



TESTIMONY OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
BEFORE THE JOINT LEGISLATIVE FISCAL COMMITTEES
HAMILTON HEARING ROOM B, LEGISLATIVE OFFICE BUILDING
JANUARY 30, 2019

Chairs Krueger, Weinstein, Kennedy, Magnarelli and distinguished members of the Legislature, on behalf of Commissioner Karas, I want to personally thank you for this opportunity to discuss Governor Cuomo’s Executive Budget as it pertains to the Department of Transportation (DOT) for the 2019-20 State fiscal year (SFY). My name is Ron Epstein and I am the Executive Deputy Commissioner of the Department of Transportation. I am joined today by Janice McLachlan, the Department’s Chief Counsel.

The Department of Transportation provides guidance, oversight and financial support for the maintenance and repair of a system that encompasses more than 113,000 highway miles and more than 17,400 bridges – including direct responsibility for maintaining approximately 40,000 lane miles and more than 7,400 bridges; an extensive 3,500-mile passenger and freight rail network, over which 68 million tons of equipment, raw materials, manufactured goods and produce are shipped each year; 485 public and private aviation facilities through which approximately 80 million people travel each year; and 130 public transit operators, serving approximately 9 million passengers each day. The renewal and modernization activities supported by the Executive Budget across the State are essential to ensuring New York’s economic competitiveness.

One of the most important functions of the Department of Transportation is to ensure the safety of the traveling public. Over the years, DOT has strategically augmented its capacity to more effectively respond to extreme weather events and emergencies. Snow and ice control is one of the more challenging responsibilities for the Department given the unpredictability and volatility of weather patterns. Earlier this month, more than 4,000 Department staff were fully engaged across the State responding to Winter Storm Harper. Last night and throughout today, our forces are fully engaged with this latest January storm event. On behalf of Commissioner Karas, I’d like to take this opportunity to personally thank the women and men of the Department for their dedication and professionalism in mitigating the harmful impacts of the extreme rain; snow; and ice that is currently occurring across the State. I thank them for all that they do! Their extraordinary work ethic is why New York State’s transportation system is among the most dependable in the nation.

I also want to thank Governor Cuomo for his unparalleled leadership and unprecedented commitment to enhancing the State’s infrastructure. New York’s economy relies on a resilient and efficient transportation infrastructure network to continue attracting investment and creating jobs. In fact, with the nation’s infrastructure deteriorating, Governor Cuomo understood that the path forward to economic opportunity was through building. Building new roads, bridges, airports, and transit systems. Building that not only facilitates growth in every region of the State, but building in a sustainable way that creates new jobs that will be sustained for generations.

The Department is currently delivering capital projects within the framework of a five-year \$29 billion capital program. The Executive Budget proposes new State investments to improve the transportation system, enhance the system's resiliency, create jobs, and deliver unparalleled operating aid for transit systems. The current year's budget includes more than \$4.4 billion in new capital program funding. Of that amount, more than \$2.5 billion in new funding is provided to support the Department's highway and bridge program. To address the needs of local governments, the Budget also provides record-level State assistance for municipalities to address the repair and rehabilitation of locally-owned roads and bridges, including \$478 million for the Consolidated Local Street and Highway Improvement Program (CHIPS) and the Marchiselli program; and enhanced assistance to local governments through the \$100 million PAVE NY and \$100 million BRIDGE NY initiatives. In addition, funding for municipally sponsored upstate and downstate suburban transit systems would increase by \$37 million (7 percent) from enacted SFY 2018-19 levels - including \$218 million for Upstate and \$350 million for Downstate systems.

Prior to the enactment of the Infrastructure Investment Act of 2011 (Act), DOT delivered construction contracts through a traditional Design-Bid-Build process. By combining the design and construction phases of a project into one contract, project delivery is faster and more efficient, and project benefits are delivered to the public sooner. Since being signed into law in 2011, DOT has awarded 36 Design-Build contracts valued in excess of \$2.4 billion, including the replacement of the Interstate 690 Bridge over Teall Avenue and Beech Street in the Central New York Region; reconstruction of the Interstate 390/490 interchange in the Finger Lakes Region; and replacement of the Rexford Bridge (State Route 146) over the Mohawk River in the Capital Region. Projects are underway throughout the State, and the results are overwhelmingly positive: projects are being delivered sooner; on-budget; and jobs are being created. Design-Build has been an incredibly useful tool to expedite projects and expend tax payer dollars more efficiently. As such, legislation included with the Executive Budget seeks to make permanent Design-Build authorization.

The Budget includes legislation to substantially improve the safety of for-hire and other large passenger vehicles throughout New York State. The legislation would ban the registration of certain types of stretched or modified vehicles, strengthen civil and criminal penalties for violations, and significantly enhance the Department of Transportation's enforcement authority. The Budget also increases the maximum Notice of Violation fine from \$5,000 to \$25,000 per occurrence and heightens criminal penalties to ensure compliance with the law.

In recent years, the number of reported highway worker assaults and motorist intrusions in work zones established by the Department of Transportation has significantly escalated. Of these reported assaults and intrusions, approximately 100 have resulted in injuries to highway workers. Similar increases have been reported on facilities owned and operated by local governments and public authorities. The Executive Budget proposes to enhance and strengthen civil and criminal penalties as a deterrent and to provide law enforcement and prosecutors the additional tools needed in pursuing and punishing offenders.

In closing, as Governor Cuomo has stated, *"New York is in an international competition for the best destination to live, work and play. Either you are moving forward or you are falling behind."* The work we do is critical and the challenges we face are very real. I appreciate the open and continuous dialogue with the Legislature and I know that collectively we will deliver the transportation system that our residents deserve and is necessary to maintain New York's position as the Empire State.

I want to thank you for your time today and I am available to address any questions that you may have.