate, the very unfortunate fact that  
9           Transit President Andy Byford won't be at the  
10          MTA to see his Fast Forward vision become a  
11          reality, ensuring its implementation and that  
12          of LIRR Forward and Metro-North Way Ahead is  
13          vital to the region's and state's economy.

14                    Thanks to your action, as a result,  
15          congestion pricing will fund the most  
16          ambitious capital plan in the MTA's history.  
17          But toll revenues won't come in until after  
18          the start of its '20-'24 capital program,  
19          starting -- well, that's already begun. And  
20          the MTA must have adequate money to start  
21          those projects on time.

22                    Therefore we ask that the state's  
23          \$3 billion contribution closely follow the  
24          sales and mansion tax revenue and come to the

1 MTA before congestion-pricing funds. We're  
2 asking the same of the city.

3 We very reluctantly support raising  
4 the cap on debt service to meet the MTA's  
5 ongoing financial needs, but not to surpass  
6 20 percent, with an eye on bringing it down  
7 to 20 percent. And a debt management and  
8 reduction plan should be put into place.

9 We appreciate the proposed 13 percent  
10 increase in operating aid, but even more is  
11 needed to increase service and keep the  
12 agency from lurching from crisis to crisis.  
13 Until new dedicated and recurrent operating  
14 funding streams are identified, we are asking  
15 for an increase to \$10 billion this budget,  
16 and ask for your help on that.

17 And we look forward to working with  
18 you over the next year to find new operating  
19 revenue. But the system can't wait. Service  
20 must be increased to meet the new demands  
21 congestion pricing will bring. Getting  
22 people out of cars and onto transit means  
23 there must be service to get people to where  
24 they need to go.

1           It's critical that the bus network  
2           redesign come with increased bus service, as  
3           we heard a lot this morning, in the outer  
4           boroughs especially, and in subway deserts  
5           such as Co-op City, Cambria Heights, and  
6           Mill Basin.

7           Value capture and tax increment  
8           financing are vital to sustaining the MTA,  
9           but not at the expense of an endless fight  
10          with the city. The economic value brought by  
11          transit should be shared by all the winners.  
12          We believe that a collaborative effort is a  
13          more prudent approach and will be a win for  
14          the state, a win for the city, and a win for  
15          riders.

16          The budget proposes procurement  
17          reforms that would allow New York City  
18          Transit and the MTA to award contracts up to  
19          \$5 million for new and innovative technology  
20          without a competitive process. We support  
21          competitive process wherever practicable, and  
22          it is critical that the board -- the MTA  
23          board weigh in on those contracts. We don't  
24          see language in the budget that specifies

1           that. Public discourse has helped improve  
2           contracts, and the board must be stalwart  
3           stewards of taxpayer money for the riding  
4           public.

5                     Both riders and MTA workers are  
6           entitled to feel safe in the system, and we  
7           support the legislation that would better  
8           protect transit workers by making the heinous  
9           act of spitting on them punishable by jail  
10          time. Similarly, we support making it a  
11          felony to attack and physically injure  
12          transit workers. These men and women  
13          literally move millions of New Yorkers every  
14          day and deserve our thanks and support in the  
15          eyes of the law.

16                    We're intrigued by the proposal to ban  
17          those who assault transit workers and  
18          three-time sexual predators from the system,  
19          but have significant concerns about banning  
20          people before they are even convicted of a  
21          crime. It opens the door to abuse and  
22          violates the basic right of innocent until  
23          proven guilty -- and the question of whether  
24          it's a better use of police to keep a handful

1 of recidivists out of the subways or to keep  
2 all riders safe from all crimes by using a  
3 data-driven approach to deployment. We  
4 question how a ban would be enforced.

5           Increasing cameras in the system,  
6 including on board trains, has shown  
7 elsewhere to be a very effective deterrent  
8 and, combined with a robust advertising  
9 campaign and improved reporting for sexual  
10 assaults, should be an immediate step to  
11 improving safety. We will have much more to  
12 say on this in the coming weeks.

13           We appreciate your considering our  
14 comments as you begin discussion of  
15 transportation funding for the millions of  
16 riders who count on the MTA every day.

17           Thank you.

18           CHAIRWOMAN WEINSTEIN: Thank you.

19           CHAIRWOMAN KRUEGER: Thank you.

20           CHAIRWOMAN WEINSTEIN: Assemblywoman  
21 Paulin.

22           ASSEMBLYWOMAN PAULIN: Yeah, I just  
23 want to point out that our understanding of  
24 what's in the budget is not an expansion of

1 the value capture. It's just an extension of  
2 the already -- the authority to continue with  
3 the current practice. So I just wanted to  
4 make that clear.

5 MS. DAGLIAN: Thank you. My reading  
6 in looking at the citizen budget, the  
7 commission's report on it as well, made it  
8 appear as though it were sort of an  
9 additional expansion just in the area -- or  
10 it was specifically targeting the area to --  
11 for Penn South, and that it would be applied  
12 almost more specifically for that. And  
13 therefore it was -- according to them --

14 ASSEMBLYWOMAN PAULIN: We'll look at  
15 it.

16 MS. DAGLIAN: -- not necessarily --

17 ASSEMBLYWOMAN PAULIN: But if it's  
18 just an extension, obviously you're fine with  
19 it. And we are too.

20 MS. DAGLIAN: Well, yes, we consider  
21 it --

22 ASSEMBLYWOMAN PAULIN: Yeah.

23 MS. DAGLIAN: You know, looked at, it  
24 would be still a collaborative process that

1 would include city input, which I know has  
2 been -- has caused --

3 ASSEMBLYWOMAN PAULIN: No question.

4 MS. DAGLIAN: -- in the past.

5 ASSEMBLYWOMAN PAULIN: Yeah. All  
6 right. Thank you.

7 MS. DAGLIAN: Yeah.

8 ASSEMBLYWOMAN PAULIN: And thanks for  
9 your testimony.

10 MS. DAGLIAN: Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 MS. DAGLIAN: Thank you.

13 CHAIRWOMAN WEINSTEIN: So now we go to  
14 Jaqi Cohen, Straphangers Campaign director,  
15 division of NYPIRG. And if you could  
16 introduce the second person.

17 MS. COHEN: Yeah, my colleague.

18 How are you? My name is Jaqi Cohen.

19 I'm the campaign director for NYPIRG  
20 Straphangers Campaign, and with me today is  
21 Karen Padua, a policy associate with NYPIRG  
22 and a Queens bus rider. And we want to thank  
23 you for the opportunity to speak here today.

24 We applaud the State Legislature and

1 the Governor for passing historic congestion  
2 pricing legislation in last year's budget.  
3 In addition to the \$25 billion expected to be  
4 raised from new revenue sources, including  
5 congestion pricing, the Governor's Executive  
6 Budget commits \$3 billion in state funding  
7 for the MTA's five-year capital program and  
8 assumes an equal level of -- an equal funding  
9 commitment from the City of New York.

10 This leaves an almost \$10 billion  
11 budget gap in the MTA capital plan that the  
12 MTA will be forced to make up through  
13 borrowing, and the MTA -- we encourage the  
14 MTA capital program to not rely too heavily  
15 on debt, which will increase the MTA's annual  
16 debt service payments and may ultimately  
17 result in future fare increases and service  
18 cuts.

19 Furthermore, Albany must really  
20 produce the \$3 billion it has pledged towards  
21 the 2020-2024 capital program over the next  
22 five years and make available the balance of  
23 funds it owes from the 2015-2019 capital  
24 program.

1 MS. PADUA: To help defer this, the  
2 MTA has undertaken --

3 CHAIRWOMAN WEINSTEIN: Can you just  
4 identify yourself?

5 MS. COHEN: Sorry.

6 MS. PADUA: To help -- Karen Padua.  
7 I'm a policy associate with NYPIRG.

8 To help fix the service, the MTA is  
9 undertaking a full redesign of the city bus  
10 network, the first of such changes in about  
11 half a century. Unfortunately, due to  
12 funding, the MTA's goal is to keep these  
13 network redesign plans revenue-neutral,  
14 meaning that the authority can do little to  
15 increase frequency of service or provide new,  
16 additional bus routes.

17 In order to successfully transform bus  
18 service, provide connectivity to transit  
19 deserts, and bolster New York City's bus  
20 system to accommodate more riders as the  
21 implementation of congestion pricing grows  
22 near, it is critical that the MTA have the  
23 funds and the will necessary to invest in the  
24 success of its citywide network redesign and

1 invest in more frequent bus service.

2 MS. COHEN: Less than two-thirds of  
3 all New York City residents live walking  
4 distance from a subway stop. Eighteen of  
5 New York City's 32 commuter rail stations are  
6 located in subway deserts, yet the cost of  
7 commuter rail fare is often too expensive for  
8 many New Yorkers to access the system.  
9 Commuter rail riders traveling within the  
10 city's five boroughs end up paying more per  
11 mile to travel by LIRR or Metro North than  
12 those traveling to Manhattan from New York  
13 City's suburbs.

14 We support the Governor's plan to  
15 expand both station and rail capacity at  
16 Penn Station, which will hopefully  
17 incentivize more New Yorkers to choose  
18 transit when commuting into Manhattan. But  
19 this expansion must be accompanied by a fare  
20 discount for commuter rail riders travelling  
21 within the five boroughs, to provide  
22 equitable transit access to New Yorkers  
23 living in subway deserts.

24 And lastly, on Access-A-Ride.

1 Access-A-Ride, New York City's -- MTA's  
2 paratransit program, has a long history of  
3 providing poor service, detailed at length in  
4 our full testimony. Vehicles often arrive  
5 late or not at all, riders are taken on  
6 unnecessary detours, it's not predict -- or  
7 they can even anticipate when they will  
8 arrive at their destination. It is not  
9 uncommon for these trips to take multiple  
10 hours, even if they're -- the riders are  
11 travelling a short distance.

12 You heard today from the MTA and from  
13 others that these on-demand -- the wildly  
14 successful on-demand e-hail pilot programs  
15 had been gutted by the MTA. This is a  
16 program that has been considered  
17 life-changing by many of the people that have  
18 depended on it for so long, and the way that  
19 the MTA has started to transform this pilot  
20 program is to put a cap on rides to 16 rides  
21 per month. So that's eight round trips, as  
22 well as a \$15 subsidy cap.

23 This current pilot cost \$9 million. I  
24 know Chairman Foye earlier today said that a

1 full rollout of on-demand e-hailing would  
2 cost hundreds of thousands of dollars. We've  
3 encouraged the MTA to expand the pilot  
4 program, as it is an estimated \$18 million --  
5 which is a drop in the bucket when you're  
6 looking at their \$17 billion operating  
7 budget -- to get a real sense of how much it  
8 would cost to roll this program out  
9 full-scale to all Access-A-Riders. Instead,  
10 they've chosen to gut this program while  
11 they're doubling the pilot. They're  
12 significantly reducing the efficacy of the  
13 pilot, and we think this is a shame.

14 So we encourage the MTA to fully roll  
15 it out and make available e-hail on demand to  
16 Access-A-Riders. And we also encourage the  
17 Legislature to support legislation like  
18 Senator Comrie and Assemblymember Dinowitz's  
19 bill to restore the MTA's existing on-demand  
20 e-hail transit pilot.

21 So thank you for the opportunity to  
22 speak here today.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Any questions? Amy Paulin.

1 ASSEMBLYWOMAN PAULIN: Yeah. Just on  
2 the e-hail, you know, they actually said  
3 hundred of millions of dollars.

4 MS. COHEN: Right. I'm sorry, I --

5 ASSEMBLYWOMAN PAULIN: I know you want  
6 to --

7 MS. COHEN: Hundreds of thousands are  
8 definitely -- yes.

9 ASSEMBLYWOMAN PAULIN: Yeah. Yeah.

10 So I guess I'm just unclear about what  
11 you're asking for. Are you asking for the  
12 pilot number of participants to have full  
13 access, or are you asking for -- you know,  
14 because hundreds of millions is a lot.

15 MS. COHEN: Right. Right. They put a  
16 lot of money -- but we -- so two things  
17 there. We would ultimately like to see  
18 on-demand e-hail be the future of  
19 Access-A-Ride and be rolled out to all  
20 150,000 Access-A-Ride users.

21 What we're asking for in the short  
22 term is to do a full pilot program. And you  
23 heard this today, people that use the current  
24 pilot are highly mobile, very active users of

1 the pilot.

2 It was many advocates for the pilot  
3 that were enrolled in the program, so we  
4 would like a more representative sample of  
5 those that use Access-A-Ride to be  
6 incorporated into the next phase of the  
7 pilot, before the MTA determines how much it  
8 would cost. They're making these  
9 determinations based on a very high usership,  
10 and that might not be representative.

11 ASSEMBLYWOMAN PAULIN: So where do  
12 you -- so your estimate of 18 million comes  
13 from where?

14 MS. COHEN: It comes -- well, it would  
15 double the existing pilot. So the current  
16 pilot cost \$9 million and is -- and there's  
17 1200 users on it currently. So we're asking  
18 the MTA to expand that to 2400 users in  
19 total.

20 ASSEMBLYWOMAN PAULIN: With no cap.

21 MS. COHEN: With no cap. Exactly.

22 ASSEMBLYWOMAN PAULIN: With no cap.

23 MS. COHEN: Right. And we'll see.

24 You know, I think we'll see if -- you know,

1           what that looks like and if there are -- I  
2           mean, they said it themselves, it was  
3           self-selected people that had been very vocal  
4           and active in demanding this pilot program to  
5           begin with that were the ones that were  
6           initially enrolled. So we want to see a more  
7           representative sample.

8                     ASSEMBLYWOMAN PAULIN: I got it. And  
9           would you be at all in favor of -- because I  
10          know they're negotiating with the city for  
11          paratransit at least.

12                    MS. COHEN: Yeah.

13                    ASSEMBLYWOMAN PAULIN: You know, the  
14          MTA is short on operating revenue.

15                    MS. COHEN: Right.

16                    ASSEMBLYWOMAN PAULIN: I mean, are you  
17          asking for the state to consider anteing up?

18                    MS. COHEN: Yeah, I think so. I think  
19          that regardless of who pays, we want to see  
20          that this program stays intact. I don't  
21          think paratransit riders care who is paying  
22          for it.

23                    I mean, if I were the city, I'd have  
24          to say to be asked to pay \$100 million

1 towards paratransit without any kind of  
2 reform to the program -- I would be wary.  
3 Right?

4 And so I think that we would love to  
5 see the city and state work together, but for  
6 better service. Not for the status quo  
7 paratransit services they've provided for the  
8 past 30 years.

9 ASSEMBLYWOMAN PAULIN: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 MS. COHEN: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you very  
13 much for your attendance all day and staying  
14 here through this evening.

15 CHAIRWOMAN WEINSTEIN: Next we have  
16 Railroads of New York, Inc.

17 MR. WIGGER: Good evening.

18 My name is Scott Wigger. I'm the  
19 executive director for Railroads of New York,  
20 and we represent the freight rail industry  
21 here in New York State.

22 Thank you for inviting me to testify  
23 here. For time purposes, I'll just kind of  
24 summarize my testimony here.

1           We represent a freight rail  
2           association, like I mentioned, which is four  
3           Class I railroads and 36 short line and  
4           regional railroads here in the state.

5           As we all know, last year we passed a  
6           very ambitious climate change law here in  
7           New York State which has certainly gotten the  
8           attention of everybody, including us in the  
9           railroad industry. It sets a number of  
10          ambitious goals to reduce emissions across  
11          all sectors of the economy, including the  
12          transportation sector.

13          In order to help achieve these  
14          emission reduction goals as outlined in law,  
15          shifting long-haul freight movement from  
16          trucks to rail will significantly contribute  
17          to reducing the emissions in the  
18          transportation sector to help get to these  
19          goals.

20          According to the U.S. EPA, the  
21          transportation sector accounts for  
22          approximately 27 percent of total U.S.  
23          greenhouse gas emissions. In addition,  
24          freight railroads accounted for just

1 0.6 percent of total U.S. greenhouse gas  
2 emissions and 2.3 percent of  
3 transportation-related greenhouse gas  
4 emissions.

5 EPA stats also show that from 2005 to  
6 2015, emissions from the freight rail sector  
7 decreased by 8.2 percent, while they  
8 increased in the trucking sector by 4 percent  
9 over that same time period. This is due to a  
10 lot of technological advances in the freight  
11 rail industry that helps with the more  
12 efficient movement of freight.

13 In the transportation sector,  
14 emissions are directly related to fuel  
15 consumption. This is an area where freight  
16 transport has a big advantage over trucks.  
17 Moving freight by rail instead of truck  
18 reduces greenhouse gas emissions by  
19 approximately 75 percent.

20 Railroads, on average, are  
21 approximately four times more fuel-efficient  
22 than trucks, and we can move one ton of  
23 freight over 470 miles per one gallon of  
24 fuel. This represents over a 101 percent

1 improvement since 1980, and a single freight  
2 train can replace several hundred trucks on  
3 the road.

4 In 2018 alone, U.S. freight railroads  
5 consumed 710 million fewer gallons of fuel  
6 and emitted 7.9 million fewer tons of carbon  
7 dioxide than they would have if their fuel  
8 efficiency had remained constant since the  
9 year 2000. For example, if just 10 percent  
10 of freight that moves by the largest trucks  
11 moved by rail instead, fuel savings would be  
12 more than 1.5 billion gallons per year and  
13 annual greenhouse gas emissions would fall by  
14 more than 17 million tons, which is  
15 equivalent to removing 3.2 million cars from  
16 the highways for a year, or planting  
17 400 million trees.

18 Another part of the climate change law  
19 is renewable energy development is going to  
20 be a big part of this. A big part of that --  
21 we are ready to help with this industry,  
22 there's a lot of -- the bigger components,  
23 say like wind turbines, they transport  
24 better, and it's more efficient to send them

1 on rail than on truck. They're big, they're  
2 large, they're heavy. As we say in the  
3 industry, "move steel on steel." So if it's  
4 big and made of steel, put it on the steel  
5 rails.

6 To help further these efforts, we need  
7 to keep our rail network in a good, safe  
8 operating condition. Included in the  
9 Governor's budget proposal is \$17.5 million  
10 for freight rail projects and \$10 million for  
11 a mix of passenger, freight, and port  
12 projects.

13 Many of our railroads here in  
14 New York, especially our smaller ones, really  
15 rely on these funds to keep our network in a  
16 safe operating condition. And to support the  
17 climate change goals in this will really  
18 bolster our network, keeping it in a state of  
19 good repair. We support bringing this  
20 program up to a \$50 million level, the same  
21 amounts it was during the 2005 to 2010 bond  
22 act periods.

23 Aside from that, we also welcome the  
24 opportunity to open a dialogue with our

1 partners in the Legislature and the Cuomo  
2 administration to develop some innovative  
3 approach to encourage shippers to use rail  
4 instead of truck. That would greatly help,  
5 obviously, with greenhouse emissions factors  
6 in the climate change law. You know, a big  
7 part of this is breaking bad habits, so  
8 that's -- that would help. You know, we can  
9 keep the network in great operating  
10 condition, but we still have to lure the  
11 shippers to use the network, kind of -- you  
12 know, leading a horse to water and all that.

13 If I can just digress like real  
14 quickly here at the end of my testimony.  
15 I've been sitting here listening to testimony  
16 all day, and particularly during the DOT  
17 portion I heard a number of lawmakers express  
18 concern with congestion on the highways and  
19 the need for expansion projects on these  
20 highways. Taking trucks off the roads  
21 greatly reduces congestion, which also  
22 reduces emissions, because trucks aren't --  
23 cars aren't just sitting there idling on the  
24 highways. And it also may alleviate the need

1 for some future expansion projects that  
2 everybody requests.

3 So I thank you for your time, and I'm  
4 glad to answer any questions.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Any questions?

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you for  
10 your time.

11 MR. WIGGER: Thank you very much.

12 CHAIRWOMAN WEINSTEIN: Yes.

13 And we've been joined by a member of  
14 the Corporations Committee, Assemblywoman  
15 Niou.

16 And now we'd like to have the American  
17 Council of Engineering Companies of New York,  
18 Grant Sussey, president. Oh, I'm sorry.  
19 It's been a lot of hours.

20 Grant Sussey, New York Aviation  
21 Management Association.

22 MR. SUSSEY: Thank you, Chair Krueger  
23 and Chair Weinstein, members of the  
24 Transportation Budget Committee. My name is

1 Grant Sussey. I'm president of New York  
2 Aviation Management Association and manager  
3 of the Watertown International Airport.

4 On behalf of the NYAMA, I'd like to  
5 express my appreciation for the opportunity  
6 to provide comments on the '20-'21 Executive  
7 Budget as it relates to airports and the  
8 aviation industry in New York.

9 The Governor's proposed -- the  
10 Governor proposes a two-year transportation  
11 capital program that provides state funding  
12 for aviation projects. As part of this  
13 program, the capital projects budget includes  
14 a \$100 million appropriation -- supported by  
15 NYAMA -- to provide a second round of funding  
16 for the Upstate Airport Economic Development  
17 and Revitalization Competition.

18 NYAMA can't stress enough how the  
19 first round of the Upstate Airport  
20 Competition investments has succeeded in  
21 updating and transforming six gateway  
22 airports. These grant dollars leveraged tens  
23 of millions of dollars in private sector  
24 investments. The grants fund terminal

1           expansions, modernization, cargo receiving,  
2           distribution centers, new retail and  
3           concession options as well as general  
4           aviation customs facilities, environmental  
5           protection projects, and much more. These  
6           investments increased jobs, enhanced  
7           passenger experiences, and promoted economic  
8           development.

9           There remain many airports in the  
10          state that were eligible for this program in  
11          the first round but were not awarded funding.  
12          This second funding would reach the  
13          additional airports that have critical  
14          infrastructure needs. These communities  
15          likewise benefit from the state investments,  
16          particularly to better position these  
17          airports to attract more scheduled commercial  
18          or charter service in many underserved areas  
19          of the state.

20          NYAMA urges that the Upstate Airport  
21          Economic Development and Revitalization  
22          Competition to be continued at the funding  
23          level proposed by the Governor.

24          AIP and the Aviation Capital Grant

1 Program. State funding for airport  
2 improvements and development is provided  
3 mainly through two categories of funding --  
4 the AIP program, which provides a portion of  
5 the local share required to match the federal  
6 AIP grants, but is currently underfunded at  
7 \$4 million per year; and the Aviation Capital  
8 Program, that, unlike the federal AIP  
9 program, can be used to finance  
10 revenue-producing projects at airports such  
11 as parking lots, fuel farms, hangars, and  
12 concession development. Both programs  
13 continue to be funded at previous levels,  
14 \$4 million and \$12.5 million.

15 The Aviation Capital Grant Program is  
16 a critical funding source for smaller GA and  
17 commercial service airports because it funds  
18 those projects that are not eligible under  
19 the federal AIP program. For this reason,  
20 NYAMA continues to advocate for a minimum  
21 state financial commitment of \$40 million per  
22 year.

23 The current five-year transportation  
24 capital program that will end in March

1 averaged just \$16 million per year for this  
2 grant program. For the last two-year phase  
3 of the program, DOT received \$48 million in  
4 funding requests and 72 applications from 54  
5 different airports for critical projects. Of  
6 this number, only 31 airports were awarded  
7 \$23.6 million. These numbers reveal a  
8 sizable gap.

9 NYAMA urges the Legislature to support  
10 an increase to the program from 12.5, as  
11 proposed, to the \$40 million annually. A  
12 well-funded aviation capital program for the  
13 Empire State's airports is essential to  
14 protect jobs and ensure economic health for  
15 the state and its residents.

16 To be competitive with surrounding  
17 states, nationally and in the global economy,  
18 New York must continue to support public  
19 investment that promises travelers from  
20 across the country and internationally with  
21 world-class aviation facilities.

22 Thank you for inviting NYAMA to  
23 comment, and we look forward to continuing to  
24 work with the Legislature on developing

1 strategies to maximize the economic benefits  
2 from the state investments in airports and  
3 the aviation industry.

4 I'd be happy to take any questions.

5 CHAIRWOMAN WEINSTEIN: Thank you. I  
6 don't believe we have any questions. Thank  
7 you.

8 CHAIRWOMAN KRUEGER: Thank you very  
9 much.

10 MR. SUSSEY: Thank you.

11 CHAIRWOMAN WEINSTEIN: Now we have the  
12 American Council of Engineering Companies,  
13 Campbell Wallace, director of government  
14 relations.

15 MR. WALLACE: Chairwoman Weinstein,  
16 Chairwoman Krueger, thank you for the  
17 opportunity to testify.

18 Given this late hour, I will be brief.  
19 I will not read my testimony, and I'll try to  
20 be brief and conversational.

21 We saw the Executive Budget proposal,  
22 and we were heartened -- we think it's a  
23 strong step in a direction that shows support  
24 for the state's transportation needs.

1           We do, however, want to echo the  
2 concerns earlier about CHIPS. We think CHIPS  
3 being flat doesn't send the right signal. We  
4 think CHIPS should be increased, as well as  
5 the Extreme Weather hardening program, we  
6 think that should be supported also.

7           We heard comments earlier that talked  
8 about funding for roads in urban cores,  
9 including touring roads, and we think that's  
10 an important thing also. Touring roads are  
11 roads that go -- that are owned by -- they  
12 have different owners, essentially.

13           An example of that in the Capital  
14 District is Route 5, or Central Avenue. In  
15 Colonie, it's well maintained by the -- I  
16 believe it's the Town of Colonie, and when  
17 you hit some of the cities it goes through,  
18 it's not as well maintained. And for people  
19 following a GPS direction, that can be  
20 disconcerting when suddenly the road is no  
21 longer as well maintained. So we think  
22 that's something that deserves a lot of  
23 attention.

24           I heard a question earlier that there

1 was an increase in funding for the consultant  
2 community, and we are gratified by that.  
3 That's good to hear. I briefly want to touch  
4 on, you know, who are these consultants,  
5 basically. Our membership represents the  
6 state's consulting engineering firms. We  
7 have sole entrepreneurs, specialty  
8 disciplines, a lot of mid-sized firms and  
9 multinational firms.

10 I want to make clear our firms are  
11 local. The money that goes to them goes to  
12 firms that are headquartered all across the  
13 state. I looked at 10 firms off the top of  
14 my list, in my membership list. We have  
15 firms that are headquartered in Buffalo,  
16 Owego, Corning, Watertown, Cazenovia,  
17 Clifton Park, Poughkeepsie, Hauppauge,  
18 Jericho, New York City.

19 So these firms are really kind of the  
20 bread and butter in the fabric of our  
21 community. They have contributed to the  
22 construction of landmark buildings,  
23 world-famous roads and bridges, and their  
24 number-one concern is the bedrock,

1 non-delegatable commitment to protecting the  
2 public's health, safety, and welfare. We  
3 think our firms deliver these programs  
4 exceptionally efficiently. And by doing so  
5 efficiently, you have more money for more of  
6 the infrastructure programs that the state  
7 needs. Studies have shown that we are up to  
8 15 to 20 percent more cost-effective on a  
9 dollar-for-dollar basis.

10 One last thing. We're seeing in the  
11 MTA they have legislation that requires them  
12 to do every project over \$25 million being  
13 done design-build. We think design-build is  
14 appropriate where there are needs for speed,  
15 where there's a need for collaboration, but  
16 we don't think that something like  
17 design-build current methods should be laid  
18 down statutorily. We think that agencies  
19 should have the discretion to evaluate  
20 projects as needed and not necessarily have  
21 that choice made for them.

22 We think there is room for  
23 investigating other alternative project  
24 delivery methods. That's included in the

1 budget, in the TED bill, and we look forward  
2 to working with agencies to educate them on  
3 the use of things like CM Build and CM At  
4 Risk and Progressive Design Build, where the  
5 designers are engaged at an earlier step in  
6 the process. We think there's a better  
7 alignment of risk and the amount of design  
8 when you use different procurement methods  
9 like that.

10 I have a minute 28 seconds left, and I  
11 think I'm going to conclude it there. I'm  
12 happy to take any questions.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Questions? Appreciate your testimony  
15 tonight.

16 MR. WALLACE: Thank you.

17 CHAIRWOMAN WEINSTEIN: No questions,  
18 but you get extra points for giving back some  
19 time.

20 (Laughter.)

21 CHAIRWOMAN KRUEGER: Right. Thank  
22 you.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Next we have a panel: Tri-State

1 Transportation Campaign, Lauren Bailey, and  
2 Reinvent Albany, Rachel Fauss.

3 MS. BAILEY: Thank you very much.

4 Thank you so much, everyone who's  
5 still here. Happy to be here, even at this  
6 late hour. I'm Lauren Bailey, director from  
7 Tri-State Transportation Campaign. I'm their  
8 director of climate policy.

9 Tri-State is a 26-year-old  
10 organization dedicated to improving people's  
11 lives by expanding their access to transit  
12 and clean transportation options in New York,  
13 New Jersey, and Connecticut.

14 According to NYSERDA, transportation  
15 contributes 37 percent to New York's  
16 greenhouse gas emissions. So I have a little  
17 bit of a different tack than some of my other  
18 colleagues that have spoken today, because  
19 I'm here with a bit of an environmental  
20 angle. Reducing our state's reliance on  
21 fossil fuels by improving public transit and  
22 vehicle electrification are necessary and  
23 feasible steps to meeting our climate goals.

24 At Tri-State, much of our time focuses

1 on the Metropolitan Transportation Authority,  
2 especially focusing on funding for their  
3 state of good repair and necessary system  
4 expansion. Obviously this is a big year to  
5 be coming to speak to you about this, but  
6 we've heard all about that today, haven't we?

7 We are pleased to see the MTA's  
8 2020-2024 capital program proposes the kinds  
9 of systemwide improvements necessary. We  
10 appreciate seeing the full \$3 billion the MTA  
11 has called on the state to contribute in the  
12 Executive Budget, and we look forward to  
13 discussion and inclusion in the Assembly and  
14 Senate's budgets as well.

15 We would also like to reiterate our  
16 support for a strong, fair Central Business  
17 District tolling program to further support  
18 these historic investments in our transit  
19 system. Again, we thank you for taking this  
20 bold action last session, and the inclusion  
21 of state support to get this program off the  
22 ground this year. We await the Traffic  
23 Mobility Review Board appointments very  
24 anxiously and the additional framing needed

1 to implement this transformative concept for  
2 New York City.

3 We are also glad, particularly in my  
4 environmental capacity, to see the MTA's  
5 commitment to an all-electric bus fleet by  
6 2040, along with the new announcement of the  
7 five largest upstate New York transportation  
8 authorities to also electrify their fleets by  
9 2035 as well. This is a clear signal -- and  
10 an important one -- to the electric bus  
11 industry that electrification is here and we  
12 are ramping up.

13 And we are glad to see discussion in  
14 Albany around another important proposal that  
15 has been successful elsewhere, the low-carbon  
16 fuel standard that would drive down pollution  
17 from gasoline-powered vehicles during this  
18 required transition to clean energy by 2050  
19 under the Climate Leadership and Community  
20 Protection Act.

21 But all the investments in capital  
22 improvements, while incredibly exciting,  
23 raise a very critical question. How will the  
24 MTA find the resources to staff these new

1 buses and railcars? Raising the debt cap  
2 almost 100 percent to fund critical  
3 improvements must have been a tough decision  
4 that is now bringing more tough choices.

5 How is the MTA supposed to pay almost  
6 20 percent of its operating budget in debt  
7 service while maintaining a solid workforce,  
8 good service, and expansions? The authority  
9 faces a potentially crippling operations  
10 budget funding shortfall that must be  
11 resolved before it balloons to almost a  
12 billion dollars by 2022.

13 Though we are looking forward to  
14 funding for state of good repair,  
15 modernization, and environmental support in  
16 this budget, we still look to the Legislature  
17 to oversee our transportation systems not  
18 just during this wonderful long budget  
19 process, but also throughout the entire year.

20 We hope the Legislature will commit to  
21 at least quarterly hearings specifically on  
22 the MTA's progress toward its capital program  
23 goals. With climate change looming and  
24 communities feeling trapped in their cars

1 with no other opportunities, it is imperative  
2 to take bold steps to maintain, improve, and  
3 transform transportation for all New Yorkers.

4 Thank you very much.

5 MS. FAUSS: Good evening. My name is  
6 Rachael Fauss. I'm the senior research  
7 analyst at Reinvent Albany. We advocate for  
8 more transparent and accountable state  
9 government.

10 First we'd like to thank you for  
11 holding the joint oversight hearing last  
12 November on the MTA and the capital plan. We  
13 think that oversight hearings like that, and  
14 what you've done today, are incredibly  
15 important to hold the MTA accountable, and we  
16 also echo the call for more hearings on the  
17 MTA.

18 Congestion pricing was an important  
19 victory for the MTA and the metropolitan  
20 region as a whole, as it will fund critically  
21 needed fixes to the subways, buses, and  
22 commuter rails. And while the MTA 2020-'24  
23 capital plan is fully funded in the State  
24 Budget with \$3 billion from the Executive

1 Budget, debt remains a large concern,  
2 especially with the \$10 billion in extra  
3 borrowing that is being required of the MTA.

4 Given the MTA has a number of  
5 challenges regarding its budget and  
6 operations, we ask the State legislature to  
7 do the following to ensure a more transparent  
8 and stable MTA.

9 First, follow up on the commitments  
10 made by the MTA during the November oversight  
11 hearing, and today, on when it will provide  
12 schedules and sequencing for all capital  
13 projects. They had committed to release  
14 schedules within 60 days preliminarily and a  
15 full list within six months. That would be  
16 the end of June.

17 Two, ask the MTA to produce their  
18 20-year needs assessment, or whatever was  
19 used to determine their state of good repair  
20 needs for the 2020-'24 capital plan.

21 Three, ask the MTA to release a  
22 detailed debt plan to explain how its  
23 operations budget will accommodate the new  
24 capital debt.

1           Four, ask the State Comptroller to  
2           independently assess the MTA's debt  
3           affordability. And we'd just like to note  
4           that the \$3 billion in the State Budget is  
5           likely to be used by the MTA to do -- to  
6           borrow, and that will commence  
7           state-supported debt payments, so we'd like  
8           to just flag that as a concern.

9           Five, we'd like the MTA and the  
10          Governor to provide a full rationale for the  
11          changes proposed to the procurement process,  
12          and we want to make sure that the changes  
13          don't open the door to non-competitive  
14          bidding.

15          Six, publicly disclose "set-aside"  
16          capital plan and outer borough fund projects  
17          as they are finalized by the Legislature and  
18          Capital Program Review Board in the coming  
19          months.

20          Seven, ask the Governor for the full  
21          costs and financing plan for the Penn/Empire  
22          Station Complex project to ensure the MTA is  
23          not on the hook for new capital or operating  
24          costs, and also to consider the role that it

1 will play in the city in terms of its tax  
2 revenue.

3 Lastly, ensure that non-fiscal changes  
4 such as the subway sex offender ban are  
5 considered outside of the budget process via  
6 separate legislation.

7 Lastly, the MTA needs to do the  
8 following, which we urge the Legislature to  
9 oversee. First, it needs to ensure that the  
10 recommendations for congestion fees and tolls  
11 are made openly available -- are made openly  
12 in public meetings of its Traffic Mobility  
13 Review Board, which should be promptly  
14 appointed, and follow the Open Meetings Law.

15 It should also revise the emergency  
16 regulations that require mandatory debarment  
17 of contractors and instead create a fair and  
18 more competitive process.

19 The MTA should also bring back  
20 quarterly change order reports, which show  
21 millions of dollars' worth of amendments to  
22 contracts. These were quietly eliminated as  
23 part of raising its threshold for board  
24 approval of change orders last year, which

1 was a step backwards for transparency.

2 And lastly, the MTA should create a  
3 more detailed and user-friendly capital  
4 dashboard that allows the public to track  
5 progress made on capital projects.

6 And I have full comments that were  
7 submitted to you electronically that go into  
8 all these in more detail.

9 Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Questions? Tim Kennedy.

12 SENATOR KENNEDY: Thank you, ladies.  
13 Thank you, Rachel. Thank you, Lauren.

14 Lauren, this is specifically for you  
15 and your work. First of all, thank you both  
16 for your efforts and everything that you've  
17 articulated in the work with the MTA and the  
18 congestion pricing. And you were  
19 instrumental in helping to drive that forward  
20 from a community perspective last year.

21 As far as the climate work that you're  
22 doing, Lauren, I'd like to connect you with  
23 my office on a new company that has formed  
24 out in Western New York that's actually

1           electrifying everything from heavy  
2           construction equipment and vehicles to  
3           buildings.

4                     So I just -- I think it's important  
5           for you to have on your radar screen and  
6           quite frankly build a relationship there.

7                     MS. BAILEY: Absolutely.

8                     SENATOR KENNEDY: I've been moving  
9           around various players to see what they have  
10          to offer, and -- you know, it's a big win for  
11          the state, but most importantly for the  
12          environment, and I think you'd be very  
13          impressed.

14                    MS. BAILEY: Fantastic. Looking  
15          forward to it.

16                    SENATOR KENNEDY: Great. Thank you.

17                    MS. BAILEY: Thank you.

18                    CHAIRWOMAN WEINSTEIN: Thank you.  
19          Thank you for -- oh, wait. Amy Paulin.

20                    ASSEMBLYWOMAN PAULIN: I just want to  
21          thank you both for, you know, being partners  
22          in all of our efforts. You know, we're  
23          trying to monitor exactly those things that  
24          you point out in both of your statements.

1 Just thank you.

2 MS. BAILEY: Thank you.

3 MS. FAUSS: Thank you.

4 ASSEMBLYWOMAN PAULIN: Thank you.

5 CHAIRWOMAN WEINSTEIN: And our last  
6 testifier today, Mitch LaRosa, program  
7 director of Mobility Development.

8 MR. LaROSA: Well, thank you all for  
9 having me here tonight, and thank you for  
10 your patience. I certainly don't mind  
11 waiting, so I'm glad you all stuck around.

12 Like the Senator said, my name is  
13 Mitch LaRosa. I'm the program director with  
14 Mobility Development. We're a Buffalo-based  
15 nonprofit that specializes in shared  
16 transportation. We act as a liaison between  
17 a private transportation industry and  
18 community groups, public agencies,  
19 municipalities, and other nonprofits.

20 We've set up and launched bike share,  
21 car share, volunteer transportation and other  
22 shared transportation programs over the last  
23 11 years, and we've done so across upstate  
24 New York since the time of our founding.

1           And given the hour, I will try to keep  
2 it conversational and brief here.

3           So I'm here today to discuss electric  
4 micromobility -- so that's a general term,  
5 EMM for short, of what we would term electric  
6 scooters and electric bikes -- and pending  
7 legislation here in New York State and how it  
8 relates to other legislation and policy in  
9 place across the country.

10           New York State's in a really unique  
11 position right now. We've waited on this  
12 legislation for some time, so we have the  
13 opportunity to take lessons from other states  
14 and communities across the country, learn  
15 what they've learned over the last three  
16 years. In 2017, the EMM industry barely  
17 existed, and now you can't say "scooters" or  
18 "e-bikes" without getting some reaction out  
19 of anyone in the room.

20           You know, the -- sort of the policy  
21 landscape has been trial and error since the  
22 inception of the whole thing. When they  
23 launched in San Francisco in 2018, scooters  
24 were pulled off the streets in just six weeks

1           because there was no policy framework in  
2           place. And it took six months to even get  
3           back on the streets, because there wasn't a  
4           policy vision at that time.

5                     We can look at plenty of places across  
6           the country that are also existing in that  
7           void, and now even banning scooters  
8           altogether -- like San Diego has pending  
9           bans, larger cities like Singapore abroad,  
10          and even smaller cities like Columbia,  
11          South Carolina, that are banning scooters  
12          altogether before they even get there.

13                    New York State is a diverse state.  
14          What we know works in Binghamton and  
15          Watertown and other upstate communities might  
16          not work downstate in Manhattan and the city,  
17          so we have to take that into account in our  
18          legislation.

19                    How do we really promote avenues of  
20          community control in these systems? Knowing  
21          what your community needs and what's going to  
22          work best there really needs to be the  
23          imperative. And that, in tandem, can promote  
24          safety for these items. What communities

1 know about their own roadways, about their  
2 own communities, and how people respond to  
3 education outreach campaigns is going to make  
4 people more safe when they use these  
5 technologies.

6 The CDC has studied e-bikes and  
7 e-scooters as a phenomenon. Of the injury  
8 rates, which are fairly high, one in every  
9 three is a serious head injury, and half of  
10 all accidents are folks using this technology  
11 for the first time and they don't necessarily  
12 have a good understanding of them.

13 So as we move into a period where the  
14 state's enacting legislation, it's important  
15 that the state get out in the front and lead  
16 policy guidance for communities. When we put  
17 this policy in place -- and this is a fairly  
18 complex issue -- it takes items from  
19 downstate, where we have folks who are  
20 delivery workers who need e-bikes for their  
21 own jobs, but also large companies who put in  
22 fleets of shared vehicles that have complex  
23 usage and, you know, unintended consequences  
24 sometimes if it's not regulated in the

1 correct way.

2 And when you're a small community  
3 upstate, or a mid-sized city, you might not  
4 have the resources to really go through that  
5 policy, take it into account, and make the  
6 smart decisions ahead of time.

7 So any resources, be it time,  
8 collaborative learning, any resources at  
9 all the state can give the communities to  
10 learn more about this legislation and take  
11 into account and create it on their own  
12 terms, is going to be better.

13 So you see in Nashville and Atlanta  
14 where scooters were deployed, and  
15 unfortunately there were deaths and  
16 unintended consequences of those launches.  
17 Nashville ended up pulling scooters off the  
18 streets altogether. In Atlanta they banned  
19 them at night, and it wasn't until after  
20 those incidents that the states of Georgia  
21 and Tennessee came forward and said, Okay, at  
22 a state level we need to start moving on  
23 this, to create that policy framework for  
24 communities to follow.

1           Fortunately, New York State is in a  
2 position where it can create that framework  
3 ahead of time and we don't have to get to  
4 that unfortunate point. A good example of  
5 the impacts of this is since 2013, Citi Bike  
6 in New York City, the bike share program, has  
7 had over 60 million trips, with only one  
8 unfortunate fatality. There's already been  
9 three scooter fatalities in the New York City  
10 this year alone. And this is at a point  
11 where they're not even quite legal.

12           So like I said before, we know what  
13 works in upstate cities is probably not  
14 what's going to work downstate. But creating  
15 that framework is important. And it's also  
16 important to note that the private industry  
17 alone isn't going to solve our transportation  
18 crisis.

19           And EMM as a whole is -- there's lots  
20 of benefits: First/last mile public transit  
21 connections, more sustainable transportation,  
22 and an affordable and efficient way to get  
23 around. But the positive impacts of these  
24 systems, especially in share/use

1 environments, will be entirely taken away if  
2 we don't take the right steps now and get the  
3 policies right, speak with all people at  
4 local and regional levels, and move forward  
5 from there.

6 I'd be happy to answer any questions  
7 about this. This is the work we do for  
8 communities across the country.

9 CHAIRWOMAN KRUEGER: Thank you.

10 We have a question from Assemblywoman  
11 Niou.

12 ASSEMBLYWOMAN NIOU: Hello. Thank you  
13 for bringing up these important discussion  
14 topics, because I actually had almost exactly  
15 the same concerns as you.

16 One of the biggest things that I  
17 really feel very strongly about is the  
18 legalization of e-bikes, but I have my  
19 reservations on e-scooters because of the  
20 delivery workers that you mentioned. They're  
21 heavily in Chinatown, my district, and in  
22 Lower Manhattan. And I think that the  
23 penalization of them in the city has been  
24 very, very unfair.

1           And so I think that it's really  
2 crucial and critical, especially the timing,  
3 that we do make sure that we legalize  
4 e-bikes. And as you had mentioned, of  
5 course, the e-scooter accidents. Just like  
6 you said, they have been much higher. And in  
7 the bill we have talked about, you know,  
8 carving out Manhattan.

9           But at the same time I think that, you  
10 know, it's a very different constituency also  
11 for the usage, and also in ownership. So the  
12 e-bikes are obviously owned by low-income  
13 delivery workers themselves, whereas the  
14 e-scooters are the giant fleets that you're  
15 talking about, owned by giant corporations  
16 who also have -- they charge more than a  
17 train pass.

18           So I'm wondering if you believe  
19 that -- because you're right about the  
20 timeline piece, too, and that some things  
21 could work upstate or in the outer boroughs,  
22 even, very well. But the timing piece --  
23 like, do you think that things should be  
24 separated? Or do you think that, you know,

1 both pieces need to be in tandem? Like what  
2 are your opinions on this?

3 MR. LaROSA: I think that it's  
4 important to consider the differences between  
5 e-bikes and scooters. And you brought up a  
6 lot of very valid points with that. And it  
7 even comes down to sort of a roadway  
8 recognition.

9 You know, e-bikes are essentially an  
10 extension of bicycles. You're on them and --  
11 and there needs to be education on the proper  
12 usage of them. You go a lot faster. They're  
13 not necessarily just your everyday backyard  
14 bicycle.

15 But when you're on the road, when  
16 there is bike racks, people recognize you  
17 biking, there's a certain understanding and a  
18 communication on roadways about that. And  
19 certainly we could do more to promote our  
20 infrastructure and make these more friendly  
21 and make our streets more friendly to use in  
22 that way.

23 But scooters are sort of a different  
24 animal. And I think Senator Krueger brought

1           it up earlier when speaking, I believe, with  
2           Commissioner Schroeder about the parking. So  
3           we know where to park a bike, right? You  
4           have a bike rack, a lock and something. But  
5           scooters are a whole different issue.

6                     And that's not just for parking, it's  
7           for riding. I mean, should you ride on the  
8           street? It doesn't necessarily feel right,  
9           because you're on a little two-wheeled  
10          plastic device. But on the sidewalk, then  
11          it's dangerous for pedestrians, and it's not  
12          inclusive that way.

13                    So we need to take more time to figure  
14          out the differences. You know, we know that  
15          legislation is pending, but -- and that these  
16          systems will have positive impacts. But any  
17          more consideration we can put to the  
18          differences here, and the more time we can  
19          give our state policymakers, like you all,  
20          and also then local policymakers to take what  
21          the state puts forward and really think  
22          critically about what it will look like in  
23          their communities -- so any more time and  
24          resources for that, on that local and

1 regional level, is going to be a net positive  
2 for the state overall.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 CHAIRWOMAN WEINSTEIN: Thank you.

6 This concludes the joint

7 Transportation Hearing.

8 Tomorrow at 9:30 a.m. we will be  
9 beginning -- we will be having the hearing on  
10 Health/Medicaid, and you may want to bring  
11 your sleeping bags.

12 (Laughter.)

13 (Whereupon, the budget hearing concluded  
14 at 6:42 p.m.)

15

16

17

18

19

20

21

22

23

24

