

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

2 -----  
JOINT LEGISLATIVE HEARING  
3 In the Matter of the  
2021-2022 EXECUTIVE BUDGET  
4 ON TRANSPORTATION  
5 -----

6 Virtual Hearing  
Conducted via Zoom  
7  
January 26, 2020  
8 9:42 a.m.

9  
PRESIDING:

10 Senator Liz Krueger  
11 Chair, Senate Finance Committee  
12 Assemblywoman Helene E. Weinstein  
13 Chair, Assembly Ways & Means Committee

PRESENT:

14 Senator Thomas F. O'Mara  
15 Senate Finance Committee (RM)  
16 Assemblyman Edward P. Ra  
17 Assembly Ways & Means Committee (RM)  
18 Senator Timothy M. Kennedy  
Chair, Senate Committee on Transportation  
19 Assemblyman William B. Magnarelli  
Chair, Assembly Committee on Transportation  
20  
21 Senator Leroy Comrie  
Chair, Senate Committee on Corporations,  
Authorities & Commissions  
22  
23 Assemblywoman Amy Paulin  
Chair, Assembly Committee on Corporations,  
Authorities & Commissions  
24

1 2021-2022 Executive Budget  
Transportation  
2 1-26-21

3 PRESENT: (Continued)

4 Assemblyman David G. McDonough

5 Assemblyman Jonathan G. Jacobson

6 Assemblywoman Deborah J. Glick

7 Assemblyman Charles D. Fall

8 Assemblywoman Emily Gallagher

9 Senator Pete Harckham

10 Assemblyman Erik M. Dilan

11 Assemblyman Edward C. Braunstein

12 Senator Shelley B. Mayer

13 Assemblyman Kenneth Zebrowski

14 Senator Joseph A. Griffo

15 Assemblywoman Jessica González-Rojas

16 Assemblyman Harry B. Bronson

17 Senator Jessica Ramos

18 Assemblyman Joe DeStefano

19 Senator James Skoufis

20 Assemblyman J. Gary Pretlow

21 Senator Diane J. Savino

22 Assemblyman Steven Otis

23 Assemblywoman Jaime R. Williams

24 Senator Sue Serino

1 2021-2022 Executive Budget  
Transportation  
2 1-26-20

3 PRESENT: (Continued)

4 Assemblywoman Jo Anne Simon

5 Senator Anna M. Kaplan

6 Assemblywoman Nily Rozic

7 Assemblywoman Alicia Hyndman

8 Senator Todd Kaminsky

9 Assemblyman Robert C. Carroll

10 Senator John C. Liu

11 Assemblyman Kevin Byrne

12 Assemblywoman Patricia Fahy

13 Senator Kevin Thomas

14 Assemblywoman Gina Sillitti

15 Assemblyman Ron Kim

16 Assemblywoman Marcela Mitaynes

17 Senator Brad Hoylman

18 Assemblyman Jeffrion L. Aubry

19 Assemblywoman Taylor Darling

20 Senator Roxanne Persaud

21 Assemblywoman Rebecca A. Seawright

22 Assemblyman Fred W. Thiele, Jr.

23 Assemblywoman Vivian E. Cook

24 Assemblyman Mark Walczyk

1 2021-2022 Executive Budget  
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2 1-26-21

3 PRESENT: (Continued)

4 Assemblywoman Sandy Galef

5 Senator James Gaughran

6 Assemblyman John T. McDonald III

7 Assemblyman Philip A. Palmesano

8 Assemblywoman Yuh-Line Niou

9 Senator James N. Tedisco

10 Assemblywoman Catherine Nolan

11 Assemblyman William Colton

12 Assemblywoman Stacey Pheffer Amato

13 Assemblyman N. Nick Perry

14 Senator Elijah Reichlin-Melnick

15 Assemblyman Brian Miller

16 Assemblywoman Carmen N. De La Rosa

17 Assemblyman Josh Jensen

18 Senator Mike Martucci

19 Assemblywoman Pamela J. Hunter

20 Assemblyman Kenny Burgos

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 2 1-26-21

3 LIST OF SPEAKERS

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5	Patrick Foye President		
6	Robert Foran Chief Financial Officer		
7	Janno Lieber Chief Development Officer		
8	Sarah Feinberg NYC Transit Interim President		
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18	Permanent Citizens Advisory Committee to the MTA		
19	-and- Lauren Bailey		
20	Director of Climate Policy Tri-State Transportation Campaign		
21	-and- Fred Hiffa		
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3 LIST OF SPEAKERS, Continued

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6 Highway Superintendent		
President		
7 NYS Association of Town		
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8 -and-		
Joe Wisinski		
9 Madison County		
Highway Superintendent		
10 President		
NYS County Highway		
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12 Bill Carpenter		
CEO, Rochester-Genesee Regional		
13 Transportation Authority		
President, New York Public		
14 Transit Association		
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15 Scott Wigger		
Executive Director		
16 Railroads of New York		
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3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Rachael Fauss  
Senior Research Analyst

6 Reinvent Albany  
-and-

7 Jessica Murray  
Organizer

8 Rise and Resist Elevator  
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1                   CHAIRWOMAN WEINSTEIN: Good morning.

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

5                   And today we begin the first in a  
6                   series of hearings conducted by the joint  
7                   fiscal committees of the Legislature  
8                   regarding the Governor's proposed budget for  
9                   fiscal year 2021-2022. The hearings are  
10                  conducted pursuant to the New York State  
11                  Constitution and the Legislative Law.

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

16                  So I will attempt, in our new format  
17                  for this year, our virtual format, to  
18                  introduce the participating members from the  
19                  Assembly. Senator Krueger, chair of the  
20                  Senate's Finance Committee, will introduce  
21                  members from the Senate. And in addition,  
22                  our ranking member of Ways and Means,  
23                  Assemblyman Ra, will introduce the members  
24                  from his conference.



1                   And just sort of ground rules -- well,  
2           let me go to the members and then we'll do  
3           the ground rules. Because the more people  
4           who are here to hear, the better we'll be.

5                   So in the Assembly we have our  
6           Transportation chair, Bill Magnarelli;  
7           Assemblywoman Hyndman, Assemblywoman  
8           Gonzalez-Rojas, Corporations Chair Amy  
9           Paulin, Assemblywoman Deborah Glick,  
10          Assemblywoman Gallagher, Assemblywoman  
11          Sliti -- Sillitti. I'm sorry, my eyes are  
12          not so great. Assemblyman Bronson,  
13          Assemblyman Pretlow, Assemblyman McDonald,  
14          Assemblyman Jacobson, Assemblyman Zebrowski,  
15          Assemblywoman Mitaynes, Assemblywoman  
16          Seawright, Assemblyman Carroll, Assemblyman  
17          Kim, Assemblyman Otis, Assemblywoman Darling,  
18          Assemblywoman Cook, Assemblywoman Niou,  
19          Assemblyman Thiele, Assemblywoman Williams,  
20          Assemblywoman Simon. And I believe that is,  
21          at the moment, the Assemblymembers.

22                   Senator Krueger, do you want to  
23          introduce your Senate colleagues who are  
24          here?

1                   CHAIRWOMAN KRUEGER: Thank you. And  
2                   welcome.

3                   So I think on behalf of Helene and  
4                   myself, we all know this is the first budget  
5                   hearing we are doing virtually, and we will  
6                   hit technical glitches today which we will  
7                   resolve as quickly as possible for people.  
8                   But to some degree everyone has to humor us a  
9                   little bit as we try to make sure that we are  
10                  operating public budget hearings in a time of  
11                  COVID.

12                 So we already have with us this  
13                 morning, from the Senate, Senator Anna  
14                 Kaplan; Senator Brad Hoylman; our  
15                 Corporations chair, Senator Leroy Comrie;  
16                 Senator Diane Savino. I'm going to let the  
17                 Republicans introduce themselves in a minute.  
18                 Senator John Liu, Senator Pete Harckham,  
19                 Senator Shelley Mayer, Senator Todd Kaminsky,  
20                 and our Transportation chair, Senator Timothy  
21                 Kennedy. Which we all are in mourning for  
22                 the Buffalo Bills -- I am sorry, Senator  
23                 Kennedy.

24                 Senator -- that's actually it on the

1 Democratic side.

2 I'd like to turn it over to my ranker,  
3 if that's all right, Tom O'Mara, to introduce  
4 the Republican Senators.

5 SENATOR O'MARA: Now you tell me, Liz,  
6 I have to introduce my own members.

7 SENATOR KRUEGER: I'm sorry.

8 SENATOR O'MARA: I'm looking through  
9 the screens trying to write them down right  
10 now.

11 But good morning, everyone. Thanks,  
12 everybody, for everything that is on. I'm  
13 looking forward to these hearings and moving  
14 forward and hopefully getting some useful  
15 information out of them for our budget  
16 process.

17 But we have with us today on our side  
18 our ranking member of the Transportation  
19 Committee, Joe Griffo. We have Senator Jim  
20 Tedisco, Senator Mike Martucci. And I  
21 believe that's all I see right now for us.

22 So thank you.

23 CHAIRWOMAN KRUEGER: Thank you.

24 CHAIRWOMAN WEINSTEIN: And

1 Assemblyman Ra, would you like to introduce  
2 your colleagues.

3 ASSEMBLYMAN RA: Thank you,  
4 Madam Chair. We have Assemblymembers  
5 Walczyk, Brian Miller, Jensen, DeStefano, and  
6 Palmesano on from the Assembly Minority right  
7 now. Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 So as I mentioned before, a few ground  
10 rules. Just to remind all witnesses  
11 testifying today to keep your statements  
12 within the allotted time limit so everyone  
13 can be afforded the opportunity to speak.  
14 It's particularly important now that the  
15 hearings are being conducted virtually.

16 And just to go over the time limits,  
17 all members and witnesses on the stand,  
18 governmental entities, public authorities,  
19 will get 10 minutes to make an oral  
20 presentation. So we're going to start today  
21 with a presentation from the MTA, and then  
22 there will be 10 minutes for other  
23 governmental entities afterwards.

24 Nongovernmental witnesses who

1 requested time to speak today will each have  
2 three minutes to make their oral presentation  
3 to us. We do have the testimonies. We'll  
4 work it out to make sure the members get it.  
5 Obviously we can't put it on people's desks,  
6 so we'll just work out the kinks today in  
7 terms of the electronics of getting testimony  
8 to you.

9 All of the testimony is going to be  
10 made part of the record, so people are  
11 instructed, encouraged not to read testimony  
12 verbatim. And we have the time clock, so  
13 people need to keep an eye on the clock.  
14 That's both for the witnesses and for the  
15 members.

16 And just for the limits on the  
17 members, it's as follows. Chairs of the  
18 relevant committees to this hearing have  
19 10 minutes each to ask questions, receive  
20 answers. The ranking members of each of the  
21 three committees will get five minutes each,  
22 and all other members of the relevant  
23 committee -- particularly because we  
24 virtually have a larger group of members --

1 will get three minutes each.

2           There are not second rounds for  
3 questions from members except for the  
4 relevant committee chairs, the three  
5 committee chairs for this hearing. And I  
6 just encourage members and all who ask  
7 questions, both Assembly and Senators, that  
8 the time is both to ask a question and to  
9 have the witness respond with an answer. So  
10 I would ask the witnesses to keep their  
11 answers concise also.

12           So now let us begin. As I said, we'll  
13 make sure we get testimonies distributed to  
14 everyone as we go along.

15           Our first witness is Patrick Foye,  
16 president of the Metropolitan Transportation  
17 Authority. Joining Mr. Foye today to help  
18 answer any questions, but not to present  
19 testimony, is Janno Lieber, chief development  
20 officer; Bob Foran, chief financial officer;  
21 and Sarah Feinberg, interim president of  
22 New York City Transit.

23           With that being said, I would just ask  
24 members to -- any members and witnesses,

1 people who are here from the MTA, to mute  
2 themselves, other than Patrick Foye. And  
3 with that.

4 (Zoom interruption.)

5 CHAIRWOMAN WEINSTEIN: Okay. And with  
6 that, Mr. Foye, we are ready for your  
7 testimony. Please go ahead.

8 MTA CHAIRMAN FOYE: Thank you. Good  
9 morning, all. And I will keep this to less  
10 than 10 minutes, as you requested.

11 Thanks for inviting us to appear  
12 remotely today. Particular thanks to Chair  
13 Krueger, Chair Weinstein, Chair Comrie, Chair  
14 Kennedy, Chair Paulin and Chair Magnarelli  
15 for their leadership and for the invitation.

16 I'm Pat Foye, MTA chairman and CEO.  
17 I'm joined today, as Chair Weinstein just  
18 mentioned, by Bob Foran, our chief financial  
19 officer; Janno Lieber, who leads construction  
20 and development for the MTA -- I know some of  
21 you will have questions for Janno, and he's  
22 got a hard stop on a project meeting at  
23 11 o'clock -- and Sarah Feinberg, interim  
24 president of New York City Transit.

1           Much has changed since we last met in  
2           person for this annual budget hearing last  
3           January. Back then, we were buoyed by the  
4           approval by the Legislature, by all of you  
5           and the Governor of the new and historic  
6           \$51.5 billion capital plan designed to  
7           improve and modernize the system on all  
8           levels, an operating budget for 2020 that we  
9           projected would show an expected surplus of  
10          approximately \$81 million, record ridership  
11          levels and performance metrics that showed  
12          impressive improvements for customers.

13          Much of that came to a screeching halt  
14          in March when the COVID-19 pandemic hit  
15          New York and hit it hard. Consequently, this  
16          past year has been among the most challenging  
17          in modern history for the country, New York,  
18          and of course the MTA.

19          As you are well aware, the COVID-19  
20          pandemic has exacted an extreme personal and  
21          financial toll on our agency and our  
22          dedicated employees, surpassing that of the  
23          aftermath of 9/11, the Great Recession of  
24          2008-'09, and even the Great Depression.



1       It's not just the financial cost, but the all  
2       too human cost we have suffered because of  
3       this once-in-a-century public health crisis.

4               To date we have tragically suffered  
5       the loss of 136 colleagues. And yesterday we  
6       unveiled a striking digital memorial  
7       observing our loss of our colleagues. We  
8       will never forget their service and  
9       dedication.

10              But I'm proud to say that despite the  
11       devastating and painful impacts of the  
12       coronavirus, the hardworking and heroic women  
13       and men of the MTA have continued to show up  
14       for work day after day to keep the New York  
15       City region moving -- for essential workers  
16       and first responders during the height of the  
17       crisis, and now as New Yorkers continue to  
18       return to the system.

19              And despite the immense challenges we  
20       face, New York City Transit, Long Island Rail  
21       Road and Metro-North continue to show  
22       improvements in on-time performance and other  
23       metrics, including 88.6 percent of subway  
24       trains operating on time last year, the

1 highest in recent history; nearly 96 percent  
2 of Long Island Rail Road trains running on  
3 time; and almost 98 percent of trains meeting  
4 their schedules on Metro-North.

5 We need to keep up the good work  
6 during this critical recovery state, with  
7 safety remaining our number-one priority.  
8 Since the virus arrived in New York, we have  
9 worked in lockstep with top federal, state  
10 and local officials to adapt our response and  
11 minimize public health risk to customers and  
12 employees. In fact, the MTA has led transit  
13 agencies across the country in enacting  
14 health and safety measures to combat the  
15 pandemic.

16 That starts with our universal mask  
17 mandate launched back in April under the  
18 leadership of Governor Cuomo, and our  
19 unparalleled round-the-clock disinfecting  
20 program, which in a recent customer survey  
21 garnered strong approval from 75 percent of  
22 our customers.

23 But our response extends far beyond  
24 just cleaning. We've piloted innovative new

1 technologies and studies from air filtration  
2 systems to aerosols. We've empowered riders  
3 by providing real-time capacity tracking on  
4 the railroads and buses to help promote  
5 social distancing. And we've created the  
6 Regional Mask Force, distributing more than  
7 6 million masks to customers who need them.

8 Many of you and your colleagues have  
9 joined us for Mask Force events, and we're  
10 grateful for that show of support. We've  
11 installed PPE vending machines at select  
12 stations and put mask dispensers on buses,  
13 and we are distributing hand sanitizer  
14 throughout our system, using dispensers  
15 created by our very own employees.

16 Additionally, we've made it easier for  
17 our workforce to get tested for the virus,  
18 standing up our own on-site program and  
19 serving as the first transit agency in the  
20 country to do so. Now our focus is shifting  
21 to the coronavirus vaccine and getting as  
22 many employees inoculated as possible,  
23 starting with those on the front lines. To  
24 date we've achieved vaccination of

1 approximately 3,000 MTA front-line employees.

2 But like every other agency and  
3 entity, we're severely limited by the levels  
4 of vaccines made available by the federal  
5 government to date. We are planning to set  
6 up our own vaccination centers at work  
7 locations system-wide, but that is solely  
8 dependent on the supply of the vaccine.

9 But even while we deal with the added  
10 stresses associated with the COVID pandemic,  
11 our commitment to ensuring a safe and  
12 reliable system for our customers remains our  
13 central priority.

14 Recently we've seen a string of  
15 high-profile attacks on commuters and our  
16 workforce. This is unacceptable. That is  
17 why we are proposing legislation to  
18 strengthen the laws protecting transit  
19 workers against spitting incidents and other  
20 kinds of assault. We must be able to assure  
21 the public our system is safe if we want  
22 New Yorkers to return to public transit.

23 The MTA also continues to work closely  
24 with our partners at the NYPD to increase

1 police presence across the system.

2 A word about budget and federal relief  
3 efforts. As you know, the ongoing pandemic  
4 has driven down ridership precipitously, by  
5 as much as 95 percent on the subways at the  
6 peak of the pandemic. Even today, we're  
7 serving a fraction of the riders we did  
8 pre-COVID-19, with declines of roughly  
9 70 percent on the subways, 50 percent on  
10 buses, and between 70 to 80 percent on the  
11 commuter railroads.

12 The impact on fare and toll revenue  
13 has been so severe it exceeds even that of  
14 the Great Depression. And the dedicated  
15 taxes that support our agency remain severely  
16 depressed. We've had to rely on the federal  
17 government for emergency aid to stay afloat,  
18 since the state and city are facing the same  
19 dire financial crisis as the MTA. We were  
20 grateful to receive \$4 billion under the  
21 CARES Act back in March and, after months of  
22 nationwide-leading advocacy on our part,  
23 another 4 billion in the latest relief bill  
24 passed in December.

1           We thank Senate Majority Leader  
2           Schumer, Speaker Pelosi, and the bipartisan  
3           New York delegation for their hard work and  
4           support.

5           This infusion of federal funds, in  
6           addition to another \$2.9 billion we borrowed  
7           through the Federal Reserve's Municipal  
8           Liquidity Facility, which expired at the end  
9           of last year, was critical in helping us to  
10          avoid severe cuts to service and layoffs of  
11          thousands of our colleagues this year -- and  
12          should get us through 2021. But there will  
13          be immense challenges.

14          Just last week we delayed a vote on  
15          potential fare increases -- that have been  
16          approved on a biennial basis since 2011 --  
17          because we recognize that so many customers  
18          suffering financially as a result of the  
19          pandemic, and we don't want to exacerbate the  
20          economic impact of this crisis, especially  
21          for essential workers, low-income residents  
22          and communities of color that rely on us.

23          And while we believe it's the right  
24          thing to do, delaying any fare increase has

1           an impact on an already extremely fragile  
2           budget.

3                       There also remains the issue of  
4           substantial outyear deficits through 2024.  
5           We are doing our part to rein in costs  
6           through agriculture consolidations,  
7           significantly cutting overtime, and major  
8           reductions in the use of consultants,  
9           projected to save \$601 million in 2021. But  
10          there is simply no way we'll be able to fully  
11          recover without billions of dollars more in  
12          additional federal relief to get us through  
13          the next few years.

14                      With President Biden now in office,  
15          Senator Schumer serving as Senate Majority  
16          Leader -- the first ever from New York  
17          State -- and a Democratic majority in both  
18          houses of Congress, we are more optimistic  
19          about our prospects than just a few weeks  
20          ago. The Biden administration rightly  
21          recognizes the importance of mass transit and  
22          has included an additional \$20 billion for  
23          public transportation nationally in its  
24          initial COVID-19 relief proposal.

1           We are eager to continue working with  
2           Washington during this urgent crisis. We  
3           have said all along that this is a national  
4           crisis that requires a national solution.  
5           Our goal is to find a path forward to support  
6           mass transit nationwide, not only to help  
7           cover operating costs but to fund  
8           transformative and necessary capital projects  
9           to ensure our 116-year-old subway system  
10          continues to serve the region as ridership  
11          returns, like those outlined in the historic  
12          2020 to 2024 capital program: The  
13          installation of modern signaling on six  
14          subway lines, 70 new ADA-accessible stations,  
15          East Side Access, Penn Station Access, and  
16          Second Avenue subway Phase 2.

17          But the capital plan has been largely  
18          put on hold as a result of the COVID crisis  
19          and the resulting financial crisis, putting  
20          at risk more than 350,000 good-paying jobs  
21          statewide and an estimated \$75 billion in  
22          economic activity for New York State.

23          The pandemic has decimated the MTA's  
24          traditional capital funding sources and



1           forced us to dip into capital funds to rescue  
2           the operating budget. The Biden  
3           administration can help us recover by  
4           providing direction on the type of  
5           environmental review we must undertake in  
6           order to move forward with congestion  
7           pricing, which will help us leverage  
8           \$15 billion for our capital plan, 30 percent  
9           of the funding for the capital plan.

10                 We are grateful that the Legislature  
11           and Governor authorized what would be the  
12           nation's first program of its kind in order  
13           to reduce congestion, air pollution and raise  
14           needed capital money for the MTA. The  
15           Legislature passed the measure in April 2019,  
16           and sadly we have heard nothing from the  
17           previous presidential administration since.  
18           We're hopeful that President Biden and his  
19           team will change that.

20                 Additionally, we're appreciative that  
21           the Governor's budget proposal for 2021-'22  
22           includes \$3 billion in capital funding from  
23           the state, and we expect the city to follow  
24           through with a similar commitment.

1 I do want to recognize --

2 THE MODERATOR: I'm sorry, but your  
3 time is up.

4 MTA CHAIRMAN FOYE: Let me just  
5 summarize, then --

6 CHAIRWOMAN WEINSTEIN: Yeah, if you  
7 can just --

8 MTA CHAIRMAN FOYE: I want to  
9 recognize Janno Lieber's leadership of  
10 Construction and Development. Thanks to him,  
11 we've continued to advance key projects  
12 within the funding constraints. Janno will  
13 be happy to talk about that.

14 We completed the rollout of the OMNY  
15 fare payment system on subways and buses by  
16 the end of the year, allowing customers to  
17 tap and go. Once new funding's in place, we  
18 want to build on these successes and  
19 aggressively pursue projects that serve as  
20 the cornerstone of our capital plan, which we  
21 believe will help jump-start the economy and  
22 ensure we continue to lead New York's  
23 recovery.

24 As you are all aware, in conclusion, a

1       robust MTA isn't just good for the New York  
2       City region but the state as a whole.  
3       Approximately 90 percent of our capital  
4       spending is done within the State of  
5       New York. Our vendors come virtually from  
6       every community around the state, from Queens  
7       and Long Island to the North Country, Western  
8       New York and the Southern Tier, bringing jobs  
9       and productivity to all those areas.

10               We must do everything we can to create  
11       a strong transportation system that can carry  
12       us out of this crisis. It's literally the  
13       only way New York can rebound and lead the  
14       nation's recovery. We look forward to  
15       working with you and our partners at every  
16       level of government to make this happen.

17               We're happy to take your questions.

18               CHAIRWOMAN WEINSTEIN: Thank you.

19               Before we go, a couple of -- well,  
20       first let me introduce some of the  
21       Assemblymembers who have joined us. Actually  
22       Assemblyman Dilan was -- I missed him  
23       earlier; he's here. Assemblywoman De La  
24       Rosa, Assemblyman Fall, Assemblyman Otis,

1 Assemblyman Perry, Assemblywoman Hunter,  
2 Assemblywoman Pheffer Amato, Assemblywoman  
3 Rozic.

4 Just for all of the members, before we  
5 go to our Corporations chair, we haven't been  
6 able to fix the raise-hand function yet. But  
7 for the first time, the chat function is  
8 open. I know a number of members have used  
9 that to indicate they'd like to speak. So I  
10 would encourage you to, until we fix the  
11 raise-hand, if you go to the chat function  
12 and just say you'd like to speak, we'll make  
13 sure your name is on the list. And hopefully  
14 by the time we -- that we'll resolve the  
15 raise-hand function shortly.

16 With that, I'd like to go to the chair  
17 of our Corporations Committee in the  
18 Assembly, Assemblywoman Amy Paulin.

19 ASSEMBLYWOMAN PAULIN: Thank you so  
20 much.

21 So I have a few questions. The first  
22 is, Pat, when you made your budget  
23 assumptions in December or when the, you  
24 know, board voted on the budget, there was an

1       assumption of very low ridership numbers --  
2       extremely low -- a 20 percent cut to MTOA,  
3       receiving 4.5 billion in federal money, and  
4       145 million from a fare increase, among other  
5       assumptions. Since that time, many things  
6       have changed, some of which you mentioned in  
7       your testimony.

8               What is the current anticipated  
9       deficit or surplus for 2021 now that we have  
10      a better idea of what some of those revenues  
11      are? And what will you do with that surplus  
12      deficit?

13             MTA CHAIRMAN FOYE: So, Chair, I'll  
14      turn it over to Bob Foran. I want to make it  
15      clear we don't expect a surplus for 2021.  
16      We're talking deficits 2021 and beyond. But  
17      I'll turn to Bob.

18             MTA CFO FORAN: Thank you.

19             As you mentioned, the budget assumed  
20      4.5 billion coming in from the federal  
21      government. Our reading of CARESA looks like  
22      it's going to be around \$4 billion, so we're  
23      \$500 million short there. Every month we  
24      delay the fare increase costs -- or loses

1 revenue of \$5 million. So it depends on how  
2 long the fare will be delayed. But you can  
3 see something north of 500 million in the  
4 change in our operating result.

5 So we are fortunate that the  
6 preliminary review of our year-end results  
7 and the reconciliation with the financial  
8 plan shows that our fare and toll revenues  
9 are higher than we had estimated, our  
10 expenses are lower than we had estimated, and  
11 the dedicated taxes and subsidies are higher  
12 than we had estimated in the financial plan.  
13 That may well cover the deficit caused by the  
14 reduced federal aid.

15 So we're still putting it together.  
16 We'll be presenting our February plan next  
17 month. And so at that time we'll show the  
18 solutions that we've put on the table to  
19 address, you know, the shortfall in funding.

20 ASSEMBLYWOMAN PAULIN: Is there an  
21 estimated time when the board expects to take  
22 up the fare increase again? Because it was  
23 delayed, but there was no mention of when it  
24 was going to be discussed again.

1                   MTA CHAIRMAN FOYE: Chair, our  
2                   announcement said several months, and that I  
3                   expect will be the timeline.

4                   ASSEMBLYWOMAN PAULIN: And does the --  
5                   I know in your testimony you mentioned about  
6                   expecting monies from New York City the same.  
7                   Is there -- has there been any conversation  
8                   with them? Because they too have been going  
9                   through a financial crisis. And I wondered  
10                  if there was any problems with expecting  
11                  their revenue.

12                 MTA CHAIRMAN FOYE: Chair, we're  
13                 totally cognizant of the fact that the state  
14                 and the city are suffering as the MTA is.

15                 We're hoping that the new federal  
16                 government will provide state and city  
17                 support throughout the country, but  
18                 especially for the State of New York and the  
19                 city, as well as the MTA.

20                 There have been discussions with the  
21                 city. Our expectation is that the city will  
22                 meet the \$3 billion commitment. In putting  
23                 together the funding package for the capital  
24                 plan for 2020 to 2024, there were capital

1 contributions of \$3 billion each from the  
2 state and the city. The Governor's Executive  
3 Budget includes that \$3 billion, as you well  
4 know, and we expect the city to match it.

5 ASSEMBLYWOMAN PAULIN: Thank you. The  
6 ridership, of course, we know is down  
7 significantly. Is there any plan for service  
8 cuts that might reflect where riders are not  
9 coming back or elimination of any lines,  
10 subway, commuter rail? I know that was --  
11 you know, when we anticipated a severe  
12 deficit, that was the plan. I just don't  
13 know if any of that is still on the table.

14 MTA CHAIRMAN FOYE: Chair, there's no  
15 plans to take -- to close down lines, to  
16 close stations. The draconian cuts that  
17 you're referring to were actions that nobody  
18 at the MTA wanted to contemplate, less  
19 implement. But that was taken care of by the  
20 \$4 billion that we received or will receive  
21 in 2020 as a result of the lame duck COVID  
22 relief bill.

23 Service on the commuter rails has been  
24 rightsized, and we're continually looking at



1 service rightsizing. But there's no plan to  
2 do anything near those draconian cuts that we  
3 discussed last summer and fall.

4 ASSEMBLYWOMAN PAULIN: And maybe you  
5 can elaborate a little more on the capital  
6 plan. You know, we have been put on hold,  
7 but clearly it's an opportune time with so  
8 low ridership and, of course, the subways  
9 shut down for a period of time in the  
10 evening. Has anything gone forward that  
11 would allow us to take advantage of those  
12 facts?

13 MTA CHAIRMAN FOYE: Yeah. The answer  
14 is -- and I'll turn to Janno Lieber in a  
15 second -- we've taken advantage of the lower  
16 ridership situation and, even with the  
17 limited amount of funding, Janno can talk  
18 about the successes that have been achieved  
19 and the progress.

20 Janno.

21 MTA CDO LIEBER: Sure.

22 What we've managed to do is save  
23 somewhere between 2,000 and 3,000 days on a  
24 wide range of projects -- elevator

1        replacements, station repairs, escalator  
2        replacements. Chairman Comrie is well aware  
3        of the huge track project we did on Archer  
4        Avenue, which came in several weeks early,  
5        because we are making use of those outages  
6        overnight and extending them, in many cases,  
7        to 9 or 10 o'clock. Both the overnight  
8        closure, the scheduled overnight closure, now  
9        combined with a couple of extra hours before  
10       that was scheduled to begin, we've gotten a  
11       ton of extra work done.

12                And every time you reduce the project,  
13       we don't just deliver for the customers  
14       earlier, we actually save money. Because the  
15       overhead costs of running a project are  
16       avoided, and it's a huge benefit to the  
17       system.

18                ASSEMBLYWOMAN PAULIN: And on the  
19       capital, you know, there was a big  
20       announcement in the State of the State about  
21       the expansion of Penn Station as part of the  
22       Empire Station district.

23                What role, if any, will the MTA play  
24       in that program? And will there be any

1 capital expectation from the MTA? And, you  
2 know, I know it was a -- it was unclear  
3 whether that project will just merely expand  
4 on one side of Penn Station and/or the other.  
5 I know one creates an ability for West Side  
6 access for the Hudson line and Metro-North,  
7 but the other creates an ability to have a  
8 one-seat ride from Rockland County.

9 And I just wondered, you know, if you  
10 could elaborate a little bit more on your  
11 knowledge of that anticipated program.

12 MTA CDO LIEBER: Sure. Well, the MTA,  
13 our team is running, together with Amtrak and  
14 New Jersey Transit, the master planning  
15 studies that were announced a couple of years  
16 ago for existing Penn.

17 There will be a lot of New Yorkers,  
18 even with Moynihan's opening -- and East Side  
19 Access is opening in a couple of years --  
20 there's still going to be a lot of  
21 New Yorkers who are using existing Penn  
22 Station because of its proximity to the  
23 center of Midtown and also just the trackage  
24 arrangement vis-a-vis the East River Tunnel.

1           So we're trying to make sure that we have a  
2           high-functioning Penn.

3                     In answer to your question, there  
4           is -- the Governor's announced a plan to  
5           expand Penn Station to the south, which would  
6           add tracks and platforms and provide  
7           additional capacity to take advantage of the  
8           new Gateway Tunnel's cross-Hudson capacity.  
9           It will also open up new track and platform  
10          opportunities for New York services, both  
11          Long Island Rail Road and Metro-North.

12                    In answer to your -- so there will be  
13          more capacity for the New York services.

14                    In answer to your question about the  
15          west of Hudson services and also the idea of  
16          bringing the Hudson Line from Metro-North  
17          down into Penn through the Empire Tunnel on  
18          the West Side, we are planning, as part of  
19          that master planning effort, Chair Paulin,  
20          for those services, although that is not --  
21          you know, that's not funded in the capital  
22          plan right now, and obviously would be, if it  
23          comes to pass, part of future capital plans.  
24          But in planning the capacity and the

1 organization, the design of both existing  
2 Penn and the new stations, we are providing  
3 for those services to be included in the  
4 future.

5 ASSEMBLYWOMAN PAULIN: So let me just  
6 understand this correctly. The expansion of  
7 Penn Station is within our capital plan, or  
8 the MTA's capital plan? I was a little  
9 unclear about your answer.

10 MTA CDO LIEBER: No, it's a fair  
11 question. Clearly, the expansion to the  
12 south of Penn Station was conceived of as  
13 part of the Gateway Program. It is, as of  
14 yet, not totally funded.

15 The Governor has announced that part  
16 of that strategy, a significant part, will be  
17 the use of real estate revenues from the  
18 planned land use action in -- you know, in  
19 the area around Penn Station, to be part of  
20 the funding strategy. But the whole funding  
21 strategy hasn't been laid out as of yet.

22 It obviously is going to include  
23 federal partners and New Jersey as well. The  
24 expectation is that it would follow the

1 Gateway Program cost-allocation strategy of  
2 50 percent federal, 25 New Jersey,  
3 25 New York. But obviously that needs to be  
4 funded in -- you know, there needs to be  
5 actual money put to that, and that hasn't yet  
6 been finalized.

7 ASSEMBLYWOMAN PAULIN: And that's for  
8 both sides, right, the south side and the  
9 other side?

10 MTA CDO LIEBER: Yeah, I mean, that is  
11 our -- that is our goal and expectation. But  
12 in fairness, you know, the partnership with  
13 the other -- with Amtrak and New Jersey, you  
14 know, that is still a work in progress. But  
15 that is our expectation, yes, Chair.

16 ASSEMBLYWOMAN PAULIN: My time is up.  
17 Thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 Before we go to the Senate chair, I  
20 just want to acknowledge that we've been  
21 joined by Assemblyman Aubry,  
22 Assemblywoman Nolan, Assemblywoman Fahy,  
23 Assemblyman McDonald.

24 And just a reminder again to members,

1           until we fix the raise-hand piece, indicate  
2           in the chat that you would like to ask a  
3           question. Everybody who's there is already  
4           on my list.

5                     Senator Krueger.

6                     CHAIRWOMAN KRUEGER: Thank you so  
7           much.

8                     So we've been joined by Senator Sue  
9           Serino and Senator James Gaughran. I'm just  
10          taking a quick run to see who else I might  
11          have not seen get on. So you'll text me if I  
12          lost you, and I will announce you later.

13                    Our first questioner is the chair of  
14          Public Authorities and Corporations,  
15          Leroy Comrie.

16                    SENATOR COMRIE: Good morning. Good  
17          morning, everyone. Good morning, Chairman  
18          Foye, and to your team. Congratulations on  
19          being the first up to deal with our budget  
20          response this year, and I look forward to a  
21          productive year, as I believe that this is a  
22          year that we need to make some significant  
23          changes and some rethinking on how  
24          transportation is delivered.

1                   And in that vein, I want to thank you  
2                   for your decision, and to the board also, to  
3                   put a deferral of fare increases. I do want  
4                   to say that the conference is interested in  
5                   meeting with the board, and I hope that we  
6                   can make that happen as soon as possible so  
7                   we can have a deep discussion on MTA policy  
8                   with the board.

9                   Also, I want to encourage you, as I've  
10                  talked about before, what we need to do to  
11                  rethink transportation and the fact that  
12                  there will be new commuting patterns and how  
13                  we can figure out how to do some intelligent  
14                  redesign, create a fully interconnected  
15                  system, and to lower fares so that we can  
16                  make sure that our essential workers and our  
17                  commuters who are making under 30K a year can  
18                  get from Suffolk County or northern New York  
19                  to get into the city core.

20                  I think it's important that we look at  
21                  redesign during this particular period and  
22                  how we refocus the transportation system to  
23                  meet the new realities.

24                  My first question that I would want to



1           ask is: How much money has the Division of  
2           Budget or the Executive Office withheld from  
3           the MTA in the past year? And can we get an  
4           itemized list of that from you?

5                     MTA CFO FORAN: As the Budget Director  
6           stated at the beginning of the year, that  
7           depending on the level of federal aid to be  
8           received, we -- local -- Aid to Localities  
9           could be at risk for 20 percent.

10                    We saw a shortfall in the initial  
11           payments given to us; it wasn't fully  
12           20 percent. We then reduced our already  
13           programmed aid coming from all governments,  
14           based on the McKinsey study. Then we  
15           adjusted it further to take into account the  
16           possibility of the 20 percent reduction. So  
17           that was reflected in our budget.

18                    But as I said earlier, it looks like  
19           we may very well receive all of that that we  
20           had put in for a haircut. So we're still  
21           going through that. But it looks like that  
22           we are receiving more money than we had in  
23           our budget or we had taken that into account.

24                    SENATOR COMRIE: And the McKinsey

1 study talks about ridership not coming back  
2 until 2025, is that correct?

3 MTA CFO FORAN: McKinsey, in the  
4 worst-case analysis, says that by 2024  
5 ridership will still only be at an 80 percent  
6 level. In their best-cases analysis they  
7 have it at 90 percent.

8 SENATOR COMRIE: Right. And that's  
9 based on factors that we need to discuss  
10 about whether or not people are actually  
11 going to come back into Manhattan to work.  
12 So I hope we can have those clear discussions  
13 as well in counter-reinventing the system.

14 Can you get -- so just one last issue.  
15 You mentioned earlier that you had some  
16 excess funds, or \$4 million in excess funds.  
17 Can you go into detail about that a little  
18 bit more?

19 MTA CFO FORAN: We were seeing that  
20 the ridership revenues -- because again, we  
21 took a worst-case scenario, because we did  
22 not feel that we could take any more  
23 down-side surprises. So both in our  
24 ridership and both in our dedicated tax

1       assumptions, we did take a worst-case  
2       analysis.

3               Things did not turn out as bad as we  
4       thought. Ridership was slightly better than  
5       we had anticipated. Certainly bridge  
6       crossings were much better than we had  
7       anticipated. And we are receiving better  
8       dedicated tax receipts than we thought.

9               So we are combining that, we'll come  
10      up with a summary for you, and that will be  
11      part of our February plan.

12              MTA CHAIRMAN FOYE: But Chairman, just  
13      to be clear, the financial outlook without  
14      significant additional federal funding on the  
15      order of \$8 billion, is deficits as far as  
16      the eye can see.

17              The only way we're getting through  
18      2021 is the fact that the lame-duck COVID-19  
19      session provided the MTA with approximately  
20      \$4 billion.

21              So while there are improvements in  
22      certain areas -- bridge and tunnel traffic,  
23      as the CFO mentioned, up slightly -- without  
24      substantial federal aid this year, we would

1 face deficits on the order of \$4.5 billion.  
2 And going forward -- and frankly we're  
3 gratified and thankful for the work that  
4 Senate Majority Leader Schumer did in the  
5 fall with respect to the COVID-19 relief bill  
6 that was passed in December, and his efforts  
7 for additional funding -- there are  
8 billion-dollar deficits as far as the eye can  
9 see.

10 MTA CFO FORAN: We should also mention  
11 that closing our budget this year, it's not  
12 just the \$4 billion that we expect to receive  
13 from the federal government. We are doing  
14 \$1.8 billion of deficit financing, and that  
15 was through the Federal Reserve Municipal  
16 Liquidity Facility.

17 The chairman talked about deficits  
18 going forward. We're looking at almost  
19 \$5 billion of deficit in 2022, \$3.4 billion  
20 in 2023, and 3.1 projected for 2024. So even  
21 as ridership improves --

22 SENATOR COMRIE: I'm sorry, I'm on  
23 limited time, and I understand where you're  
24 going. I didn't mean to go all the way down

1           that rabbit hole.

2                       I just wanted to just focus on the  
3           fact that we do -- there will be deficits,  
4           and we do need to do a joint lobbying on the  
5           federal level to make sure that we get the  
6           money. And the federal -- doing federal  
7           lobbying, especially since there's a new  
8           administration, I think is incumbent on all  
9           of us to work together. And I hope that we  
10          can work together to make that happen and do  
11          that lobbying necessary, hopefully in  
12          conjunction to make sure that we can get all  
13          of the federal monies needed.

14                     Just to change gears for a minute,  
15          since I have limited time -- and excuse me  
16          for cutting you off. But what is the status  
17          of the \$250 million that was spent on new  
18          police officers? And how much has been  
19          spent, and how many officers were added, or  
20          has that program been altered due to limited  
21          ridership?

22                     MTA CHAIRMAN FOYE: Yeah, so Senator,  
23          approximately 168 police officers were hired  
24          last year. And lately an additional 50

1           officers, which mostly covers attrition in  
2           the police force. Beyond that, there's no --  
3           there's a hiring freeze in effect, and no  
4           additional, you know, specific plans to hire,  
5           other than to deal with attrition-related  
6           issues.

7           SENATOR COMRIE: Okay, thank you.

8           And the next question, when will the  
9           system return to 24/7 service? Are there are  
10          any plans to? And if so, have those plans  
11          been finalized to share with the public?

12          MTA CHAIRMAN FOYE: Senator, we went  
13          to 1 a.m. to 5 a.m. closures on May 6th as a  
14          public health matter to allow transit workers  
15          to disinfect the subway stations and subway  
16          cars multiple times a day. It's far more  
17          efficient to do that without customers,  
18          frankly -- it's far more efficient and  
19          frankly safer to do it without customers in  
20          the system.

21          When the Governor declares the happy  
22          day that the pandemic is over, we will begin  
23          to move to restoring that service.

24          SENATOR COMRIE: And the overnight

1           transportation needs for constituents, do you  
2           have a list of the biggest issues with  
3           problematic transportation areas, such as the  
4           transit deserts like northern Bronx and my  
5           district in Queens?

6                     MTA CHAIRMAN FOYE: I'm going to ask  
7           my colleague Sarah Feinberg to weigh in on  
8           that, both -- Sarah?

9                     NYCT INTERIM PRES. FEINBERG: Thank  
10          you. I'm happy to, and thank you, Chair.

11                    We are running a very significant  
12          uptick in bus service overnight, which we  
13          think does help to a great degree. We  
14          believe that from the data that we're seeing  
15          that we've got a lot of folks who are  
16          entering the system, you know, at 5:00, at  
17          the time that the system opens. You know, we  
18          track closely comments that we're seeing on  
19          Twitter and elsewhere where folks are running  
20          into, you know, longer-than-expected waits  
21          for buses and try to make sure that we're  
22          addressing those as quickly as we can.

23                    SENATOR COMRIE: Are we creating more  
24          opportunities to expand the Atlantic Ticket

1           Program or the Freedom Ticket Program so that  
2           folks that are in the outlying boroughs can  
3           take the Long Island Rail Road at night as an  
4           alternative? And what's being done to make  
5           that happen?

6                   MTA CHAIRMAN FOYE: So, Chairman, the  
7           Atlantic Ticket field study pilot is -- it  
8           continues. There's no plan to end it. And  
9           it's going to be interesting to see, as  
10          ridership returns, how ridership -- how usage  
11          of the Atlantic Ticket increases. We're very  
12          focused on that and aware that it's important  
13          to many of your constituents.

14                   SENATOR COMRIE: Okay. I have a lot  
15          of other questions that we're going to send  
16          to you in an email. I hope that we can get  
17          some responses to them.

18                   And you talked about the federal  
19          funding, and I, you know, want to just  
20          re-emphasize that we need to deal with that.

21                   The capital plan -- have you  
22          received -- you talked about the \$3 billion  
23          from the Governor. Have you received some  
24          confident assurances from the city that they



1           will match that \$3 billion before the end of  
2           this fiscal year?

3                   MTA CHAIRMAN FOYE:  Senator, as I  
4           mentioned before, our expectation is that the  
5           city will match that.  That was a commitment  
6           that was made by the city pre-COVID, I will  
7           grant you, for both the city and state to  
8           provide \$3 billion each to the capital plan.  
9           It's our expectation and hope that the city  
10          will match the Governor's leadership.

11                   SENATOR COMRIE:  All right, thank you.  
12          I'm out of time.  I'll try to be respectful  
13          and not go over, but I want to thank you.  I  
14          look forward to working with you and talking  
15          to the board as well.  And I think that we  
16          need to take this opportunity to reinvent  
17          transportation, to focus on how we make sure  
18          essential workers can get access, and  
19          especially overnight, and working to make  
20          sure that they can get access to the trains  
21          and Metro-North and Long Island Rail Road is  
22          a critical component that I hope we can go  
23          into deeply in the next couple of weeks.

24                   Thank you.  Thank you, Madam Chair.

1 (Overtalk.)

2 MTA CHAIRMAN FOYE: Chair Comrie, I  
3 just wanted to thank you and many of your  
4 colleagues on the Zoom today for your support  
5 and advocacy of federal funding for the MTA.  
6 And we look forward to continuing that  
7 collaboration with respect to additional  
8 funding. But we thank all of you for that.

9 SENATOR COMRIE: I'm sure many members  
10 would be happy to go down and brief you,  
11 which I know Chairman Kennedy and myself have  
12 been talking about how we can help you,  
13 especially since there's a new administration  
14 that needs to be educated -- among all 50  
15 states trying to get their attention, but  
16 New York should be the first in that area.

17 Thank you.

18 MTA CHAIRMAN FOYE: Amen.

19 CHAIRWOMAN KRUEGER: Thank you, Chair.

20 And let me just say Chair Comrie did  
21 the first question that everyone else will be  
22 saying later today: If you can't get back to  
23 me now, will you please get back to me later.  
24 And what Helene and I are requesting is if

1           you want -- have more questions, if you give  
2           them to us in writing, we'll send a master  
3           list to any of the testifiers that you ask  
4           for follow-up questions, and we'll ask the  
5           agencies to send them back to Helene and I,  
6           and we will make sure all the members of the  
7           relevant committees get the letters.

8                        So this is a very short period of  
9           time; we can maximize our efforts together by  
10          doing follow-up that way. Thank you.

11                       Helene.

12                       CHAIRWOMAN WEINSTEIN: Yes, thank you,  
13          Senator.

14                       We've been joined by Assemblywoman  
15          Galef, Assemblyman Burgos.

16                       And we go for some short questions to  
17          Assemblyman Magnarelli, our Transportation  
18          chair.

19                       ASSEMBLYMAN MAGNARELLI: Thank you,  
20          Madam Chair.

21                       Thank you, President Foye, for your  
22          testimony. And I do appreciate it. I do  
23          agree with you that the MTA is important, not  
24          only to New York City and the catch basin of

1           the MTA but all of New York State.

2                       I don't have a whole bunch of  
3           questions, but my one overriding thought is  
4           the capital plan for the MTA, when will we  
5           have some idea of what that is, how will it  
6           be rolled out? I know we're in the COVID-19  
7           pandemic era right now and things are hard,  
8           but I'm concerned that we know what's  
9           happening and how it's going to be  
10          implemented. So that's really the only  
11          question I want to ask you, in very general  
12          terms. I'm going to leave the other, more  
13          specific questions to my colleagues from the  
14          MTA area.

15                     MTA CHAIRMAN FOYE: So chairman, I  
16          unfortunately can't answer that question  
17          right now, for the following reasons. It is  
18          going to depend in large part on significant  
19          additional operating support from the MTA.

20                     As I mentioned, the \$8 billion that is  
21          our federal ask going forward that we've been  
22          discussing with Senator Schumer and the New  
23          York congressional delegation, is all  
24          operating support to get us through '22, '23

1           and '24. Our success on that, our collective  
2           success on that, as well as additional  
3           federal funding on the capital side, are  
4           going to be critical inputs into how much of  
5           the capital plan we're able to unlock. Our  
6           hope is to unlock all of it, and that we will  
7           have experienced just the delay in the  
8           capital plan. But until we have certainty at  
9           the federal level on the amount of operating  
10          support to deal with pandemic-caused  
11          deficits, and the amount of capital for the  
12          capital plan, I'd be speculating, Chair. We  
13          need certainty and closure on those couple of  
14          critical items.

15                   ASSEMBLYMAN MAGNARELLI: Thank you  
16                   very much.

17                   CHAIRWOMAN WEINSTEIN: Thank you.

18                   Before we go to the Senate, I just  
19                   wanted to go to Assemblyman Ra to introduce  
20                   some of the Republican members of the  
21                   Assembly who have joined us.

22                   ASSEMBLYMAN RA: Thank you.

23                   We've been joined by Assemblymember  
24                   Kevin Byrne as well as our ranking member on

1 the Transportation Committee, Assemblyman  
2 Dave McDonough.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 So now to the Senate.

5 CHAIRWOMAN KRUEGER: Thank you.

6 I see we have been joined by Senator  
7 Reichlin-Melnick, Senator Skoufis, Senator  
8 Martucci. I think those are everyone --  
9 Senator Mayer, I'm not sure if I introduced  
10 her earlier.

11 SENATOR O'MARA: You did.

12 CHAIRWOMAN KRUEGER: Oh, well, now she  
13 gets two shout-outs, thank you.

14 And out of order, we are actually --  
15 the next one I should be calling on is our  
16 Transportation chair, Senator Kennedy, who  
17 has very graciously offered to allow his  
18 ranker, Senator Joe Griffo, to go first,  
19 because unfortunately Senator Griffo I  
20 believe has a funeral to get to. So we're  
21 going to switch order.

22 Senator Griffo.

23 SENATOR GRIFFO: Thank you. Chair,  
24 can you hear me okay?

1                   CHAIRWOMAN KRUEGER: Yes.

2                   SENATOR GRIFFO: So I appreciate  
3 everyone for appearing today. I recognize  
4 and understand that there are many challenges  
5 that face the MTA on a regular basis, as well  
6 as that being exacerbated during this  
7 pandemic. So just a couple of general  
8 questions -- maybe Mr. Foye, as we start out.

9                   There have been a number of accounts  
10 about MTA construction costs, and frequently  
11 we see them sometimes seven times more  
12 expensive than the global average. If that  
13 is the case, are there steps that you are  
14 considering to change that? And I know some  
15 of my colleagues have witnessed this through  
16 international travel and discussions abroad.  
17 Do you see this as a potential challenge?

18                  MTA CHAIRMAN FOYE: Senator, we see it  
19 as a potential challenge that we have made  
20 substantial progress on under Janno Lieber's  
21 leadership. And I'll ask Janno to briefly  
22 take you through the changes that have been  
23 made and the progress that's resulted.

24                  MTA CDO LIEBER: Very quickly,

1 Senator, we've already taken really  
2 aggressive action on this. We had a board  
3 staff cost containment committee that  
4 identified a range of actions, and all of  
5 those are being implemented.

6 One, we are using the design-build  
7 contracting method everywhere possible, and  
8 that is an avoider of a lot of conflicts that  
9 create delay and higher costs.

10 We have created a single organization,  
11 the organization I had, MTA Construction and  
12 Development, to oversee all of our capital  
13 construction work with third-party  
14 contractors. And, you know, because we're  
15 building project expertise, we have changed  
16 the contracts to eliminate a whole range of  
17 provisions that chased away contractors  
18 because it created bureaucracy.

19 We've made all our procurement  
20 electronic. Obviously that was accelerated  
21 by the pandemic.

22 The result of all of this, in part, is  
23 evident in at least a couple of major  
24 procurements, including that for ADA stations



1           that we've done in the last couple of months,  
2           where we ended up being able to procure eight  
3           ADA stations to be made -- eight stations to  
4           be made ADA-accessible for, significantly, 40  
5           percent less than the capital program had  
6           anticipated per station, and 20 percent less  
7           than our own estimate.

8                        So we're starting to see positive  
9           results from all of this focus on what I call  
10          better, faster and cheaper capital  
11          construction.

12                       SENATOR GRIFFO: Thank you.

13                       And then just another last question  
14          is -- and Sarah, you had said -- this is  
15          basically the organizational chart. You had  
16          stated that the organizational chart really  
17          lacked detail -- over 70,000 employees,  
18          indicating that in some cases -- your quote  
19          was that there are people here who work here  
20          and we're paying and we're not sure what  
21          they're doing.

22                       What efforts are being undertaken to  
23          bring some accountability to that, some  
24          structural changes, to ensure that you can

1           actually follow this and entail and  
2           understand what exactly is happening and  
3           who's doing what and that accountability  
4           factor?

5                     NYCT INTERIM PRES. FEINBERG:  Thank  
6           you for the question.

7                     So to be clear, at New York City  
8           Transit it's just 53,000 employees.  The MTA  
9           is the -- obviously, as I know you know, the  
10          much larger entity.

11                    We have built an organizational chart  
12          internally which was a significant effort,  
13          but I think well worth it.  Look, it is  
14          important for a variety of reasons.  First,  
15          it's given us an easier ability to trace and  
16          to track folks.  As folks test positive, it's  
17          an easy way to find contact information as we  
18          quarantine people.  It's also just a much  
19          smoother and easier way to make sure that  
20          we're keeping a close eye on accountability  
21          for work that's being done, for overtime  
22          that's being assigned, for making sure that  
23          we're managing overtime.

24                    Look, this is a huge organization.

1           And I think to New York City Transit's  
2           credit, you know, the fact that the top  
3           management was well-organized for a long time  
4           was incredibly important. But, you know,  
5           actually making sure that every single person  
6           in this organization, from the top all the  
7           way down to hourly employees who just started  
8           with the agency, you know, to know what their  
9           reporting structure is, who their boss is,  
10          you know, where they're supposed to be and  
11          when, is I think useful for the whole  
12          organization.

13                 SENATOR GRIFFO: Thank you very much.  
14                 Madam Chair?

15                 CHAIRWOMAN WEINSTEIN: Yes, so we go  
16          back to the Assembly, and we go to  
17          Assemblyman Ra, the ranker on Ways and Means,  
18          for five minutes of questions and answers.

19                 ASSEMBLYMAN RA: Thank you.

20                 So I want to go back to the answers to  
21          Senator Comrie, that you started to get into  
22          the outyear budget gaps. And certainly  
23          something that I think we recognize, you  
24          know, with our state budget -- getting

1 federal aid helps us through, you know, this  
2 period. But certainly any federal aid that's  
3 replacing, you know, revenue we'd ordinarily  
4 have, you know, creates a potential for those  
5 outyear gaps.

6 So can you just go a little bit more  
7 into detail as to, you know, if further  
8 federal aid is realized, which we hope it  
9 will be, but what other measures are needed  
10 to close those outyear gaps? Because the  
11 short-term federal aid, you know, maybe it's  
12 here for a year or two, but I don't know  
13 whether it will still be there, you know,  
14 three or four years down the road.

15 MTA CHAIRMAN FOYE: The answer is  
16 first we are going to work as hard as we can  
17 to get as much federal aid as possible, the  
18 full 8 billion. And having the support of  
19 Senator Schumer and the New York  
20 congressional delegation is incredibly  
21 important.

22 I think that it's incumbent upon the  
23 MTA to continue to cut costs. So in 2021, we  
24 expect to take an additional \$600 million-

1 plus out of our cost base. When that's added  
2 to cost reduction we've already done, that's  
3 near \$3 billion annual recurring sustainable  
4 cost cuts. The \$600 million-plus is in the  
5 categories of, A, reduction of overtime, B,  
6 cancellation of consulting contracts, and C,  
7 nonpersonnel reduction.

8 Beyond that, we have baked into our  
9 financial plan fare and toll increases in  
10 2021 and 2023. Realization of that is going  
11 to be important. And depending,  
12 Assemblymember, depending on the return of  
13 riders, we're going to have to watch  
14 ridership and the level of service that we're  
15 providing. Service on Metro-North and Long  
16 Island Rail Road has been -- you know, has  
17 been taken down. I think that's prudent. On  
18 the Long Island Rail Road that occurred  
19 yesterday. I rode the railroad to and from  
20 work yesterday and early this morning, and  
21 there didn't seem to be any crowding, at  
22 least on the Port Washington branch, which I  
23 take. We're going to watch that closely.

24 So it's a combination of actions like

1           that.

2                   ASSEMBLYMAN RA:   Okay.   Thank you.

3                   And then a separate issue -- and I  
4           know this has only kind of been implemented  
5           for about a week, but the Access-A-Ride and  
6           resuming -- you know, charging for  
7           Access-A-Ride.   A, has there been any change  
8           thus far that you've seen in terms of people  
9           taking advantage of the service?   And B, you  
10          know, the idea of putting up -- getting up  
11          and running contactless payment options, what  
12          is the timetable for that, for the  
13          Access-A-Ride services?

14                   MTA CHAIRMAN FOYE:   Sarah, do you want  
15          to speak to that?

16                   NYCT INTERIM PRES. FEINBERG:   I'm  
17          happy to, thank you.

18                   We are moving as quickly as we can  
19          towards contactless payments for, you know,  
20          everyone throughout the system -- buses,  
21          subways, Access-A-Ride, wherever we can.   It  
22          makes generally but certainly makes sense in  
23          the post-COVID world that we're living in  
24          now.

1                   So we hope to be there as soon as  
2                   possible, and I think the latest timing for  
3                   us is next year.

4                   You know, in terms of Access-A-Ride  
5                   specifically, we have tried to take as many  
6                   steps as we possibly can to keep that  
7                   particularly vulnerable population as safe as  
8                   possible during COVID. We have -- you know,  
9                   for -- certainly right away we stopped  
10                  requiring people to come into our facilities  
11                  to get approved for the program, and we have,  
12                  you know, allowed folks to make sure that  
13                  they're able to bring their partner and  
14                  companion with them throughout. So we've  
15                  tried to continue to run as efficient a  
16                  program as possible.

17                  ASSEMBLYMAN RA: Okay. Thank you.

18                  NYCT INTERIM PRES. FEINBERG: Thank  
19                  you.

20                  CHAIRWOMAN WEINSTEIN: Thank you.

21                  Senate? Senator Krueger --

22                  (Overtalk.)

23                  CHAIRWOMAN KRUEGER: There we go.

24                  Sorry, I had to unmute. So, so sorry.

1                   Yes, we are -- our next questioner is  
2                   our chair of Transportation, Senator Tim  
3                   Kennedy.

4                   SENATOR KENNEDY: Yeah, thank you very  
5                   much, Chairwoman.

6                   And Chairman Foye, Mr. Lieber,  
7                   Mr. Foran, Ms. Feinberg, it's always great to  
8                   be with you. Thank you all for your  
9                   leadership, especially during this very  
10                  difficult and trying time of the past year.

11                  I want to get right to some of the  
12                  issues that we've been discussing. And  
13                  really, it's been a very strong partnership  
14                  between Chairman Comrie and I and yourselves.  
15                  You've really been communicative, and we  
16                  appreciate that. We may not agree on  
17                  everything, but we're constantly  
18                  communicating, and that's half the battle.  
19                  So thank you for that.

20                  I want to talk about the Ernst & Young  
21                  report, the economic analysis that came out  
22                  that estimated a \$44 billion, five-year MTA  
23                  capital plan that would generate \$62 billion-  
24                  plus in statewide economic output.



1           And the MTA historically had been  
2           hitting 89 percent of its work sourced right  
3           here in the State of New York. A large part  
4           of what we all worked on collectively in  
5           getting the congestion pricing plan was  
6           getting that number bumped up for New York  
7           State business and labor.

8           And so obviously the capital plan is  
9           largely paused right now, but we do know that  
10          there is money being moved, we do know that  
11          there are projects that are being completed  
12          and moving forward. Can you talk about how  
13          that spending of the funding in the moment,  
14          presently, is being spent on New York  
15          companies?

16          MTA CHAIRMAN FOYE: Sure, Senator.

17          So our belief and obviously the  
18          expected velocity of spending on the capital  
19          plan, the 2020-2024 capital plan, has been  
20          disrupted in large part by the pandemic.  
21          We're looking to unlock that as soon as  
22          possible. So less was spent last year than  
23          we expected; we're hoping to ramp that up in  
24          2021. That will depend in large part, as I

1       mentioned before, Senator, on federal action  
2       on funding both operations and on the capital  
3       side.

4               Having said that, our belief continues  
5       to be that we spend approximately 90 percent  
6       of our capital funds with New York companies.  
7       I believe that the -- there's no reason to  
8       believe -- we haven't finished the  
9       calculations for 2021. There's no reason to  
10      believe that that will significantly diverge  
11      from the share of New York spend in 2021.

12             We know how important that issue is to  
13      you and your colleagues, and making sure that  
14      every region of the state -- Western  
15      New York, the North Country, Long Island, the  
16      Hudson Valley, Southern Tier, et cetera --  
17      benefits from the capital plan. And we  
18      believe that continues to be -- that  
19      continues to be the case.

20             And, for instance, Rigidized Metals in  
21      your district and J-Track in Senator Comrie's  
22      district, a Queens company and a Buffalo  
23      company respectively, have gotten work.  
24      Rigidized has been working on Grand Central

1       Terminal, among other projects, and J-Track  
2       has been doing track work on the subways and  
3       elsewhere.

4               SENATOR KENNEDY: Thank you, Chairman.  
5       I do want to recognize you and your team for  
6       taking the leadership role in following up  
7       with us in moving around the state, meeting  
8       with these various businesses, including up  
9       in Buffalo and Western New York, as you had  
10      mentioned. We want to continue to move that  
11      number forward and get more of that funding  
12      right here in New York State. I know you  
13      share that same vision with us.

14             MTA CHAIRMAN FOYE: Yes, sir.

15             SENATOR KENNEDY: Last year -- again,  
16      back to the congestion pricing issue in the  
17      capital plan. I want to talk about the Biden  
18      administration. We've touched on it a number  
19      of times thus far in your testimony. The  
20      Environmental Impact Study is so important to  
21      moving forward with the current timeline here  
22      within the MTA. Can you talk about the  
23      conversations you've had with the Biden  
24      administration specifically on moving the

1 study forward?

2 MTA CHAIRMAN FOYE: Yes, Senator.

3 Yes, Chair. We were grossly disappointed by  
4 the failure of the prior administration to  
5 move forward on the project and to make a  
6 decision on the environmental process.

7 Frankly, we're encouraged by the  
8 interest that the Biden transition team took.  
9 Congestion pricing was one of a number of  
10 New York and MTA issues that we discussed  
11 with them. And we're looking forward in the  
12 transit-friendly and transit-supportive Biden  
13 administration for a decision on that, and we  
14 look forward to that and moving the  
15 project -- moving the project expeditiously  
16 forward.

17 SENATOR KENNEDY: And I know this is a  
18 moving date, but in your own estimation, when  
19 can New Yorkers expect to see the benefits of  
20 the congestion pricing plan? Again, given  
21 all of the constraints that we are currently  
22 dealing with, we recognize that that timeline  
23 may be moved quite a bit. But can you give  
24 us your best estimate on moving forward?

11 SENATOR KENNEDY: Okay. I want to  
12 shift to the Long Island Rail Road. This  
13 week the LIRR started reducing service by  
14 10 percent. As New Yorkers are returning to  
15 work, obviously we're going to need reliable  
16 and consistent transit service. Can you talk  
17 about the metrics that you're looking at to  
18 determine increasing or decreasing service?  
19 Is it strictly financial, is it based on  
20 travelers, commuters? Can you talk about  
21 your --

22 MTA CHAIRMAN FOYE: Sure, Senator. As  
23 a daily Long Island Rail Road -- or at least  
24 every weekday and then some -- commuter,

1       we're going to look at the metrics that we  
2       typically do, which would be ridership,  
3       ridership by peak, off-peak, weekends,  
4       et cetera. I think the rightsizing that  
5       Phil Eng and his team made effective  
6       yesterday is right.

7               One thing we've done is we've equipped  
8       Long Island Rail Road customers with an app  
9       which they can use, and it's quite effective  
10      in terms of determining which Long Island  
11      Rail Road car they should enter, you know, in  
12      terms of how crowded it is. And, you know,  
13      this is based on three rides on the  
14      Port Washington -- my three personal rides on  
15      the Port Washington branch since this  
16      rightsizing started Monday morning. I think  
17      Phil and his team, as far as I can tell, have  
18      gotten it right, at least on the Port  
19      Washington branch. And there didn't seem to  
20      be a significant -- any significant increase  
21      in ridership or density.

22             I know Phil and his team, Chairman,  
23      will be looking at that carefully, as has and  
24      will Cathy Rinaldi at Metro-North.

1                   SENATOR KENNEDY: Thank you, Chairman.

2                   You know, I know that you share and  
3                   your entire team and the leadership shares  
4                   our gratitude, our incredible gratitude to  
5                   the workforce for really being the heroes of  
6                   this pandemic and continuing to ensure that  
7                   the system provides service to those that are  
8                   moving around the region.

9                   Can you talk about where you are at as  
10                  a system with the relationship you have with  
11                  the labor unions, the contracts that you've  
12                  been working toward, the PPE that you've  
13                  worked to provide, the system changes that  
14                  have happened, and what we can expect  
15                  throughout the next several months and into  
16                  this year?

17                  MTA CHAIRMAN FOYE: Well, Senator,  
18                  thank you. That is a first order priority.

19                  So let me talk about masks, which are  
20                  on everybody's mind and are required by  
21                  New York State law as a result of an  
22                  executive order issued by the Governor.

23                  So we have distributed, over the  
24                  period of the pandemic, 13.5 million masks to

1       our employees. That includes N95s and KN95s,  
2       surgical masks. We've also provided face  
3       shields to employees whose work function  
4       required that. We've distributed 6.8 million  
5       masks to our customers -- actually, a bunch  
6       of us are going out tomorrow on Mask Force  
7       duty on the Long Island Rail Road and  
8       subways, and we thank those of you and your  
9       staff who've participated in that.

10               The answer to the question do we have  
11       sufficient supplies of PPE is yes. I and  
12       Pat Warren, the chief safety officer, get  
13       updated on that regularly.

14               The thing we're focused on most of all  
15       with our workforce right now is vaccinations.  
16       Obviously demand, as the Governor noted,  
17       significantly exceeds supply, and the Biden  
18       administration is getting a handle on what  
19       appears to have been a botched -- by the  
20       prior administration -- vaccination  
21       distribution.

22               We've had approximately 3,000 of our  
23       employees vaccinated in the last 10 to  
24       14 days. Depending on supplies, we intend --



1       supplies in New York from the federal  
2       government, we intend to stand up separate  
3       vaccination sites that are convenient to our  
4       employees. Most of the employees that I just  
5       mentioned have been vaccinated at a facility  
6       that the State of New York stood up at the  
7       Javits Center. That Javits facility has  
8       capacity to vaccinate far more of our  
9       colleagues.

10               And we had an appearance at our board  
11       meeting last Thursday by Tony from Brooklyn,  
12       Dr. Fauci, who urged that all MTA  
13       employees -- and New Yorkers, for that  
14       matter -- get vaccinated. And I expect that  
15       will only help the vaccination effort.

16               SENATOR KENNEDY: Thank you, Chairman.

17               CHAIRWOMAN KRUEGER: Thank you very  
18       much, Chair Kennedy.

19               Back to Assemblymember Weinstein.

20               CHAIRWOMAN WEINSTEIN: Thank you,  
21       Senator.

22               We've been joined by Assemblyman  
23       Braunstein and Assemblyman Colton.

24               I just want to remind all the

1       Assemblymembers and Senators that while we're  
2       working on getting the raise-hand function to  
3       work, if you want to ask a question, at least  
4       in the Assembly, please use the chat  
5       function. The Senators may be texting  
6       Senator Krueger herself, but I don't think  
7       everybody has my cell number.

8               So we are now going to go to  
9       Assemblymembers who are not either chair or  
10      ranker. So members just be aware, because of  
11      the large number of members who are able to  
12      participate via Zoom, it is three minutes to  
13      ask questions -- see the time clock there,  
14      it's been set. And please keep an eye on the  
15      clock. It's really supposed to be for both  
16      questions and answers. We have, I think,  
17      about -- at least 15 members who are on the  
18      list ready to ask -- on the Assembly side, to  
19      ask questions.

20             The first person to ask questions,  
21      Assemblyman Ron Kim. You can -- I'm not sure  
22      if you can unmute yourself or we have to  
23      unmute you. But hopefully we'll get that  
24      going. Assemblyman Kim.

1                   ASSEMBLYMAN KIM: Sure. I think you  
2                   have to start my video. Okay, there you go.

3                   Okay, hi. Hello, Chairwoman, thank  
4                   you so much.

5                   Good to see you, President Foye.  
6                   Thank you so much for your testimony today.

7                   I just want to start off by talking  
8                   about the Municipal Liquidity Fund and  
9                   congratulate your team. I think the MTA was  
10                  one of the few government agencies that were  
11                  able to successfully secure these type of  
12                  funds last year through the MLF. It also  
13                  shows your willingness to look at every  
14                  single option to finance our shortfalls  
15                  without relying on raising any fares to the  
16                  riders and burdening our riders even more.

17                  So thank you for your successful --  
18                  but just for my edification, I'm wondering  
19                  are there further talks with the Federal  
20                  Reserve to extend the terms of this loan, or  
21                  refinance, or have they shown more  
22                  flexibility to work with the MTA with that  
23                  pot of money?

24                  MTA CHAIRMAN FOYE: Assemblymember,

1           thank you. I'm going to ask Bob Foran, who  
2           got those deals done, to speak.

3                   MTA CFO FORAN: Certainly. The window  
4           has closed now. The facility is no longer  
5           available. However, if the board of the  
6           federal reserve were to vote to extend it,  
7           with the support of the Treasury, that could  
8           happen.

9                   ASSEMBLYMAN KIM: Thank you.

10                   And I know you mentioned the McKinsey  
11           study and other elements that are factoring  
12           into supply and demand on ridership. But I  
13           feel like this unique circumstance we're  
14           facing, the economic and health crisis, just  
15           looking at ridership alone doesn't really  
16           reflect the real problem and the role that  
17           the MTA actually has in the economic recovery  
18           in New York City.

19                   Are there other studies that show the  
20           impact of continuing to provide services  
21           regardless of the temporary lower ridership?  
22           In other words, what is the role of providing  
23           consistent, accessible public transit to  
24           underserved communities in the larger context

1 of economic recovery, even when we have some  
2 temporary ridership that has declined for the  
3 last few months?

4 MTA CHAIRMAN FOYE: Assemblymember, I  
5 think it's fair to say that the MTA workforce  
6 performed heroically an extraordinary public  
7 service in keeping the system moving --  
8 subways, buses, Metro-North, Long Island Rail  
9 Road, bridges and tunnels, during the worst  
10 days of the pandemic.

11 There is research by the Rudin Center,  
12 for instance, about the importance of the MTA  
13 capital plan and the effect of the service  
14 cuts would be devastating in terms of loss of  
15 up to 450,000 jobs, most of them in New York  
16 City. And clearly the MTA, even in the  
17 darkest days of the pandemic, continues to be  
18 the circulatory system of the New York City  
19 regional economy.

20 Setting service and adjusting it --  
21 you know, fine-tuning it, not the drastic  
22 reductions that we were forced to contemplate  
23 had we not gotten the federal funding -- up  
24 to 40 percent on subways, buses, up to 50 on

1           the commuter rails would have been  
2           devastating for the region and on a human  
3           level as well.

4           CHAIRWOMAN WEINSTEIN: Thank you.

5           We go now to the Senate for a  
6           question.

7           CHAIRWOMAN KRUEGER: Thank you very  
8           much.

9           Our next speaker is Senator Todd  
10          Kaminsky.

11          SENATOR KAMINSKY: Hi, thank you.

12          My first question is for Mr. Lieber.  
13          Can you please update us on the Belmont Park  
14          Train Station and when it might be completed  
15          and if it's on schedule?

16          MTA CDO LIEBER: It's on schedule,  
17          Senator, and it's going to be done in the  
18          spring. There will be at least the ability  
19          to receive trains at that location timely.

20          SENATOR KAMINSKY: Okay, thank you  
21          very much.

22          And to Chairman Foye, there have been  
23          obviously very troubling stories about  
24          overtime fraud in the MTA, particularly in

1       the Long Island Rail Road. I'm hoping you  
2       could update us as to how compliant you now  
3       are with the Inspector General's requests for  
4       fraud mitigation, in particular installing  
5       Kronos biometric clocks?

6               MTA CHAIRMAN FOYE: Senator, a couple  
7       of things. One is in 2021 we expect to  
8       reduce, as part of a \$600 million-plus cost  
9       cutting, overtime by significant, significant  
10      amounts. Point one.

11             Point two, while the installation of  
12      Kronos timekeeping devices was slowed during  
13      the pandemic, the installation has -- is near  
14      completion. There is work yet to do.

15             We will be reporting to the board in  
16      the next meeting or two about steps that have  
17      been taken in response to the IG's report.  
18      The timekeeping group, led by Mario Peloquin,  
19      is focused on the implementation of the IG's  
20      recommendations, which are important on this  
21      issue. We're very focused on controlling  
22      overtime in general and especially ending  
23      abuse of overtime.

24             SENATOR KAMINSKY: Thank you very

1 much. And it's just a serious credibility  
2 issue on Long Island when riders are asked to  
3 pay more while they believe there's overtime  
4 fraud occurring. So I appreciate your  
5 attention to it.

6 Mr. Lieber, can you just talk to us,  
7 please, about the importance of rehabbing the  
8 East River tunnels, how they can be done  
9 sooner and cheaper, and what you're doing to  
10 try to push Amtrak along to get with the  
11 program?

12 MTA CDO LIEBER: First off -- I will,  
13 but first off, let me just correct. I said  
14 that the Elmont Station would be done in the  
15 spring. It's the fall of this year. But it  
16 is on time, consistent with the needs of that  
17 project.

18 Look, the East River tunnels are --  
19 were damaged in Sandy. There are two of  
20 them. They're principally used by Amtrak but  
21 also by the Long Island Rail Road, especially  
22 in the peak. Until recently, it had been  
23 assumed that rehab had to wait for East Side  
24 Access to be completed because more



1 Long Island Rail Road trains could avoid the  
2 East River tunnels.

3 When we were able, with the Governor's  
4 leadership, to figure out how to do the  
5 L Train tunnels so quickly, nights and  
6 weekends without a full shutdown, we started  
7 advocating to Amtrak to adopt that approach  
8 so that we wouldn't have to shut down the  
9 East River tunnels, which obviously impacts  
10 on Long Island Rail Road riders and the  
11 number of trains we can put through the  
12 tunnels when that work is done.

13 Amtrak so far has not been as  
14 receptive to the approach that we are using  
15 for the L Train -- and which we by the way  
16 are using for the Rutgers tunnel, the F Train  
17 tunnel between Brooklyn and Manhattan right  
18 now, and it's going to be done literally in a  
19 couple of months.

20 But Amtrak has not been willing to  
21 switch their approach to use the approach  
22 that we used in the L Train tunnels, which  
23 enables you to do the work nights and  
24 weekends rather than having a full shutdown.

1                   It is a source of disagreement between  
2           us, and I know that you and some of your  
3           colleagues in the Legislature wrote about  
4           that. We're still hopeful that Amtrak will  
5           reconsider so that we don't have to hit the  
6           ridership as hard when that shutdown comes.

7                   SENATOR KAMINSKY: Thank you.

8                   In conclusion, I note Chairs Kennedy  
9           and Comrie and the Long Island Senators look  
10          forward to working with you to push Amtrak to  
11          do the right thing for safety and for  
12          scheduling.

13                  Thank you so much, Chair Krueger.

14                  MTA CHAIRMAN FOYE: I'll just note --  
15          sorry -- that I think at this point Janno is  
16          going to have to sign off in a couple of  
17          minutes. He's got a meeting outside the  
18          office on a big project. If there are other  
19          questions on capital or C&D, please send them  
20          to Will Schwartz, and we'll come back to all  
21          of you or, if it's a particular district  
22          question, we'll handle that, you know, on a  
23          legislator by legislator basis. Thanks.

24                  CHAIRWOMAN KRUEGER: Assemblymember

1           Weinstein.

2                   CHAIRWOMAN WEINSTEIN: Yes. We now go  
3           to Assemblywoman Niou for three minutes.

4                   ASSEMBLYWOMAN NIOU: I wasn't on the  
5           stack list.

6                   CHAIRWOMAN WEINSTEIN: Oh, okay. So I  
7           saw you were happy about the chat.

8                   So Assemblywoman Seawright, are you  
9           available?

10                  ASSEMBLYWOMAN SEAWRIGHT: Yes, I'm  
11          here, thank you.

12                  Thank you, Chairwomen Weinstein and  
13          Krueger. It's great to be here. I just have  
14          some quick questions.

15                  Over the past few months, countless  
16          constituents, mostly senior citizens in my  
17          district, have contacted my office unable to  
18          add funds to their MetroCard. The bus stops  
19          right here in front of my community office on  
20          79th and York Avenue. Many of these seniors  
21          are just physically unable to go down into  
22          the subway stations to refill their cards.

23                  On October 19th, Manhattan Borough  
24          President Gale Brewer and I wrote a joint

1 letter, and we've never received a response  
2 to that letter. So can you just address when  
3 the mobile bus will be able to refill  
4 MetroCards?

5 NYCT INTERIM PRES. FEINBERG: I'm  
6 happy to, although I didn't mean to interrupt  
7 you, Chair Foye, if you were --

8 MTA CHAIRMAN FOYE: No, no, please,  
9 Sarah.

10 NYCT INTERIM PRES. FEINBERG: Okay.

11 So first of all, I know that we  
12 replied to you, because I remember signing  
13 the letter. So we will make sure that we,  
14 you know, redo the letter and get it to you  
15 both electronically and by mail, because we  
16 would not let that amount of time go by  
17 without responding to you. And we'll also  
18 obviously respond here and call you, but  
19 we'll resend the letter.

20 To that specific point, we do allow  
21 people to do EasyPay online and by mail. And  
22 so while we don't -- while we're not sending  
23 the mobile vans out at this moment, there are  
24 other opportunities to make sure that people

1 can do those transactions.

2 ASSEMBLYWOMAN SEAWRIGHT: There was a  
3 mobile van in front of my district office  
4 just last week.

5 NYCT INTERIM PRES. FEINBERG: Right,  
6 they're just not doing those cash  
7 transactions.

8 ASSEMBLYWOMAN SEAWRIGHT: Right,  
9 that's my question is when they would be able  
10 to. Because I'm still hearing from senior  
11 citizens every week that need this service  
12 added -- back in service.

13 NYCT INTERIM PRES. FEINBERG: So we've  
14 provided other ways of paying. We're trying  
15 to minimize the cash transactions that are  
16 happening in that mobile van, for a couple of  
17 reasons. One, it's additional personnel in  
18 the van. And two, frankly, it is a much more  
19 efficient process for us and more  
20 cost-effective for us to be able to do that  
21 online and by phone, similar to what we're  
22 seeing in the booths.

23 ASSEMBLYWOMAN SEAWRIGHT: So I would  
24 just ask that you reconsider. Many senior

1 citizens don't have internet, they don't have  
2 online skills. And, you know, that's what  
3 prompted Manhattan Borough President Gale  
4 Brewer and I to draft this joint letter, is  
5 that we're still hearing from our senior  
6 citizens that are depending on -- they're  
7 depending on this service now to commute to  
8 their appointments for vaccines.

9 NYCT INTERIM PRES. FEINBERG: We will  
10 take a look at it and respond to you. We  
11 also do allow it by mail, but understood.

12 ASSEMBLYWOMAN SEAWRIGHT: I mean, just  
13 getting to the post office is a struggle for  
14 some senior citizens, or even down to their  
15 lobby to meet their mail person.

16 The next question -- thank you -- that  
17 I have --

18 CHAIRWOMAN WEINSTEIN: Assemblywoman,  
19 the time is up.

20 ASSEMBLYWOMAN SEAWRIGHT: Okay.

21 CHAIRWOMAN WEINSTEIN: Feel free to --  
22 you can text me. If there's a question, you  
23 could text it to me and I'd be happy later to  
24 ask the question.

1 ASSEMBLYWOMAN SEAWRIGHT: Thank you.

2 CHAIRWOMAN WEINSTEIN: And before I  
3 turn it to the Senate, I just have to -- I  
4 want to just -- on a point of personal  
5 privilege, to reemphasize what Assemblywoman  
6 Seawright just said.

7 I have a district that does not have a  
8 subway station physically within the  
9 district. I have a tremendous number of  
10 seniors that the MetroCard bus has been a  
11 tremendous help for my community. We were  
12 the first community to have it. It's been  
13 over 20 years. The staff are terrific,  
14 they're very helpful. They speak different  
15 languages. The problem is we have a lot of  
16 seniors, they're from the NYCHA housing.  
17 They don't have credit cards, they can't do  
18 EasyPay. They come with cash. The staff in  
19 the vans currently handles the card, so  
20 there's no issue about handling the cards. I  
21 really don't understand why you can't, at  
22 least on an experimental basis, allow at  
23 least one or two of the vans to try doing  
24 cash. It's really a tremendous hardship for

1           many of our constituents.

2                   And with that, I go to the Senate.

3           CHAIRWOMAN KRUEGER: Thank you very  
4           much.

5                   Senator John Liu is up next.

6           SENATOR LIU: Thank you, Madam Chair.

7                   I'm waiting for my video to come up.

8           And while I'm waiting, I will note I love the  
9           vintage photos of you on your wall back  
10          there. They're beautiful.

11          CHAIRWOMAN KRUEGER: (Laughing.)

12          They're not me, but thank you. They are from  
13          a wonderful photographer.

14          SENATOR LIU: I could have sworn they  
15          were anyway.

16          CHAIRWOMAN KRUEGER: I'll tell her.

17          SENATOR LIU: Thank you very much for  
18          allowing me these few minutes. I do want to  
19          thank Chair Foye. He's absolutely right,  
20          it's been quite a year since last we met in  
21          this venue -- well, not on this virtual  
22          venue, but in the chambers.

23                 The -- what you said about the capital  
24          plan last year when we were celebrating the



1 passage of the '20-'24 is absolutely right.

2 And of course the world has changed since

3 then.

4 My first question for you would be,

5 how far along are we in the '15 to '19

6 capital plan? And I appreciate what Janno

7 had said earlier, that given the lower

8 utilization of the subways, that some of the

9 work actually was able to progress a little

10 faster. So roughly speaking, where are we on

11 the '15 to '19 capital plan?

12 MTA CFO FORAN: I believe most of the

13 commitments have been made. Well, Janno's

14 here, so let me turn it over to Janno.

15 MTA CDO LIEBER: Yeah, I think the

16 answer is most of the commitments have been

17 made. They were scheduled to be done all of

18 last year -- in 2020 we were going to knock

19 out the remaining -- almost all of the

20 remaining commitments.

21 We did go forward with many of those

22 commitments, notwithstanding COVID. As the

23 chairman said, we have, you know, paused

24 the -- most of the pause has affected the

1 '20-'24 program. We have been moving forward  
2 with a lot of the remaining '15 to '19  
3 projects. And that's why we hit 80 percent  
4 of our finish -- project finish schedules'  
5 completions. And we did \$5.5 billion of new  
6 contract awards this past year, Senator.

7 SENATOR LIU: So bottom line is '15 to  
8 '19 is largely contracted out and is on  
9 track.

10 MTA CDO LIEBER: Not everything, but  
11 we're moving forward with it.

12 SENATOR LIU: Because we know that was  
13 part of the criticism of the '20-'24 plan,  
14 that there was still so much outstanding work  
15 from '15 to '19. It's good to hear that the  
16 MTA was able to take advantage of, as you  
17 said, the lower utilization.

18 Janno, great to see you. You also  
19 mentioned earlier that there was actually  
20 cost savings from being able to do the work  
21 when there were fewer people using the  
22 system. Is there any way to quantify the  
23 savings from that? Because we always hear  
24 about the additional cost from people not

1 using the system and then paying the fares.

2 But what about the cost savings?

3 MTA CDO LIEBER: It would require a  
4 serious analysis. But when you save  
5 somewhere north of 2,000 days of project  
6 work, given the level of overheads, the  
7 project management, the equipment associated  
8 with managing projects, the real estate  
9 associated with managing projects, you're  
10 saving real money. Schedule is the enemy of  
11 the budget. So --

12 (Overtalk.)

13 SENATOR LIU: All right, great. But  
14 you said about 2,000 work days. So that's  
15 one way to quantify it.

16 MTA CDO LIEBER: Yes, millions of  
17 dollars. It's millions of --

18 SENATOR LIU: Millions of dollars.

19 And then my last question has to do  
20 with, you know, the MTA always -- I mean, for  
21 the last couple of years you're always citing  
22 this McKinsey study, and lately you've also  
23 cited the McKinsey study talking about how --  
24 when the subway system will come back to full

1 utilization.

2 How do we know that McKinsey is the  
3 expert here? And I guess specifically, you  
4 said that McKinsey's estimating a return to  
5 80 percent utilization potentially by 2024 --  
6 at best case, 90 percent utilization --

7 THE MODERATOR: I'm sorry, Senator,  
8 your time is up.

9 SENATOR LIU: What's the difference  
10 between the 80 and 90?

11 MTA CHAIRMAN FOYE: Ten percent,  
12 Senator.

13 (Laughter.)

14 SENATOR LIU: Thanks, Pat.

15 MTA CHAIRMAN FOYE: No, the answer,  
16 the serious answer to your question is the  
17 following.

18 McKinsey has got global reach. The  
19 McKinsey principals that we've consulted with  
20 have actually been scientists and experts on  
21 vaccinations and vaccination rollouts,  
22 economic development experts, transportation  
23 experts.

24 And frankly, given the importance of

1           the subject, I made a point before that we've  
2           made substantial cuts in consulting  
3           contracts. But given the importance of the  
4           subject, the fact that they have global reach  
5           and global expertise, we thought it was  
6           important on this issue to retain an outside  
7           firm.

8                     SENATOR LIU: Thank you, Madam Chair.

9                     CHAIRWOMAN WEINSTEIN: Thank you.

10                    CHAIRWOMAN KRUEGER: Thank you.

11                    Assemblywoman.

12                    CHAIRWOMAN WEINSTEIN: Yes. We go to  
13           Assemblyman Carroll for three minutes.

14                    ASSEMBLYMAN CARROLL: Good afternoon.  
15           Good afternoon, chair Foye, and thank you for  
16           speaking with us today.

17                    I have a very broad question. I'm  
18           very concerned with the finances of the MTA,  
19           particularly its operating budget. Last year  
20           the MTA had an approximately \$17 billion  
21           operating budget. That operating budget was  
22           funded 50 percent by tolls and fares paid by  
23           straphangers, and another 36 percent was from  
24           dedicated revenue from the State of New York

1           and other dedicated taxes.

2                   This year's budget, the Governor cuts  
3           \$1 billion in those dedicated revenues to the  
4           MTA. Further, some of the dedicated taxes  
5           like the payroll mobility tax, as well as  
6           other taxes, have been taking huge hits.

7                   What is the current operating budget  
8           of the MTA for the '20-'21 fiscal year, and  
9           how do you plan to close those budget gaps?  
10          Are there federal dollars, are there state  
11          dollars? And further, does the MTA plan to  
12          pay back the \$900 million it took from the  
13          capital budget this year to pay for operating  
14          costs?

15                   MTA CFO FORAN: Okay, the budget is  
16          \$17.2 billion for fiscal year '21. Okay? So  
17          this year.

18                   The Governor didn't cut us by a  
19          billion dollars. We reduced our projections  
20          of what dedicated taxes would be based on the  
21          economic forecast that we developed along  
22          with McKinsey.

23                   As I mentioned earlier, that the  
24          Budget Director for the state did give

1 everyone a heads-up, saying if there was not  
2 federal aid forthcoming, that there may be  
3 further reductions in Aid to Localities. So  
4 we took it down even further, to be prepared  
5 for what might be a worst-case scenario.

6 But our revenues have come back, and  
7 it looks like we're going to get most of that  
8 money -- we're going to recover most of that  
9 money from last year.

10 We did not take \$900 million out of  
11 the capital program. What we took out of the  
12 capital program this year was pay-as-you-go  
13 capital, about \$187 million worth of it. So  
14 that's money that we set aside so that we  
15 don't have to sell extra debt. But we used  
16 that money in the past year to help offset  
17 the budget. And we are projecting to do that  
18 this year as well.

19 The way we're going to close this  
20 year's budget gap is with the federal  
21 dollars, the \$4 billion that we hope to  
22 receive very shortly, and also a  
23 billion-eight of deficit financing that we  
24 borrowed from the Federal Reserve.

1                   ASSEMBLYMAN CARROLL: I'm going to cut  
2                   you off one second, Mr. Foran, because my  
3                   time is running out. How much money has the  
4                   MTA saved by stopping overnight service on  
5                   the subway system? And how much money will  
6                   it cost for us to bring back that overnight  
7                   service so that we can bring back our economy  
8                   and our city?

9                   MTA CFO FORAN: Well, that was not  
10                  done as a cost-saving effort. That was done  
11                  for cleansing and cleaning. So --

12                 ASSEMBLYMAN CARROLL: But did it  
13                  save -- but did it save the MTA money?

14                 MTA CFO FORAN: We are still running  
15                  trains. They are to get our workforce back  
16                  and forth. And we're running buses to help  
17                  our passengers and our customers to move. So  
18                  again, it was not a cost-saving effort.

19                 ASSEMBLYMAN CARROLL: I understand  
20                  that it was not a cost-saving measure, but  
21                  did it in fact save the MTA money? Or is  
22                  it -- has it cost the MTA money? Or is it a  
23                  wash?

24                 MTA CHAIRMAN FOYE: Assemblymember,



1           we'll come back to you on the specific  
2           number. As Bob mentioned, it was not done as  
3           a cost-cutting measure. And we actually  
4           incurred costs, right, because the  
5           disinfecting regime from 1 a.m. to 5 a.m. is  
6           something that we had not budgeted, of  
7           course, at the beginning of 2020.

8                     We'll come back to you with a specific  
9           number.

10                    ASSEMBLYMAN CARROLL: Thank you.

11                    MTA CHAIRMAN FOYE: And also -- sorry.  
12           Lastly, I'll note we expect in the Biden  
13           administration to be reimbursed by FEMA for  
14           those expenses.

15                    CHAIRWOMAN WEINSTEIN: Senate?

16                    CHAIRWOMAN KRUEGER: Senator Brad  
17           Hoylman.

18                    SENATOR HOYLMAN: I'm waiting for my  
19           video to start. Oh, there it goes. Thank  
20           you, Senator. Thank you. Thank you,  
21           Chair Krueger and Chair Weinstein and  
22           Senator Kennedy and Senator Comrie and my  
23           other colleagues.

24                    I just wanted to first say if anyone

1           wants an example of what government can still  
2           do and still do well, go see the new Moynihan  
3           Train Station. So it's a really remarkable  
4           public work.

5                     And I wanted to thank you for your  
6           memorial for your 140 workers who died  
7           because of COVID. And I just noted that  
8           President Obama tweeted it out this morning.

9                     Specifically about the 24/7 cleaning  
10          and its necessity and your move to return to  
11          24/7 subway service after the Pause orders  
12          are lifted, do you do regular testing,  
13          Mr. Foye, like Transport for London does in  
14          terms of transmission on the subway?

15                    MTA CHAIRMAN FOYE: So, Senator, let  
16          me just acknowledge the work of  
17          Sarah Feinberg on the digital memorial.

18                    And while your colleagues are going to  
19          Moynihan Station, they should also look at  
20          the new entrance from 33rd and 7th directly  
21          to the Long Island Rail Road that  
22          Janno Lieber opened a couple of weeks ago.  
23          It is so spectacular that customers are  
24          taking selfies. And as you go up the

1       escalator, you can see the Empire State  
2       Building.

3               So the answer to your question,  
4       Senator, is we're very focused on aerosols.  
5       The good news is we just got a federal grant  
6       that was frankly shepherded by Mark Dowd, our  
7       chief innovation officer, to work with the  
8       Department of Energy and other federal  
9       agencies to look at the aerosol issue.

10              We have been focused on air exchange  
11       on subways and buses, and the number of air  
12       exchanges is well in excess of OSHA and  
13       federal standards. And --

14              SENATOR HOYLMAN: But the aerosol  
15       issue, if it's -- Mr. Foye, if it's an  
16       aerosol issue, and I think some science and  
17       data shows that it's not a surface issue, is  
18       the overnight cleaning overkill at this  
19       point?

20              MTA CHAIRMAN FOYE: I don't think it  
21       is. So, Senator, I'll note the following.  
22       Right? The CDC says clearly aerosols are a  
23       significant issue, but there is still  
24       surface-to-human transmission of the virus.

1                   SENATOR HOYLMAN: Are you testing  
2                   surfaces in the subway to determine whether  
3                   that is in fact the case?

4                   MTA CHAIRMAN FOYE: Virus has been  
5                   found on inanimate objects in research across  
6                   the world.

7                   SENATOR HOYLMAN: I was just wondering  
8                   specifically. But I guess I'm running out of  
9                   time here.

10                  Do you have a strategy to rebuild  
11                  public confidence in the safety of our mass  
12                  transit? And --

13                  MTA CHAIRMAN FOYE: We do. And I  
14                  think that's represented, Senator, by the  
15                  latest survey we did, which indicated that  
16                  75 percent of our customers applaud the  
17                  disinfecting regime. And on top of that, we  
18                  monitor and report mask compliance, and mask  
19                  compliance on subways, buses, commuter rails  
20                  is well in excess of 95 percent.

21                  SENATOR HOYLMAN: And how many days  
22                  after the Pause order is lifted will the  
23                  subways return to 24/7? Will it be the next  
24                  day?

1                   MTA CHAIRMAN FOYE: Senator, I can't  
2                   commit to the next day. Obviously there will  
3                   be a ramp-up period. I expect that that  
4                   happy day we'll all have advance notice. But  
5                   I can't commit on a number of days.

6                   I will commit to the following, which  
7                   is that we've said from the beginning what  
8                   the Governor said, which is that when the  
9                   pandemic is over and he declares it over, we  
10                  will return 24-hour service to a city that  
11                  never sleeps.

12                 SENATOR HOYLMAN: Thank you very much.

13                 MTA CHAIRMAN FOYE: You're welcome.

14                 CHAIRWOMAN KRUEGER: Thank you.  
15                 Assemblywoman.

16                 CHAIRWOMAN WEINSTEIN: Yes, we go to  
17                 Assemblywoman Glick.

18                 ASSEMBLYWOMAN GLICK: Unmute, start.  
19                 Okay. Thank you. Still a little rocky on  
20                 the technology side.

21                 I'm going to have two questions. One  
22                 is going to focus on general safety. I know  
23                 that, Mr. Foye, you referred to working  
24                 closely with the NYPD. But there are

1 continuing stories that make people a little  
2 bit concerned. There have been several  
3 incidents in and around my district, and I  
4 understand that the system will always have  
5 folks who are emotionally disturbed,  
6 et cetera. But the number of people pushed  
7 onto the subway tracks is concerning to  
8 people.

9 So I'd like you to address that at one  
10 point. But the other question I have is a  
11 little larger; it has to do with the  
12 implementation of a new payment system and  
13 the OMNY system.

14 With a MetroCard, the information is  
15 held by the MTA. With OMNY I think that the  
16 information is held in terms of where you've  
17 been by a private company, and there are  
18 concerns about privacy. And there's also, as  
19 I understand it, an indemnification for the  
20 MTA against double payment. Is there some  
21 concern -- like why would that be? Is that  
22 the transfer, the use of transfers not being  
23 smooth? And how will seniors access the  
24 half-fare once this is fully implemented?

1                   MTA CHAIRMAN FOYE: So, Chair, let me  
2                   address your second question first. And then  
3                   Sarah Feinberg and I will speak to the first  
4                   one, which is a critical issue.

5                   First, in installing the OMNY system  
6                   we carefully researched the privacy issues  
7                   and the cybersecurity issues. We've gone  
8                   back and looked at the cybersecurity issues  
9                   on the OMNY system following the Solar Winds  
10                  revelation of serious hacks at the federal  
11                  level of a number of federal agencies. And  
12                  we believe that we have sufficient  
13                  protections in place, but we're going to  
14                  continue to work with the Department of  
15                  Homeland Security at the national level and  
16                  at the state level on those issues.

17                  I'm not familiar, I have to say, with  
18                  the specific provisions of the  
19                  indemnification provision that you cited.  
20                  But the MTA does not track our riders.

21                  The double-billing issue, I think  
22                  there have been a small number of those  
23                  situations which I'm aware of which resulted  
24                  in one tech company enabling, without notice

1 to customers, the transit feature on its app.  
2 That has been addressed, as I understand it,  
3 Chair Glick.

4 With respect to the first issue, which  
5 is really a critical one, we have an  
6 obligation and our customers have an  
7 expectation and right to travel in a safe and  
8 secure environment. The horrific episodes  
9 and assaults that you refer to are  
10 unacceptable and reprehensible. You're quite  
11 right that a number of them involved the  
12 emotionally disturbed. The city must do more  
13 with respect to the emotionally disturbed;  
14 that's a city responsibility, Department of  
15 Health and Mental Health. The city simply  
16 has to do more.

17 And Sarah, please.

18 NYCT INTERIM PRES. FEINBERG: Thank  
19 you --

20 THE MODERATOR: I'm sorry, the time is  
21 up.

22 MTA CHAIRMAN FOYE: Is it okay if  
23 Sarah responds to the chair's question?

24 CHAIRWOMAN WEINSTEIN: Yes, please do.





1       agrees that it's important to be transparent  
2       about everything that's happening in the  
3       system. And so we track data and incidents  
4       in realtime, and we in fact share weekly  
5       information on our website so that -- you  
6       know, the theory being that the more you  
7       know, the more likely we are to get the  
8       resources we need to address it. So we're  
9       trying to share as much information as  
10      possible.

11               CHAIRWOMAN WEINSTEIN: Thank you.

12               We go to the Senate now.

13               CHAIRWOMAN KRUEGER: Thank you very  
14      much, Assemblywoman.

15               Our next Senator is Diane Savino.

16               SENATOR SAVINO: Thank you,  
17      Senator Krueger. There I am.

18               Ah, Pat, good to see you and your  
19      whole team. I just want to say thank you for  
20      everything that you guys have done through  
21      this extraordinary challenge that the MTA has  
22      faced in the entire system. I know my  
23      colleagues from Staten Island are going to  
24      address specific issues from Staten Island,

1           and we all have a short time, so I just want  
2           to speak about two things.

3                     One of them, on the Brooklyn side, I  
4           just hope that you guys can address the issue  
5           of the F Express expansion into Coney Island.  
6           We're having some challenges there with  
7           getting people to and from Stillwell Avenue,  
8           and I know we've requested some shuttle bus  
9           service. Hopefully you guys can help with  
10          that.

11                    And finally, I want to go back to the  
12          safety issue. As you know, you and I and  
13          your team have worked very closely over the  
14          past few years trying to get post-conviction  
15          prohibitions on violent sexual predators.  
16          Last year's budget included legislation that  
17          would allow for, you know, the  
18          post-conviction prohibition, but it didn't go  
19          far enough. It didn't accomplish what your  
20          team, Sarah Feinberg and others, and the NYPD  
21          had discussed. The Senate has passed far  
22          more comprehensive legislation.  
23          Unfortunately, we were forced to compromise.

24                    But we did get some protections that

1       would require post-conviction prohibition on  
2       repeat sexual predators from using our subway  
3       system. So I'm just curious how it's been  
4       enforced, are we seeing these people who are  
5       showing up on the front page of the newspaper  
6       still going into the subway. What's  
7       happening with these post-conviction  
8       prohibitions, and are we getting these people  
9       out of the subway system so that they cannot  
10      continue to harass and victimize young women  
11      particularly on our public transit?

12             MTA CHAIRMAN FOYE: So, Senator, thank  
13      you. Time is short and I'm going to turn it  
14      over to Sarah Feinberg on the F Train and on  
15      the other issue.

16             I do want to note the following, that  
17      in our Article VII legislative package we do  
18      have an amendment to the Penal Law with  
19      respect to MTA worker assaults and  
20      harassments. There have been far too many of  
21      them, including spitting and physical  
22      assaults. And our employees, who performed  
23      heroically, deserve to be protected. That  
24      shouldn't happen to any of them.

1                   And with that, I'll turn it to Sarah  
2                   on the F Train and to answer your question.

3                   SENATOR SAVINO: Thank you.

4                   NYCT INTERIM PRES. FEINBERG: Sure.

5                   So on the recidivist issue -- and  
6                   thank you so much for your work and your help  
7                   on that issue -- the latest on that is we  
8                   have a very good dialogue with the district  
9                   attorney's office and have been in close  
10                  contact with them doing a couple of things.

11                  One, we wrote a -- I wrote a letter to  
12                  judges making sure that they are aware of the  
13                  new law so that they can implement it. We  
14                  also wrote a letter to the DAs, and we've  
15                  been having conversations with them. They  
16                  are well aware of it. They'd in fact already  
17                  trained judges on it before we contacted  
18                  them, which is excellent. Frankly I think  
19                  the issue on their end is that the court  
20                  system as a whole has just slowed down so  
21                  much during COVID, and there are very few  
22                  in-person court appearances. Don't ask me  
23                  why the in-person part holds them up. But I  
24                  have heard loud and clearly from them that

1           they intend to use the legislation and the  
2           authority they've been given, and we'll hold  
3           them to it, certainly, and be helpful to them  
4           in any way we can be.

5                     SENATOR SAVINO: Thank you.

6                     You can get back to me on the  
7           F Express later.

8                     NYCT INTERIM PRES. FEINBERG: Oh, I'm  
9           sorry, yes, we absolutely will. Happy to.

10                    SENATOR SAVINO: Thank you.

11                    CHAIRWOMAN KRUEGER: Assemblymember.

12                    CHAIRWOMAN WEINSTEIN: Yes, we go to  
13           Assemblyman Walczyk.

14                    ASSEMBLYMAN WALCZYK: Just waiting for  
15           my video to come up, Madam Chair, if you'd be  
16           so kind. Thanks so much.

17                    Appreciate the time, and thank you,  
18           President Foye. You mentioned jobs in the  
19           North Country a couple of times so far today,  
20           and I really appreciate that, because that's  
21           something near and dear to me, as I represent  
22           the front yard of America.

23                    The Buy New York program doesn't apply  
24           to after-market parts or to parts contracts,

1 is my understanding. And if you're  
2 purchasing railcars with federal dollars, you  
3 can't specifically target a regional area  
4 like a Buy New York program, is that right?  
5 Do I understand that correctly?

6 MTA CHAIRMAN FOYE: Assemblymember,  
7 that's my understanding.

8 I will say that on the after-parts for  
9 railcars, in most cases, not all of them --  
10 or in many cases, not all of them, parts like  
11 that would be often obtained from the OEM,  
12 the original equipment manufacturer. But  
13 there are those limitations you referred to  
14 on federally funded projects.

15 ASSEMBLYMAN WALCZYK: So it's the  
16 after-market parts specifically. And I think  
17 it's in line with some of what you've said  
18 and some of what the Governor has said so  
19 far. I'm wondering what you need from us in  
20 order to have manufacturers in New York --  
21 and in my case in Northern New York, whether  
22 they be in Massena or Watertown -- be able to  
23 compete and open up the market for whether  
24 it's after-market parts contracts, repair

1 parts contracts within the MTA.

2 MTA CHAIRMAN FOYE: So,  
3 Assemblymember, here's what I would suggest.  
4 I would look forward to working with  
5 Chair Paulin and Chair Weinstein and you and  
6 other colleagues -- and I know this is an  
7 important issue for Chair Kennedy and Chair  
8 Comrie -- and see whether we can't come up  
9 with a way to increase the New York  
10 penetration on these products. And I'd be  
11 happy to get on a Zoom with whatever group  
12 and some of my colleagues in procurement  
13 later in the week to discuss it. It's a  
14 first-order priority for us.

15 ASSEMBLYMAN WALCZYK: Great. I really  
16 appreciate the time, and I will send the rest  
17 of it back. Thank you, Madam Chair.

18 CHAIRWOMAN KRUEGER: Thank you --

19 CHAIRWOMAN WEINSTEIN: Senate next.

20 CHAIRWOMAN KRUEGER: Thank you so  
21 much. Our next is the ranker for Finance,  
22 Senator Tom O'Mara.

23 SENATOR O'MARA: Thank you,  
24 Chairwoman. Thank you, Mr. Foye, for your



1 testimony here today.

2 It's somewhat following up from  
3 Assemblyman Walczyk's point of questioning.  
4 I understand that the R262 project has been  
5 put on hold, and that was going to be an  
6 order for I believe a thousand railcars for  
7 the MTA. As I'm pretty sure you're aware,  
8 the district I represent includes several  
9 railcar manufacturers, including Alstom, CAF  
10 and Bombardier.

11 And in light of the announcement this  
12 month from Chicago's Metra system that  
13 they're proceeding with a 200-railcar  
14 order -- and that was awarded to Alstom, in  
15 Hornell -- when do you think the time frame  
16 is for the MTA to get back into moving  
17 forward with the R262 contract?

18 And will there -- would there be any  
19 benefit to chopping that up from a  
20 thousand-car order to maybe something like  
21 Chicago's -- I can't imagine Chicago's in  
22 much better financial shape than MTA, but  
23 maybe I'm wrong -- and doing smaller batch  
24 orders rather than a thousand at a time?

1                   MTA CHAIRMAN FOYE: So, Senator,  
2                   excellent question. The answer to the  
3                   question, which is really the larger question  
4                   of unlocking the capital plan and unlocking  
5                   rolling stock procurements, is going to  
6                   depend -- and frankly we're more optimistic,  
7                   I'm more optimistic, speaking for myself  
8                   personally, now than I was a couple of months  
9                   ago with the changes that have occurred in  
10                  Washington, including the ascension of  
11                  Senator Schumer to the Senate Majority Leader  
12                  position. Federal aid for the -- on the  
13                  operating side and federal support on the  
14                  capital side will help answer when we can  
15                  unlock the portions of the new capital plan,  
16                  including rolling stock.

17                 We're of course a bigger buyer than  
18                 Chicago and frankly while Chicago CTA and  
19                 Metra have experienced deficits, ours are way  
20                 larger, and we're more dependent on fare  
21                 revenue, which has been a good thing for  
22                 116 years except for a once-in-a-hundred-year  
23                 pandemic.

24                 We will look at smaller orders, larger

1 orders, but it's all dependent, Senator, on  
2 getting substantial additional help from the  
3 federal government on the operating side and  
4 the capital side. And I would expect the  
5 companies that you mentioned in your  
6 district, or most of them, would be serious  
7 competitors for rolling stock orders.

8 SENATOR O'MARA: Yes, they have been  
9 certainly in the past and hopefully will be  
10 in the future, and obviously anything we can  
11 retain in New York for that work is obviously  
12 a benefit for all of us. So that type of  
13 activity from the MTA region is critically  
14 important to these upstate manufacturers and  
15 those communities that depend on those jobs.

16 Could you kind of outline for us, you  
17 know, when we talk about railcar purchases,  
18 it's a great expense. But comparing that  
19 great expense, what kind of cost savings do  
20 you get with the improvement of the railcar  
21 you get and, you know, having to not have  
22 that maintenance of the older stock going?  
23 You know, how does that balance out?

24 MTA CHAIRMAN FOYE: So, Senator, let

1       me say this before I answer your question  
2       directly. I also believe, frankly, since you  
3       mentioned both Alstom and Bombardier, that  
4       the acquisition of Bombardier by a  
5       financially stable Alstom is likely to make  
6       Bombardier a more formidable competitor in  
7       the marketplace, and certainly the serious  
8       financial issues that Bombardier faced, a  
9       matter of public record, are likely to be  
10      less severe under Alstom's ownership.

11               Look, new rolling stock is clearly  
12      better for the operator, less reliability  
13      issues, less costs, frankly a better product,  
14      both for the operator and for customers. And  
15      there reaches a point when you keep -- you  
16      know, whether it's rolling stock or any piece  
17      of equipment -- you know, beyond its useful  
18      life, as it begins to approach that, the cost  
19      of the -- maintenance cost soars, and  
20      reliability dips.

21               And we're looking forward, Senator, to  
22      unlocking the capital plan and making some of  
23      these rolling stock procurements that we  
24      talked about with you and your colleagues in

1 the Legislature when we were advocating for  
2 the capital plan that was approved and is now  
3 on pause, in large part.

4 SENATOR O'MARA: Thank you very much.  
5 I yield back the rest of my time.

6 CHAIRWOMAN KRUEGER: Assemblymember.

7 CHAIRWOMAN WEINSTEIN: We go to  
8 Assemblyman Fall.

9 ASSEMBLYMAN FALL: Okay, if I can  
10 start my video.

11 CHAIRWOMAN WEINSTEIN: Three minutes?  
12 Yes, three minutes on the clock.

13 ASSEMBLYMAN FALL: Thank you so much,  
14 Madam Chair, and thank you, Chairman Foye and  
15 your team for being here. I do want to echo  
16 the comments about the tolls from  
17 Assemblymember Cusick and the comments from  
18 Senator Diane Savino.

19 I do have a quick question related to  
20 the Executive proposal. I notice it includes  
21 legislation to grant to MTA access to  
22 New York City streets even when the city has  
23 already granted such a permit to another  
24 entity.

1           Do you have an example to illustrate  
2           the problem here and the intent of this bill,  
3           and what is the fiscal impact of this bill on  
4           the MTA? Would this bill potentially  
5           authorize the MTA to indefinitely delay a  
6           major construction project of a building, for  
7           example? If you could elaborate on that,  
8           that would be helpful.

9           MTA CHAIRMAN FOYE: Yeah,  
10          Assemblymember, the bill you're referring to  
11          is one which would allow private developers,  
12          private contractors working for the MTA on an  
13          MTA transportation facility to have the same  
14          rights as the MTA if it were doing the work  
15          directly.

16          There was one incident on a location  
17          in downtown Manhattan that involved  
18          installation of an ADA elevator, and the fact  
19          that a third party was doing it was a legal  
20          complication. Since ADA accessibility  
21          projects are such a priority to the MTA, to  
22          the Governor, to all of you as legislators,  
23          we asked for legislative redress on that  
24          issue. And be happy to discuss the bill in

1 detail with you or any of your colleagues who  
2 are interested.

3 But that's the point of the  
4 legislation.

5 ASSEMBLYMAN FALL: Gotcha, thank you.

6 As far as the bus rapid transit in my  
7 district, I understand because of, you know,  
8 budget concerns it has to be put on hold.  
9 But the one thing I am concerned with is that  
10 I haven't received a timeline on how long you  
11 plan on delaying it.

12 I'll give you an example. When the  
13 City of New York is delaying certain  
14 projects, they're letting us know that, hey,  
15 it's going to be delayed until this date.

16 Can you give me a timeline on how long  
17 the bus rapid transit project will be  
18 delayed?

19 MTA CHAIRMAN FOYE: So,  
20 Assemblymember, we know how important this is  
21 to you. The project Environmental Impact  
22 Statement is currently on pause due to  
23 COVID-19. We do believe we've obtained a  
24 significant amount of information -- I'm not

1       sure that I can say it's all of it -- to  
2       analyze the project along with other  
3       potential projects.

4               The Environmental Impact Statement --  
5       a piece of good news for you. The  
6       Environmental Impact Statement is underway to  
7       assess the implementation of a new BRT.

8               The difference between this pause and  
9       a -- for instance, the MTA or the city saying  
10      we've got to delay this project for a month,  
11      is this is driven really by financial  
12      considerations and people-power issues and  
13      social distancing on construction projects.  
14      Janno has done, I think, a terrific job in  
15      managing that. But it's also, to some  
16      extent, held back by the pause that was put  
17      in place on the capital plan.

18              And we know how important this is to  
19      you, and be happy to discuss this issue in  
20      more detail if that were helpful.

21              ASSEMBLYMAN FALL: Thank you,  
22      Chairman. And just one last question.

23              Is there any status on the train  
24      stations that were under construction in the



1 district? And any update on the new trains  
2 we were supposed to receive? I know it was  
3 supposed to be here on Staten Island in 2019,  
4 it was delayed to 2021. Has that been  
5 delayed, or is this still slated to be here  
6 by the end of this year?

7 MTA CHAIRMAN FOYE: Assemblymember, I  
8 believe that those cars are expected later in  
9 the year, and we will confirm to your office  
10 that that's the case.

11 ASSEMBLYMAN FALL: All right, thank  
12 you so much.

13 MTA CHAIRMAN FOYE: You're welcome.

14 CHAIRWOMAN WEINSTEIN: Senate?

15 CHAIRWOMAN KRUEGER: Sorry, it took me  
16 a minute to get off mute for that time. I  
17 think Zoom is starting to tell us they have  
18 problems with us.

19 Our next testifier -- excuse me, our  
20 next questioner -- I had to change the order  
21 a little bit -- is Anna Kaplan.

22 SENATOR KAPLAN: Thank you,  
23 Chairwoman Krueger. I want to thank also  
24 President Foye for his testimony.

1           First and foremost, I want to give a  
2           shout-out and thank the frontline workers for  
3           all the work that they've been doing so far.  
4           And I want to give credit to the MTA,  
5           Long Island Rail Road, 3TC and the Governor  
6           for making sure that during this pandemic we  
7           continued to push forward with important  
8           capital projects, including a number of  
9           projects that directly impacted my district.  
10          And Janno Lieber was present at the  
11          completion of all of those.

12                 This question is really addressed to  
13          him, but maybe one of you could answer. With  
14          the proposed staffing and reductions in  
15          staffing and cuts in transportation budgets,  
16          will any of these ongoing transformative  
17          projects be interrupted or slowed down?

18                 MTA CHAIRMAN FOYE: The third track  
19          project, Senator, is on time. We don't  
20          expect the pandemic -- and this is frankly a  
21          miraculous statement -- to have a significant  
22          impact on the -- on the timing. And that is  
23          a credit to Janno and his team and the Long  
24          Island Rail Road forces who've been involved.

1 And thank you for your leadership and support  
2 on it.

3 SENATOR KAPLAN: Thank you.

4 A lot of my other questions were  
5 already raised by other Senators, and you  
6 responded to them. And thank you again for  
7 all your help with this.

8 MTA CHAIRMAN FOYE: Thank you,  
9 Senator.

10 CHAIRWOMAN WEINSTEIN: We go to  
11 Assemblyman Cusick for questions.

12 ASSEMBLYMAN CUSICK: Hi.

13 Chair Foye, thank you. Thank you once  
14 again for coming to the Ways and Means  
15 hearings. I also want to thank the MTA for  
16 their work during these tough times during  
17 the pandemic, all the workers and the board  
18 are doing hard work during very difficult  
19 times.

20 I want to also thank you for the  
21 fare -- not going through with the fare  
22 increases, with the doomsday plan. And for  
23 Staten Islanders it was very important that  
24 you did not eliminate the toll discount,

1           which I want to thank you so much for.

2                       I know that the MTA is meeting in  
3           February and quite possibly looking at toll  
4           increases.  Would that be based on how much  
5           funding comes from the federal government?

6                       MTA CHAIRMAN FOYE:  Assemblymember, in  
7           large part, no.  The toll increases and the  
8           fare increases, for that matter, are baked  
9           into -- are included already in our financial  
10          plan for 2021 and going forward.  They both  
11          assume toll and fare increases this year and  
12          two years hence.

13                      And we received the good news of the  
14          \$4 billion in federal funding in the lame  
15          duck session, but our financial plan assumed  
16          and included those increases.

17                      ASSEMBLYMAN CUSICK:  Okay.  So I just  
18          want to address that.  My colleagues Diane  
19          Savino and Assemblyman Fall have spoke on  
20          other issues.  We consolidated and parsed out  
21          the issues of Staten Island, and I'm doing  
22          the tolls.

23                      So I just wanted to ask that when you  
24          are considering the toll increases,

1           particularly during the pandemic and the hard  
2           times, you know, at the very least many of  
3           these bridges that connect not just  
4           Staten Island but parts of Queens and other  
5           areas have discounts. If we could look at  
6           freezing those discounts. It's for  
7           businesses, it's for residents. This would  
8           allow people as they're suffering through the  
9           pandemic, financially and physically, to not  
10          have an added burden on top of that, which  
11          this really is something that people are --  
12          it's adding to the pain of the pandemic.

13                 So I ask that the MTA consider that as  
14          they go forward, because again, using the  
15          Verrazano Bridge as an example, the bridge  
16          round trip could possibly go up to \$20. And  
17          if someone doesn't have the discount, that's  
18          an issue.

19                 And I know Staten Island residents and  
20          businesses have a significant discount, and  
21          my ask would be please consider freezing  
22          those discounts. Thank you.

23                 MTA CHAIRMAN FOYE: Assemblymember, we  
24          understand how important the bridge and the

1 toll rates are to you and the other members  
2 of the Staten Island delegation. I can  
3 assure you that these concerns and issues  
4 have been a subject of much discussion and  
5 will be with the board as the board considers  
6 tolls next month.

7 ASSEMBLYMAN CUSICK: Thank you.

8 MTA CHAIRMAN FOYE: You're welcome.

9 CHAIRWOMAN WEINSTEIN: Senate?

10 CHAIRWOMAN KRUEGER: Thank you very  
11 much.

12 Senator Pete Harckham. Pete, are you  
13 there? Oh, there you are.

14 SENATOR HARCKHAM: Thank you, Madam  
15 Chair. Yup, just waiting on video. We're  
16 all good.

17 CHAIRWOMAN KRUEGER: No problem.

18 SENATOR HARCKHAM: Thank you,  
19 Mr. President, for being here. Thank you and  
20 your team for keeping the system working  
21 during these challenging times. And  
22 condolences to all the families of workers  
23 who were lost during the pandemic.

24 Since time is short, I'll ask both my

1        questions up front and you can allot your  
2        time to answer them how you want. My focus  
3        is on Metro-North, particularly the Harlem  
4        and the Hudson Lines, Northern Westchester,  
5        Eastern Putnam, Eastern Dutchess.

6                First question, what's impacted our  
7        capital expenditures? Can you please comment  
8        on which Metro-North capital projects --  
9        let's talk major ones, for argument's sake  
10       today -- have been negatively impacted by  
11       cutbacks in the capital budget? And  
12       conversely, are there any that are still  
13       moving forward?

14               The second question pertains to the  
15       Hudson Line. New York State, we're all  
16       taking very aggressive actions on climate  
17       change. We're still using diesel locomotives  
18       north of Croton. There are plans to buy more  
19       diesel locomotives north of Croton,  
20       contributing to greenhouse gases, noise  
21       pollution for the residents of those  
22       communities. So what are your specific plans  
23       to electrifying the Harlem Line north of  
24       Croton?

MTA CHAIRMAN FOYE: Senator, thank

As I mentioned before, and I'm not to -- our unlocking the capital plan is dependent largely on what happens in London. And we're more optimistic than two months ago.

We do not have capital in the new  
plan to electrify the Hudson Line  
ard. And we will, as part of the



1       20 years' assessment, be looking at that  
2       project, electrification on certain parts of  
3       Metro-North, including the Hudson Line, and  
4       the same thing with respect to certain parts  
5       of the Long Island Rail Road system.

6               I can't guarantee, Senator, when that  
7       will be included, but it will be looked at.  
8       It is a priority. And we should stay in  
9       touch on that issue, you and your colleagues  
10      who are focused on that, on Metro-North and  
11      Long Island Rail Road.

12              SENATOR HARCKHAM: Yeah, please do.  
13      happy to work with you on that issue.

14              MTA CHAIRMAN FOYE: Thank you.

15              SENATOR HARCKHAM: Thank you.

16              CHAIRWOMAN KRUEGER: Assembly?

17              CHAIRWOMAN WEINSTEIN: Next we go to  
18      Assemblyman Zebrowski.

19              (Microphone muted.)

20              ASSEMBLYMAN ZEBROWSKI: -- Weinstein.  
21      And good morning, Chair Foye and your entire  
22      team.

23              Just for my colleagues, anyone  
24      listening, I represent Rockland County west

1       of the Hudson, an MTA county, one that's in  
2       the MTA district but one whose train service  
3       is completely run by New York Transit under  
4       agreement with the MTA. So what that means  
5       is we generally deal with the nightmare of  
6       New Jersey Transit -- for example, the  
7       terrible rollout of positive train control,  
8       which left Rockland with its most popular  
9       express train canceled for not months but  
10      years; the abysmal on-time service and  
11      cancellations. I heard earlier before the  
12      on-time service of Metro-North, and we can  
13      only dream of those type of on-time numbers  
14      most years.

15               And many times, Mr. Foye, I'd be  
16      asking you to help to increase and maximize  
17      service, the possibility of rail sidings, of  
18      extra rail yards -- because most of the  
19      New Jersey if not all of the New Jersey  
20      service is one track. And of course  
21      Chair Paulin mentioned before the importance  
22      of a long-term strategic plan to get a  
23      one-seat ride over the Hudson River for  
24      west-of-the Hudson commuters.

1           But given the time constraints and the  
2           fact that, you know, I've spoken to your team  
3           about many of those things in the past and  
4           hope to in the future, I really wanted to  
5           have my main question here focus on the  
6           proposal which was the doomsday proposal back  
7           several months ago, which was a complete  
8           cancellation of west-of-the-Hudson train  
9           service.

10           Given that that was the doomsday  
11           proposal, leaving west-of-the-Hudson  
12           commuters with zero train service, my  
13           question is really, what is your message to  
14           west-of-the-Hudson commuters? You know, when  
15           that proposal came forth, I was forced to  
16           redouble my efforts to provide the  
17           west-of-the-Hudson counties with an option to  
18           withdraw from the MTA district because they  
19           would have essentially no service remaining.

20           So what's the message? What's our  
21           overall message to west-of-the-Hudson  
22           commuters? How can they have faith that not  
23           only will their service not be canceled but  
24           that their substandard service will be

1 improved in the future?

2 MTA CHAIRMAN FOYE: So,  
3 Assemblymember, our message to all of our  
4 customers at that point when we didn't know  
5 whether we were going to get \$4 billion of  
6 federal support, is we are in desperate  
7 shape, we are going to have to take -- this  
8 is no longer the case in 2021 -- we're going  
9 to have to take dramatic, draconian, ugly  
10 actions to balance the books. It is going to  
11 affect every customer, every service, every  
12 agency, including your west-of-Hudson  
13 constituents.

14 We are delighted and relieved we  
15 didn't have to take that action. But the  
16 message to every one of our customers, these  
17 are desperate times and we may have to take  
18 draconian actions. Happily we didn't have to  
19 do that, Assemblymember.

20 ASSEMBLYMAN ZEBROWSKI: I see my  
21 time's up. I would just point out that  
22 leaving west-of-the-Hudson commuters with no  
23 service shouldn't have been an option.

24 But thank you.

1 MTA CHAIRMAN FOYE: Thank you.

2 CHAIRWOMAN WEINSTEIN: Senate?

3 We go to the next speaker --

4 CHAIRWOMAN KRUEGER: I apologize.

5 Thank you. I could not get this on or off.

6 The next Senator is Senator James  
7 Gaughran.

8 SENATOR GAUGHRAN: Hello. Thank you  
9 so much, Madam Chair.

10 And Chairman Foye, your team, grateful  
11 for all you're doing during these difficult  
12 times, especially our rank-and-file workers  
13 and our Long Island Rail Road workers, who I  
14 know many of whom have suffered much during  
15 this pandemic.

16 To try to get a little bit more  
17 optimistic, you know, President Biden talks  
18 about building back better. And I understand  
19 our capital plan is frozen, and I know it's  
20 limited to what is in it. But forever, you  
21 know, or in my lifetime, we've heard about  
22 electrifying the Port Jefferson Line all the  
23 way to Port Jefferson.

24 On the assumption that we do get

1           significant more money in the program from  
2           President Biden and his administration and  
3           Congress, what can we do to maybe move up the  
4           full electrification of the Port Jefferson  
5           Line? Because, you know, we talk about  
6           ridership, and one of the problems with the  
7           ridership is on the Port Jefferson Line,  
8           people in seven communities drive past their  
9           station to go somewhere, to go all the way by  
10          automobile.

11                     Is there anything we can do to take a  
12          fresh look at it, just like, you know,  
13          Senator Harckham was just talking about up  
14          north? On the assumption that we get some  
15          real new cash coming in.

16                     MTA CHAIRMAN FOYE: So, Senator, with  
17          respect to both Metro-North and Long Island,  
18          electrification would clearly benefit  
19          customers and improve air quality by reducing  
20          greenhouse gas emissions. That's important.

21                     I can't commit, depending on the level  
22          of funding. I can commit to this, that the  
23          MTA and Long Island Rail Road has looked at  
24          electrification on both Metro-North and

1 Long Island Rail Road. Were we to  
2 have enough money to fund the '20-'24 capital  
3 plan and beyond that, and the federal  
4 government were to provide funding for vital  
5 projects that are not necessarily  
6 MTA-related, but important ones like Gateway,  
7 East River Tunnels -- which clearly is a MTA  
8 asset or an MTA-interested asset --  
9 electrification should be on the list of  
10 projects. It certainly should be considered  
11 in any needs assessment.

12 And, Senator, making a specific  
13 commitment beyond that, other than these are  
14 important and worthy projects, I'd be  
15 irresponsible to do that. I can tell you  
16 they've been looked at and they should be  
17 looked at again seriously.

18 SENATOR GAUGHRAN: And I appreciate  
19 that. I would just also add that I think if  
20 you're going to look at how you're going to  
21 increase ridership, I think looking at all  
22 these potential customers in these major  
23 metropolitan areas that are passing this  
24 nation might take a fresh look.

1                   But thank you so much, Chairman Foye.

2                   MTA CHAIRMAN FOYE: Thank you,  
3                   Senator.

4                   CHAIRWOMAN KRUEGER: Assembly.

5                   CHAIRWOMAN WEINSTEIN: We go to  
6                   Assemblywoman Simon.

7                   ASSEMBLYWOMAN SIMON: Thank you. And  
8                   good morning, or afternoon now.

9                   I have couple of questions. First of  
10                  all, I would like to thank you for all of the  
11                  hard work and the dedication of the MTA  
12                  employees during this time and for your work  
13                  to increase accessibility of our train  
14                  stations and capitalizing on the ability that  
15                  you have during this period where there's  
16                  reduced ridership to work on some of the  
17                  capital issues. And the Clark Street Station  
18                  in my district, for example, is a good  
19                  example of that. And I appreciate it.

20                  I am concerned about the overnight  
21                  closures, and I appreciated hearing your  
22                  answer to my colleague's question earlier  
23                  that we will have overnight train service as  
24                  soon as the pandemic is over.



1           I have a quick question about the  
2           congestion pricing, however, that I would  
3           like to better understand. I realize that  
4           the federal government has not done what it  
5           needed to do in order to get the  
6           implementation of congestion pricing rolling.  
7           But I'm a little confused as to exactly what  
8           pieces need to fit together, and in what  
9           order. And kind of where are we now, what  
10          exactly needs to happen, and how can we help?

11           Thank you.

12           MTA CHAIRMAN FOYE: Thank you for  
13          that.

14           So here's where it stands. We have,  
15          some time ago, provided reams and reams of  
16          data and updated it to FHWA, Federal Highway  
17          Administration, in Washington and in the  
18          regional office.

19           The next step that the federal  
20          government needs to take is to tell the MTA,  
21          the New York State Department of  
22          Transportation, the New York City Department  
23          of Transportation, what environmental process  
24          we ought to pursue. There are three options.

1       One's a categorical exclusion, the second's  
2       an environmental assessment, the third's an  
3       Environmental Impact Statement, which is the  
4       longest and most exhaustive and comprehensive  
5       of the three environmental approaches.

6               The prior administration in Washington  
7       basically threw up its hands and didn't give  
8       us a decision.

9               We can't proceed, for instance, with  
10       the Environmental Impact Statement until the  
11       U.S. Department of Transportation takes a  
12       ministerial act, which only it can take, to  
13       publish the beginning of the process in the  
14       Federal Register. So it's not something that  
15       we are in control of.

16              As I mentioned, we had conversations  
17       with the Biden transition team on a number of  
18       issues important to the MTA, to subways,  
19       buses, Long Island Rail Road, Metro-North,  
20       et cetera, including federal funding for the  
21       MTA as well as congestion pricing, which is  
22       high on the list. And we're hoping that when  
23       the DOT Secretary and the Deputy Secretary,  
24       Polly Trottenberg, are installed in place --

1           we're first hoping that will be done  
2           expeditiously -- that we will have a decision  
3           on that.

4                     We are ready to go. We have taken the  
5           design process to the -- as far as we can  
6           legally. And we look forward to a prompt  
7           federal decision and action in moving this  
8           along.

9                     ASSEMBLYWOMAN SIMON: Thank you.

10                    CHAIRWOMAN WEINSTEIN: Senate.

11                    CHAIRWOMAN KRUEGER: Thank you very  
12           much.

13                    Our next Senator is James Skoufis.

14                    Are you there, Senator Skoufis?

15                    SENATOR SKOUFIS: I am, sorry, I was  
16           on the phone.

17                    CHAIRWOMAN KRUEGER: That's okay.

18                    SENATOR SKOUFIS: Thank you,  
19           Madam Chair. I apologize.

20                    Good to see you, President Foye, and  
21           thank you for your testimony and -- I said  
22           this before, and I'll say it again, I want to  
23           thank you for your responsiveness to  
24           west-of-Hudson needs. Whenever I reach out,

1       you always take the time to answer questions  
2       and try and address concerns, of which  
3       oftentimes there are many because we are --  
4       have been for decades trying to dig ourselves  
5       out of a hole here in Orange and Rockland  
6       Counties vis-a-vis the MTA and our service.

7               I want to thank Senators Kennedy and  
8       Comrie for them championing our needs as  
9       well.

10              So I know you've been asked by a  
11       couple of my colleagues, Mr. Foye, about the  
12       capital program. I do just want to try and  
13       get a fuller grasp of the path forward. So  
14       you're about to receive federal stimulus  
15       money that helps with this fiscal year and  
16       addresses the deficit this fiscal year. I  
17       understand this is a multiyear problem.

18              But talk to me now, does any of the  
19       capital program get unfrozen, given this  
20       fiscal year's balance sheet has been  
21       basically addressed?

22              And regardless of that, what is the  
23       process for determining -- say, you know,  
24       we're going to be asking for more federal

1 money, you know, there's state money  
2 involved, you're going to be undertaking  
3 continued reforms within the MTA. What's the  
4 process by which you decide what is in and  
5 what is out moving forward over the next few  
6 years for the remainder of the capital  
7 program? Is the Legislature part of those  
8 conversations determining what projects are  
9 in and out?

10 And even if you get all the money you  
11 need, you've lost a year now. So even if you  
12 have all the funds, presumably you're not  
13 going to get to everything that was in the  
14 capital program enacted a year-plus ago.

15 So can you talk about the path forward  
16 and touch on those specific ones.

17 MTA CHAIRMAN FOYE: Senator, yes, I'm  
18 going to start by thanking you for  
19 recognizing that we've all tried to be  
20 responsive to your concerns, and I appreciate  
21 those words.

22 Look, I think there are a couple of  
23 things. One is, first, we have huge gaps in  
24 operating. The 4 billion we got in 2021 is

1       terrific. We need -- and these are shocking  
2       numbers -- we need an additional \$8 billion  
3       from the federal government to solve the  
4       pandemic-caused deficits in '22, '23, '24.

5             The capital plan funding elements,  
6       many of them are uncertain. Happily, the  
7       Governor's Executive Budget includes, you  
8       know, \$3 billion. Hopefully the city will  
9       match that.

10            We hope to make progress on congestion  
11       pricing, which is literally 30 percent of the  
12       money. So let's assume that we make progress  
13       on some of those things and there's a gap to  
14       be filled. The -- at some point there will  
15       be a process to determine what will be in or  
16       out. I would expect not necessarily a  
17       certainty, but there may be a capital plan  
18       amendment or amendments required, and  
19       obviously the Capital Program Review Board  
20       will have a say on that if there's a  
21       10 percent change, or a 10 percent change in  
22       a particular element.

23            And if we're in the unhappy situation,  
24       Senator, that we've got to make decisions and

1           can't do all of the \$51.5 billion in this  
2           capital plan, which is not our goal and  
3           expectation -- and obviously the funding that  
4           the Biden administration is contemplating  
5           both -- and with Senator Schumer's support --  
6           both with respect to operating and capital,  
7           makes one optimistic. But there will be a  
8           process of selecting which projects go  
9           forward if we don't have capital for all of  
10          it.

11                 Right now, I don't have any certainty  
12           as to how much of the capital plan we're  
13           going to be able to unlock and when. And if  
14           I told you otherwise, I'd be making it up,  
15           and I'm not going to do that. But I do think  
16           there is, of course, an important role for  
17           the Legislature and the Capital Program  
18           Review Board.

19                 SENATOR SKOUFIS: Okay, thank you very  
20           much.

21                 MTA CHAIRMAN FOYE: You're welcome.

22                 CHAIRWOMAN KRUEGER: Assembly.

23                 CHAIRWOMAN WEINSTEIN: Next we go  
24           Assemblywoman Gallagher.

1                   ASSEMBLYWOMAN GALLAGHER: Hello, this  
2                   is Assemblywoman Gallagher. Thank you very  
3                   much, President Foye, for taking this  
4                   opportunity to speak with us. I am a lover  
5                   of public transit, and I have long relied on  
6                   the MTA to get to and from my work and  
7                   personal engagements. And I am very  
8                   concerned about the overnight closure, as  
9                   many of my colleagues have also noted.

10                  I notice that in the investigative  
11                  journal New York Focus, there was a piece  
12                  that said -- it was titled "The MTA's  
13                  \$500 Million Cleaning Regimen is Shutting the  
14                  Subways Overnight; Experts Say it's Not Worth  
15                  It." And they mentioned that the MTA has  
16                  declined to name any scientific expert or  
17                  group that it has consulted other than the  
18                  EPA on disinfectants, and that MTA  
19                  spokespeople have declined to provide details  
20                  on the costs of the program.

21                  I would love to hear what doctors and  
22                  microbiologists are in consultation with the  
23                  methodology that you're taking, and to  
24                  explain further why the \$500 million cost,



1           because I know that this comes at great  
2           personal cost to my constituents, who are  
3           missing work and caregiving needs overnight.

4                     Thank you.

5                     MTA CHAIRMAN FOYE:   So,  
6           Assemblymember, thank you for your business  
7           and your ridership over the years.

8                     I haven't read that story.  I will say  
9           that most of it seems inaccurate to me.  We  
10          have disclosed the amount we have spent.  It  
11          is approximately \$300 million or so.  We're  
12          hoping to be reimbursed on it by FEMA.  
13          That's a decision of the Biden  
14          administration.  We have reason to be  
15          optimistic.  There's a legal question as to  
16          whether for past periods whether we get  
17          reimbursed, but I think we've been  
18          transparent on that.

19                    On the suggestion in the story that we  
20          haven't consulted with experts, that too is  
21          wrong.  We have consulted with the CDC  
22          extensively, with the State Department of  
23          Health extensively, with experts at Johns  
24          Hopkins University, public health and

1 epidemiological experts at Johns Hopkins  
2 University who were contracted through WSP  
3 and did a report earlier.

4 We are currently working with the  
5 Department of Homeland Security and MIT  
6 University on aerosol and how to prevent the  
7 spread of virus on public transit.

8 We have consulted with transit  
9 agencies around the world, both directly and  
10 through APTA, which is the trade association  
11 for -- MTA is a member, although I'll leave  
12 the question aside; we've cut our dues as a  
13 result of the financial crisis -- and with  
14 UITP, which is the international association  
15 of transit agencies around the world.

16 And I think, other than that, the  
17 story sounds fine.

18 ASSEMBLYWOMAN GALLAGHER: Okay, thank  
19 you. I'm out of time, but I would definitely  
20 love to see a written report on why the  
21 cleaning process that has been chosen was  
22 chosen, because I think it has a major  
23 impact. And as my previous colleague  
24 Senator Hoylman mentioned, surfaces have been

1 shown to not be the core spreader of disease.

2 So I'm very glad you're focusing on aerosol.

3 Thank you very much.

4 MTA CHAIRMAN FOYE: And

5 Assemblymember, I'm sorry, I'd add one other

6 thing which I mentioned earlier and I should

7 have mentioned in this context as well.

8 A survey of our customers indicated

9 that 75 percent of them approved of the

10 disinfecting regime and it was important to

11 them in their decision to ride on transit. I

12 should add that.

13 ASSEMBLYWOMAN GALLAGHER: Well, many

14 of us don't understand how the virus spreads

15 either, so. Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 Senate?

18 CHAIRWOMAN KRUEGER: Thank you.

19 Yes, we all want to understand more, I

20 agree.

21 Senator Reichlin-Melnick.

22 SENATOR REICHLIN-MELNICK: Good

23 morning, President Foye. Thank you so much.

24 I want to thank you for your testimony, and

1           Senator Krueger and Senator Kennedy, and  
2           thank you very much for organizing.

3                       So I represent a district that  
4           includes the majority of Rockland County, and  
5           I want to ask you a little bit about  
6           west-of-Hudson service. I do appreciate your  
7           efforts to be mindful of our region.  
8           Nevertheless, we do often tend to feel like a  
9           little bit of a stepchild in the MTA system.  
10          We don't have a one-seat ride to New York, as  
11          you know; the service on the Pascack Valley  
12          and Port Jervis lines is often slow and  
13          unreliable.

14                      And so as we continue to travel  
15          through these budget waters, these perilous  
16          budget waters that we're in, I'd like to just  
17          ask how west-of-Hudson service will be  
18          impacted by the current year's budget.

19                      MTA CHAIRMAN FOYE: Well, Senator,  
20          I'll first start with the good news. The  
21          good news is we're going to receive  
22          \$4 billion from the federal government. The  
23          draconian and awful service cuts that we had  
24          disclosed might be necessary aren't going to

1           be necessary. That includes ceasing  
2           west-of-Hudson service because of that.  
3           There's nothing more draconian or awful than  
4           that. We're not going to have to do that.

5                     Having said that, we're not out of the  
6           woods for prior years. Your colleague  
7           Senator Skoufis before your arrival in the  
8           Senate advocated for significant funding for  
9           west-of-Hudson service. That investment is  
10          on hold, as is lots of other investments for  
11          New York City Transit and subways and buses  
12          and Metro-North and Long Island Rail Road, as  
13          a result of the uncertainty of the capital  
14          plan.

15                    We're aware of how important  
16          west-of-Hudson service is to you,  
17          Senator Skoufis, and your other colleagues in  
18          the Senate and the Assembly. And I'm not in  
19          a position now to say that we'll be able to  
20          unlock 50 percent or 75 percent or 25 percent  
21          of the capital plan and when that will occur.

22                    And that will largely be the result of  
23          decisions taken in Washington. The fact that  
24          a New Yorker is the Senate Majority Leader

1       for the first time in the history of the  
2       United States Senate is a very helpful fact,  
3       and Senator Schumer's advocacy ought to be  
4       applauded for his success in bringing the  
5       \$4 billion in December. And --

6               SENATOR REICHLIN-MELNICK: Thank you.  
7       President Foye, I'm sorry, I just had one  
8       other quick question. And I appreciate your  
9       response there.

10              With regards to this doomsday budget,  
11       obviously a so-called doomsday budget -- it's  
12       great that we're not seeing that. And I know  
13       that had proposed total elimination of  
14       west-of-Hudson service. I'm just looking for  
15       any assurances you could give my constituents  
16       that going forward, if there is another  
17       significant budget deficit, we're going to  
18       have a more balanced approach rather than  
19       proposing eliminating service to entire  
20       counties in the MTA region.

21              MTA CHAIRMAN FOYE: So, Senator, I've  
22       got to be candid with you and your  
23       constituents. Everything -- if we're forced  
24       back into that situation, everything's got to

1           be on the table. And I can't -- I wish I  
2           could, but I can't make a commitment, because  
3           it would be irresponsible of me to do that.

4                     We will hopefully not go down that  
5           road in 2022 or '23 or '24. So I hope we  
6           don't have to have the conversation, but I  
7           can't rule it out. I can't rule out that  
8           there will be ugly draconian actions to be  
9           taken. We hope to avoid them with the help  
10          of you and your colleagues.

11                    SENATOR REICHLIN-MELNICK: Thanks  
12          very much.

13                    CHAIRWOMAN WEINSTEIN: We go to  
14          Assemblywoman Hyndman.

15                    Alicia -- yeah, there you are.

16                    ASSEMBLYWOMAN HYNDMAN: Hi, sorry.  
17          Can you hear me?

18                    MTA CHAIRMAN FOYE: Yes.

19                    ASSEMBLYWOMAN HYNDMAN: Okay, thank  
20          you. Thank you, Chairman Foye and  
21          Chairwoman Weinstein.

22                    Just really quickly, as I was reading  
23          the Executive Budget I noticed there was a  
24          part where he wants to amend the Penal Law to

1       make the intentional use of a toll facility  
2       without payment a misdemeanor. What is the  
3       amount of revenue the MTA loses for those who  
4       go through the electronic tolling and don't  
5       pay or pay late or go into collections? How  
6       much revenue have you lost?

7               MTA CHAIRMAN FOYE: So Assemblymember,  
8       I think I know the number, but I'm not  
9       positive and I don't want to speculate. I  
10      will come -- I'll come back to you with that  
11      number.

12             ASSEMBLYWOMAN HYNDMAN: Okay, thank  
13      you.

14             And the other -- just I note -- I saw  
15      NY1 this morning, and then I got an email  
16      from Lucille Sondheim about the rollout  
17      you've done of "Remembering Our Frontline  
18      Workers." I think it's commendable,  
19      especially at this time, particularly because  
20      we've lost three members of the 29th Assembly  
21      District. And I just wanted to give my  
22      respect and prayers for those who are still  
23      dealing with the coronavirus, dealing -- who  
24      are frontline workers, particularly because



1 my district has a lot of union members.

2 I wanted to put my comments with  
3 Members Weinstein and Seawright regarding the  
4 senior vans. A lot of our seniors are  
5 tech-savvy. But for those who aren't, and  
6 most of our seniors do use our buses  
7 particularly because I'm a district that does  
8 not have a subway station. Busing is  
9 paramount and primary, so we do need the vans  
10 in order for people to get their MetroCards,  
11 it's still important. So I just wanted to  
12 add my comments to that.

13 Thank you very much.

14 MTA CHAIRMAN FOYE: Assemblymember,  
15 let me come back to you.

16 With respect to the toll enforcement,  
17 which is Part E of the Article VII  
18 legislation, the answer to your question --  
19 and you may have been asking a different one,  
20 but the answer to your question is zero,  
21 because this would apply to the Central  
22 Business District tolling facilities, which  
23 obviously as a result of federal delay have  
24 not yet been up and running.

1                   If your question is with respect to  
2 toll evasion generally, I will come back to  
3 you, because I just don't have the number at  
4 my fingertips.

5                   ASSEMBLYWOMAN HYNDMAN: Well, toll  
6 evasion generally, yeah.

7                   MTA CHAIRMAN FOYE: We'll come back to  
8 your office.

9                   (Overtalk.)

10                  ASSEMBLYWOMAN HYNDMAN: -- later.  
11 Thank you very much.

12                  MTA CHAIRMAN FOYE: You're welcome.

13                  CHAIRWOMAN WEINSTEIN: Senate.

14                  CHAIRWOMAN KRUEGER: Thank you.

15                  Senator Shelley Mayer. (Pause.)

16                  Is Shelley here with us? All right,  
17 if Shelley is not available, let's jump to  
18 Senator Kevin Thomas. And we'll go back to  
19 Shelley.

20                  SENATOR THOMAS: Hi, everyone. Can  
21 you hear me?

22                  MTA CHAIRMAN FOYE: Yes, sir, Senator.

23                  SENATOR THOMAS: All right, excellent.

24 Thank you, Senator Krueger.

1                   And thank you to President Foye for  
2                   being here.

3                   I represent parts of Nassau County,  
4                   and my questions are about the LIRR.  
5                   Recently it was announced that they will be  
6                   cutting service during rush hour. The  
7                   changes took effect on Monday and will impact  
8                   peak travel schedules on most of the  
9                   railroad's 11 branches, including Hempstead,  
10                  which is in my district.

11                  During a pandemic we should not be  
12                  trying to pack passengers together, and I  
13                  urge you to reevaluate this.

14                  Second, if you are cutting these  
15                  peak-time trains, are you adding more train  
16                  cars during other times?

17                  MTA CHAIRMAN FOYE: So, Senator, I  
18                  begin with the following. One is the last  
19                  day that I have data, weekday, Long Island  
20                  Rail Road ridership was down over 75 percent,  
21                  and that's been fairly consistent throughout.

22                  Two, as I mentioned before, the  
23                  Long Island train time app gives customers  
24                  the ability, empowers customers to figure out

1           which cars are less crowded than others. And  
2           customers I think have received that well.

3                     Phil Eng and his team will be looking  
4           at the issue of crowding carefully. Again,  
5           this is anecdotal, but having taken two trips  
6           yesterday and one this morning at 6:45 out of  
7           Port Washington, there didn't appear to be  
8           any crowding or any crowding in Penn Station.

9                     But Senator, we will be looking at the  
10          issue, and we are aware of how important  
11          Long Island Rail Road is to your constituents  
12          in Hempstead and the rest of your district.

13                    SENATOR THOMAS: But Mr. President,  
14          are you adding more trains -- if you're  
15          cutting service during peak times, are you  
16          adding more train cars so that people can  
17          space out? Even though you have an app  
18          saying, all right, this car has less  
19          passengers on it, are you still adding more  
20          trains so that people can spread out a little  
21          bit more?

22                    MTA CHAIRMAN FOYE: So, Senator, we're  
23          running 10- and 12-car consists. And as I  
24          understand it, we don't have the ability --

1           if we had cut the consist sizes, that might  
2           be an option, but we didn't do that.

3           And we're running 10- or 12-car  
4           consists and don't have the ability, as I  
5           understand it, because of platform and  
6           traction power issues, to increase train  
7           size.

8           SENATOR THOMAS: Last question,  
9           because I'm running out of time. How are you  
10          dealing with Kawasaki and the issues found in  
11          the new LIRR train cars?

12          MTA CHAIRMAN FOYE: Phil Eng and his  
13          team are in conversations with Kawasaki about  
14          resolving those. The Kawasaki rollout I  
15          think has largely been successful. There are  
16          issues on any new train delivery, and Phil  
17          Eng and his team are all over that.

18          SENATOR THOMAS: All right. Thank you  
19          so much.

20          MTA CHAIRMAN FOYE: You're welcome.  
21          Thank you.

22          CHAIRWOMAN KRUEGER: Thank you.  
23          Assembly.

24          CHAIRWOMAN WEINSTEIN: We go to

1 Assemblyman Jacobson.

2 Jonathan, are you there?

3 ASSEMBLYMAN JACOBSON: Yeah, I'm here,  
4 all righty. Thank you. I had to get off the  
5 committee meeting at the same time.

6 So thank you, Madam Chair. And good  
7 to see you again, Mr. Foye. We seem to see  
8 each other a lot.

9 My questions are to follow up. As you  
10 know, I represent both sides of the Hudson,  
11 and so my questions are very simple. Can you  
12 commit -- because we've heard all these  
13 rumors, can you commit to keeping the same  
14 service on the east side of the line that  
15 goes from -- to Beacon and then up to  
16 Poughkeepsie, once the pandemic is over?

17 And can you commit -- and I know it's  
18 been asked before by my colleagues in the  
19 Hudson Valley, but can you commit to keeping  
20 the West Shore Line open as before the  
21 pandemic? This is what we want to know.  
22 Otherwise -- or do we have to start to make  
23 plans on what to do?

24 And that's -- that's my question.

1                   MTA CHAIRMAN FOYE:  So,  
2           Assemblymember, unfortunately it would be  
3           irresponsible for me to make those  
4           commitments, because they depend -- first,  
5           let's set the context right.  Today  
6           Metro-North ridership is down -- last  
7           weekday, 81 percent.  Long Island Rail Road,  
8           you know, only slightly better.

9                   To make those commitments would  
10          require knowing what the federal government's  
11          going to do in terms of its support for the  
12          operating deficit, pandemic-caused operating  
13          deficit in '22, '23 and '24, as well as the  
14          amount of capital we're going to receive from  
15          the federal government.  As well as progress  
16          on congestion pricing, which I'm optimistic  
17          about, but don't know -- don't know the  
18          timeline.

19                  I will commit that before we take any  
20          of the steps like that, we will consult with  
21          the Legislature and of course the Governor's  
22          office and elected officials.  But to commit  
23          to saying that that is an impossibility is  
24          not something that is a responsible thing to

1 do, given the huge uncertainties and the  
2 billions and billions of dollars of deficits  
3 we face.

4 ASSEMBLYMAN JACOBSON: Well, I don't  
5 think we want to make this a self-fulfilling  
6 prophecy. And I think that -- and as far as  
7 getting more ridership before the pandemic is  
8 completely over, I think -- and even when it  
9 becomes over and things start to get back to  
10 normal, I think you should consider reducing  
11 the fares so that people will have more of an  
12 incentive to get back and realize that it's  
13 safe and realize that the service is there.  
14 And that's something to consider.

15 But really I think we need a  
16 commitment that it's going to be there,  
17 because otherwise people are going to plan to  
18 do other things, and then we're back -- and  
19 then it's like what comes first, chicken or  
20 the egg. You're going to make it a  
21 self-fulfilling prophecy that people won't  
22 want to use it.

23 So I really think there needs to be a  
24 commitment.



1                   MTA CHAIRMAN FOYE: I understand. But  
2                   in the absence of a binding commitment from  
3                   the federal government on the operating  
4                   support and the capital support, it wouldn't  
5                   be a responsible thing to make any  
6                   commitments that we're not going to have to  
7                   reduce service, including significantly and  
8                   drastically. It's not a commitment, sadly,  
9                   that I'm in a position to make.

10                  I understand the importance of the  
11                  service to you and your constituents, and  
12                  you've been clear and consistent about that.  
13                  But sadly, I can't make that commitment given  
14                  the huge uncertainties we face.

15                  ASSEMBLYMAN JACOBSON: Well, I think  
16                  we need that commitment. I think the federal  
17                  government would like to see the commitment.  
18                  I know the Legislature would, and certainly  
19                  the members from the Hudson Valley.

20                  Thank you, Madam Chair.

21                  MTA CHAIRMAN FOYE: Thank you.

22                  CHAIRWOMAN WEINSTEIN: Thank you.  
23                  Senate.

24                  CHAIRWOMAN KRUEGER: Thank you.

2                   We see you but we're not hearing you,  
3           Shelley.

6 CHAIRWOMAN KRUEGER: Yes, we're good.

8 Thank you, both Chairwomen.

11 And I know how hard it has been. And thank  
12 you to the workers who have really put  
13 themselves on the line. Thank you for the  
14 tribute that the MTA started yesterday. Very  
15 much appreciated that.

20 Can you elaborate whether the MTA will  
21 be open to revisiting the existing capital  
22 projects in determining which ones are going  
23 to be priorities, assuming you have funding?  
24 And, you know, I particularly care about

1 Mount Vernon West, which has long been  
2 basically abandoned, in my position.

3 But I wonder if there is a commitment  
4 to revisiting them in light of probably  
5 changed patterns of commutation from the  
6 Metro-North.

7 MTA CHAIRMAN FOYE: So Senator, Janno  
8 Lieber and his team on the capital side and  
9 Bob Foran and his team on the finance side  
10 are looking at those issues.

11 Obviously there's a great deal of  
12 uncertainty, because as I mentioned to your  
13 colleague a couple of minutes ago, we don't  
14 know when the capital plan is going to be  
15 unlocked and to what extent, and when that  
16 will happen. Our goal is to unlock sooner  
17 rather than later and to do as much of the  
18 historic capital plan that we -- that our  
19 board and the Capital Program Review Board,  
20 you know, approved in the last 18 months.  
21 And I can't -- I can't say that Project A or  
22 Project B will advance if we are looking at  
23 limited resources.

24 I will commit that it will be done in

1 a transparent manner, discussed with the  
2 public, discussed of course with legislative  
3 leaders.

4 SENATOR MAYER: Thank you. I  
5 appreciate that.

6 Lastly, on West Side Access, given the  
7 sort of anticipated continued redevelopment  
8 on the West Side of Manhattan for our  
9 New Haven Line customers, where is that in  
10 your sort of priority of projects? Assuming  
11 money comes -- there's additional funding.

12 MTA CHAIRMAN FOYE: Penn Station  
13 Access is an important project and part of --  
14 obviously the Governor outlined an ambitious  
15 program for Penn Station and indeed the  
16 entire West Side of Manhattan, and Penn  
17 Station Access is an important part of that,  
18 benefiting Westchester, New York City and  
19 particularly the East Bronx, with the  
20 building of four stations. So that is  
21 clearly a very important project.

22 SENATOR MAYER: Okay. Thank you very  
23 much.

24 MTA CHAIRMAN FOYE: You're welcome.

1                   CHAIRWOMAN WEINSTEIN: Next we go to  
2                   Assemblywoman Mitaynes.

3                   ASSEMBLYWOMAN MITAYNES: Hello. Thank  
4                   you.

5                   Recently the Governor postponed a  
6                   proposed 4 percent increase in subway fares.  
7                   And Chairman Foye, you recognized that such a  
8                   change would hurt essential and low-wage  
9                   workers. This acknowledgment recognizes that  
10                  essential and low-wage workers already  
11                  contribute a significant portion of their  
12                  wages for existing fare costs.

13                  In light of that, do you believe that  
14                  we should move towards making public transit  
15                  free? And how much would the Legislature  
16                  need to appropriate annually to postpone the  
17                  delayed fare increase indefinitely? And how  
18                  much would the Legislature need to  
19                  appropriate annually to make bus fare free  
20                  statewide again?

21                  Thank you.

22                  MTA CHAIRMAN FOYE: So,  
23                  Assemblymember, I'll note that if we were to  
24                  make fares free, we would lose about

1       \$6 billion in revenue annually. That  
2       excludes toll revenue, and I assume that's  
3       your suggestion.

4               A \$6 billion -- and I ought to say a  
5       \$6 billion annual hole would be devastating.  
6       And I can't imagine how we would make up that  
7       money in the current situation, especially  
8       given the pressure on the state and the city  
9       as a result of the pandemic. As attractive  
10      an option that may appear, I think it would  
11      be devastating to our finances.

12             ASSEMBLYWOMAN MITAYNES: I appreciate  
13      that. That's why I asked the amount.

14             And as state legislators, I think it  
15      is our job and responsibility, particularly  
16      in this moment, to find new revenue streams.

17             Thank you.

18             MTA CHAIRMAN FOYE: I understand.

19             Assemblymember, I would add one thing.  
20      The City of New York does have a Fair Fares  
21      program, which frankly could be more  
22      effectively marketed by the city. But it  
23      provides for discounted rides for people of  
24      low-income. It's administered and funded by

1           the city and frankly should play a larger  
2           role and be more effectively marketed in  
3           these times. Thank you.

4                   ASSEMBLYWOMAN MITAYNES: Thank you.

5                   CHAIRWOMAN WEINSTEIN: Senate.

6                   (Pause.)

7                   CHAIRWOMAN KRUEGER: Sometimes it's  
8           not cooperative, I apologize.

9                   Senator Sue Serino. We almost have  
10          her. Oh, there we do.

11                  SENATOR SERINO: There we go. Thank  
12          you very much, Madam Chair.

13                  And thank you, President Foye.

14                  I also just received the email  
15          regarding the transit workers that have  
16          passed away due to COVID. One of the folks  
17          on the list was a constituent of mine,  
18          Steve Rybkin. And I have to say it's a  
19          pretty sobering reminder of the tremendous  
20          challenges that your authority faced during  
21          this time with so many workers on the front  
22          lines. So I just wanted to send my  
23          appreciation and say thank you to everyone.

24                  And now with my question. I was very

1       happy to hear some of the folks that came  
2       before asked to look more closely at the MTA  
3       finances. I've always been a proponent of a  
4       true forensic audit, because I do not believe  
5       what was done last was far enough. And as  
6       you know, I represent two counties, Dutchess  
7       and Putnam. They're known as the  
8       quarter-pounders -- along with Orange and  
9       Rockland counties -- in the world of the MTA,  
10      meaning that our representatives to the MTA  
11      only get a quarter of a vote, compared to the  
12      MTA reps who each get a full vote. And in  
13      light of the tremendous fiscal challenges  
14      that the MTA is facing, our residents are  
15      rightfully concerned that they'll be asked to  
16      shoulder even more of the burden when it  
17      comes to paying for the MTA down the road.

18               Mr. President, do you have any plans  
19      to expand representation to all of the  
20      counties who are impacted by taxes and fees  
21      associated with the MTA?

22               MTA CHAIRMAN FOYE: So Senator,  
23      happily for me, that's way above my pay grade  
24      and that's a matter for the Legislature.



1                   SENATOR SERINO: Yes, and we have  
2                   legislators that have been supportive to do  
3                   this.

4                   MTA CHAIRMAN FOYE: I understand. If  
5                   the Legislature decides to change the  
6                   composition or characteristics of the MTA  
7                   board, we'll obviously manage with those  
8                   changes. But way above my pay grade.

9                   SENATOR SERINO: And I'm sorry, I said  
10                  that incorrectly. We have bills that are  
11                  supportive, and I wonder if you would be  
12                  supportive of that legislation to expand  
13                  representation --

14                  MTA CHAIRMAN FOYE: So, Senator,  
15                  without having seen it or reviewing it, I  
16                  don't have an opinion.

17                  SENATOR SERINO: Okay. I can send it  
18                  to you, too.

19                  MTA CHAIRMAN FOYE: Please. That  
20                  would be helpful.

21                  SENATOR SERINO: Thank you.

22                  CHAIRWOMAN KRUEGER: Thank you.

23                  Assembly?

24                  CHAIRWOMAN WEINSTEIN: Next we go to

1 Assemblyman Otis.

2 ASSEMBLYMAN OTIS: Thank you, Chairs.  
3 And thank you, Pat Foye and your team for all  
4 the great work in these hard times.

5 The question I have relates to one of  
6 the metrics that would sort of give a sense  
7 of where we stand in terms of ridership,  
8 which is what kind of analysis have you done  
9 on the issue of commuter-line parking  
10 revenues as an indicator of ridership trends  
11 and whether -- how quickly that's coming back  
12 or not coming back? And also a review of  
13 monthly ticket holders, are those coming back  
14 with any kind of speed or -- is this a moment  
15 for optimism or pessimism as we see how long  
16 the crisis is going to last for MTA?

17 MTA CHAIRMAN FOYE: So,  
18 Assemblymember, I'm optimistic. But having  
19 said that, the pandemic has been an  
20 all-pervasive disaster and will have an  
21 impact on this region, and the MTA in  
22 particular, for a significant period of time.  
23 We have looked at parking revenue. It is  
24 down. Much of the parking revenue is not

1       ours -- you know, owned by other levels of  
2       government. And the -- it mirrors, as you'd  
3       suspect, largely subway ridership, last day,  
4       down 69 percent; buses, 54; Staten Island  
5       Railroad, down 80; Long Island, 76;  
6       Metro-North, of particular interest to you  
7       and your constituents, down 81; Bridge &  
8       Tunnels, only down 15 percent.

9               The monthly question is an interesting  
10       one. Monthly -- on the commuter rails, of  
11       course. Monthly ticket sales are down  
12       dramatically as a result of, A, the decline  
13       in ridership; B, monthlies in many cases were  
14       bought by office workers. Office workers on  
15       the commuter rails have options to  
16       telecommute and Zoom to work that essential  
17       workers and first responders don't. My  
18       daughter's an emergency nurse and she's in  
19       the hospital this morning and she doesn't  
20       have the opportunity, or her colleagues, to  
21       Zoom. So monthly ticket sales are down  
22       dramatically.

23              Off-peak -- tickets on all rides on  
24       Metro-North and Long Island Rail Road right

1           lane are off-peak. Off-peak tickets are up.

2                   We are exploring alternatives to the  
3           monthly ticket, since it doesn't work for a  
4           lot of people now, even people who are  
5           returning. And more to come on that issue.  
6           But thank you for the question.

7                   ASSEMBLYMAN OTIS: Thank you very  
8           much.

9                   CHAIRWOMAN WEINSTEIN: Thank you.  
10           To the Senate now.

11                   CHAIRWOMAN KRUEGER: Thank you.

12                   Thank you, Mr. Foye. And thank you to  
13           all of your workers and members. And the  
14           fact that it is now 12:45 and we are still  
15           questioning you highlights how much the MTA  
16           matters to so many people in the State of  
17           New York. And we know it's been --

18                   MTA CHAIRMAN FOYE: Well, Senator, it  
19           may be a sign that I'm an ineffective  
20           witness.

21                   CHAIRWOMAN KRUEGER: No, I don't think  
22           that's actually the argument, Pat.

23                   MTA CHAIRMAN FOYE: All right. Well,  
24           thank you.

1                   CHAIRWOMAN KRUEGER: I'm actually  
2                   going to take my time now, as the Finance  
3                   chair, to ask you a number of questions that  
4                   were not asked by other people in the  
5                   Assembly or the Senate.

6                   First off, there's been some  
7                   discussion about service reductions. But  
8                   when service reductions become necessary,  
9                   what process will be used in the future to  
10                  determine how and where those should take  
11                  place and be implemented?

12                  And is there a public participation  
13                  part of that process? Because we hear quite  
14                  a bit about frustrations of our constituents  
15                  when there are announced service reductions.

16                  MTA CHAIRMAN FOYE: Well,  
17                  Chair Krueger, good question. Obviously  
18                  service reductions took place during the  
19                  worst days of the pandemic on subways and  
20                  buses. That service has been restored in  
21                  large part, if not completely. There are  
22                  rules in place already, put in place by the  
23                  Legislature and the MTA board, with respect  
24                  to service reductions, some of them set forth

1           in law. And certain things require us to  
2           hold a public hearing in an extreme case.

3                   The reductions in service on the  
4           Long Island Rail Road and Metro-North  
5           currently in place are I think appropriate  
6           given the, you know, 76 percent decline on  
7           railroad ridership -- it varies from day to  
8           day, of course -- and 81 percent decrease on  
9           Metro-North. That varies from day to day as  
10          well.

11                   But we have an obligation to be  
12          transparent with our customers with respect  
13          to future rightsizing, whether a public  
14          hearing or an MTA board vote is -- whether  
15          it's required or not.

16                   CHAIRWOMAN KRUEGER: Thank you. And I  
17          know what a difference a year makes in all of  
18          our lives. But I think it was about a year  
19          ago where there was quite a bit of discussion  
20          about exploring smaller buses for those  
21          last-mile assignments within New York City in  
22          the areas of the city that just didn't have  
23          enough bus service and barely had subway  
24          service.

1           So I was wondering if there was any  
2           evolution of those proposals to -- I know in  
3           a time of reduced ridership and reduced  
4           money -- actually go forward with some of  
5           those proposals to modernize the bus system.

6           MTA CHAIRMAN FOYE: So, Chair, you may  
7           recall that those pilot programs were going  
8           to be funded out of the Outer Borough Transit  
9           Fund, a portion of the for-hire vehicles.  
10          Because of the pandemic and the drastic  
11          effect it had on for-hire vehicles, Uber,  
12          Lyft and green and yellow taxis, as I  
13          understand it, there's no funds at this point  
14          in the Outer Borough Transit Fund.

15          We're looking forward, as the economy  
16          recovers, for that fund to be funded and for  
17          us to go forward with those pilots. And I  
18          think the one you identified, which is one of  
19          a number, is one of the more promising and  
20          one we were excited by here at the MTA. But  
21          it's on pause for the time being.

22          CHAIRWOMAN KRUEGER: But it's not  
23          dead. You haven't given up.

24          MTA CHAIRMAN FOYE: No, not at all.

1                   CHAIRWOMAN KRUEGER: Okay. So given  
2                   all the discussion about you need more money,  
3                   we get it, but it's the wrong time to  
4                   increase fares because no one else could  
5                   afford to increase their costs right now, has  
6                   the MTA looked at all about reevaluating  
7                   price elasticity between buses and subways,  
8                   so looking into how the relationship between  
9                   price and demand changes when the usage  
10                  levels are exceptionally low, such as during  
11                  a pandemic?

12                 I must admit I was looking at -- you  
13                 know, when you were talking about, the MTA  
14                 talking about increasing fares, which I  
15                 believe you held off on now, I was thinking  
16                 really, can you afford to get lower ridership  
17                 than you already have? And I was wondering  
18                 whether you do analysis, even on the two  
19                 different systems, separate and apart from  
20                 each other.

21                 MTA CHAIRMAN FOYE: So excellent  
22                 question. So let me say a couple of things.

23                 One is fare revenue is critically  
24                 important to us. You know, \$6 billion and



1       then approximately 2 billion on top of that  
2       from tolls.

3               We had an interesting non-intended  
4       laboratory experiment on buses during the  
5       pandemic when we moved to rear-door boarding  
6       to minimize health risks to our bus operators  
7       and customers, which meant in most cases bus  
8       customers weren't paying fares. And that was  
9       a point at which, you know, bus ridership as  
10      a percentage of pre-pandemic levels began to  
11      increase significantly over subways. And,  
12      you know, the current data is subways -- it  
13      varies from day to day -- down 69,  
14      70 percent; buses down 54 -- 50 -- between 50  
15      and 55.

16             I will say this, that in the  
17      pre-pandemic economy, which we're no longer  
18      in, we carried, you know, 5.5 million people  
19      on the subways and a couple of million on  
20      buses. And I don't think, with the exception  
21      of low-income customers who had access to the  
22      free -- to the Fair Fares program of New York  
23      City, that that was a level of fares that  
24      most of our customers were able to afford.

1           Obviously many people have been hurt  
2           not only by the health issues of the  
3           pandemic, but by the ravages it's caused on  
4           the regional economy, and we are  
5           extraordinarily sensitive to that.

6           CHAIRWOMAN KRUEGER:   Okay, thank you.  
7           So we know about the \$8 billion from the  
8           federal government.   Is the MTA also eligible  
9           for any kind of additional FEMA assistance?  
10          Is there any expectation that that's another  
11          stream of funds you might have access to?

12          MTA CHAIRMAN FOYE:   Senator,  
13          absolutely.   And in the -- one of the more  
14          cynical moves of the prior -- the Trump  
15          administration was to deny FEMA funding to  
16          transit agencies and public schools in the  
17          middle of the pandemic, which seemed just  
18          counterintuitive and cruel.

19          That rule has been reimbursed -- has  
20          been revoked, rather.   We expect to be  
21          reimbursed for our COVID cleaning and other  
22          expenses, you know, to the tune of  
23          \$300 million plus.   And Senator Schumer  
24          supports that, and the Biden administration

1       has revoked some of the more extreme  
2       provisions around FEMA funding for transit  
3       agencies. So yes, we're optimistic of  
4       getting funding.

5               CHAIRWOMAN KRUEGER: Okay. Does the  
6       authority have any kind of insurance that has  
7       kicked in or could kick in for all of these  
8       problems?

9               MTA CHAIRMAN FOYE: So I've discussed  
10      the matter with the general counsel, and this  
11      is a hot issue in insurance litigation these  
12      days, as you might suspect. And any claims  
13      we have against insurance companies, we will  
14      bring. There's a great deal of uncertainty  
15      around collection, depending on the terms of  
16      specific policies.

17              CHAIRWOMAN KRUEGER: So there's a  
18      couple of things that the MTA had I guess  
19      promised us in the past, and I do understand,  
20      pandemic changes everything and slows down  
21      everything. But just not for you to answer  
22      today, but to get back to us with -- and  
23      we'll put in writing to you as well -- the  
24      authority had previously committed to

1 providing breakdown by asset class of the  
2 state of good repair going into the '20-'24  
3 capital plan, and to evaluate how this plan  
4 is expected to improve the state of good  
5 repair.

6 Also it committed to provide a  
7 breakdown of cost changes related to initial  
8 projections and the construction company's  
9 organizational chart.

10 So we're hoping to get all of that  
11 information as you see it today. And I'm  
12 assuming you may be seeing a different  
13 storyline for your '20-'24 capital plan,  
14 considering you've put so many things on  
15 freeze and on hold.

16 We're also looking for updates on the  
17 status of your Transformation Plan. So I  
18 think your Transformation Office began  
19 staffing up in February 2020, so we're  
20 interested in whether they have moved forward  
21 with the commitment and the agenda of  
22 transformation of staffing in the MTA.

23 MTA CHAIRMAN FOYE: So Senator, we  
24 will respond, of course. We'll look for the

1 letter.

2 On transformation, the Transformation  
3 Office is in the process of completing the  
4 consolidation, which was part of the  
5 Transformation Plan and set into law by the  
6 Legislature a couple of years ago. That will  
7 be completed by the first quarter. That's a  
8 major step forward on transformation of the  
9 MTA. But we'll come back to you and your  
10 colleagues on all those issues.

11 CHAIRWOMAN KRUEGER: Great. Thank you  
12 very much.

13 Assembly.

14 CHAIRWOMAN WEINSTEIN: We go to  
15 Assemblyman Rodriguez.

16 (Zoom interruption.)

17 ASSEMBLYMAN RODRIGUEZ: Hi, just  
18 waiting for the video to come back on. Okay.

19 Hi, President Foye. Thank you so  
20 much. And I appreciate what you and your  
21 team has done in terms of managing through  
22 what has been a truly horrific pandemic, the  
23 work -- and the work of your team, you know,  
24 keeping us afloat, quite frankly, has been

1           impressive, and just wanted to give thanks to  
2           you and of course to the folks on your team.

3                   I think what you've heard from a  
4           number of my colleagues regarding unlocking  
5           the capital plan is certainly a significant  
6           amount of concern. You're certainly going to  
7           hear that similar sentiment from me.

8           Obviously I appreciate the remarks around the  
9           Second Avenue Subway Phase 2 and including  
10          that in your testimony. You know,  
11          everyone -- we do have folks who are not  
12          familiar with that hundred-year-old project  
13          and certainly the commitments that were made  
14          in the '15-'19 capital plan as well as this  
15          capital plan. And we know that so goes the  
16          MTA, goes the capital budget.

17                   But I think it's important that we do  
18          prioritize those things that impact  
19          low-income communities significantly. And,  
20          you know, because what we're talking about  
21          here is a \$3 billion commitment to capital,  
22          it's not lost on anybody that unlocking the  
23          capital plan is critically important.

24                   So I certainly want to hear your

1 thoughts, President, on the Second Avenue  
2 Subway, maintaining that as a priority. We  
3 can certainly have that conversation with  
4 Janno later. But I think it's important that  
5 we keep that on our radars as a critical  
6 priority for Manhattan and also for  
7 East Harlem.

8 MTA CHAIRMAN FOYE: So Assemblymember,  
9 I completely agree. I think it's one of the  
10 most important projects in the capital plan.  
11 I think it's critical as a transportation  
12 matter, I think it's critical as an equity  
13 matter, and it's critical as an environmental  
14 matter.

15 You well know that East Harlem is one  
16 of the neighborhoods in Manhattan, and  
17 frankly in all of New York City, which is  
18 underserved by transit. Frankly, from an  
19 equity point of view, it is a critical  
20 project and extending the Second Avenue  
21 Subway to 125th Street in Harlem is vitally  
22 important.

23 Environmentally, given the fact that  
24 so many of your constituents have to rely on

1       a car, that moving them to the Second Avenue  
2       Subway and releasing pressure on the --  
3       reducing pressure on the Lexington Avenue  
4       Line is certainly going to achieve  
5       significant reductions in that -- in your  
6       district and in Manhattan as a result of some  
7       of your constituents moving from cars to the  
8       Second Avenue Subway.

9               So from a transportation point of  
10       view, an equity point of view and an  
11       environmental point of view, it is a vitally  
12       important project and we are looking forward  
13       to getting it moving.

14              ASSEMBLYMAN RODRIGUEZ: Thank you,  
15       President. We'll continue to support the MTA  
16       because we know how important it is to our  
17       region and to our economy. Thank you.

18              MTA CHAIRMAN FOYE: Thank you.

19              CHAIRWOMAN WEINSTEIN: So we go now to  
20       the Senate. I believe Senator Comrie is up.

21              SENATOR COMRIE: Yes, thank you,  
22       Assemblywoman.

23              CHAIRWOMAN WEINSTEIN: The ranker, so  
24       you have five minutes.



1                   SENATOR COMRIE:   Okay, thank you.

2                   Good afternoon, gentlemen.   Thank you  
3                   for your perseverance and answering all the  
4                   questions from us.

5                   Have you studied ridership sensitivity  
6                   as it -- regarding fare adjustments?   And  
7                   have they studied -- has anyone started to  
8                   study whether or not a fare decrease could  
9                   increase ridership and revenue?   And has any  
10                  study, including McKinsey, looked at this  
11                  issue?

12                 MTA CHAIRMAN FOYE:   Senator, I'm not  
13                  specifically aware whether McKinsey has  
14                  reviewed that.

15                 I will say, as I said earlier, that we  
16                  had an experiment of sorts on buses during  
17                  the pandemic until in -- I think it was  
18                  August or September when we installed more or  
19                  less permanent barriers between the driver up  
20                  front and passengers, and in the  
21                  rear-door-boarding point of time.

22                 I will say that the surveying we've  
23                  done indicates that riders are for the most  
24                  part, most riders surveyed are not going back

1           to their offices or taking transit back to  
2           their offices for fare reasons.

3                   I think the city's Fair Fares program  
4           should be funded to a greater extent and  
5           marketed more effectively. Obviously,  
6           growing participation in that program during  
7           the pandemic was a challenge, as it was for  
8           any type of a program like that. But that  
9           program in particular, Senator, I think is  
10          deserving of greater participation and more  
11          funding.

12                   SENATOR COMRIE: I agree, the Fair  
13          Fares program needs to be expanded and also  
14          promulgated better, because a lot of folks  
15          are really not aware of it.

16                   I think it needs to be opened up to  
17          just a regional program as well, because now  
18          we have a lot of essential workers that due  
19          to apartment prices are living in Suffolk  
20          County, they're living in, you know,  
21          Westchester County and in cheaper places. So  
22          that's why I'm thinking of fare reduction.

23                   Because, you know, as I spoke to you  
24          earlier, I think it's important that we think

1       about reviving transit and revamping transit  
2       to look at bringing in people more for  
3       entertainment and off-peak opportunities for  
4       service. And so I think there's a need to  
5       have a ridership study to look at fare  
6       adjustments, and I hope that we can  
7       promulgate that.

8               I have another question, and I hope  
9       that we can consider looking at ways that we  
10      can improve transit access to rerouting buses  
11      to get to the Long Island Rail Road stations  
12      and to the Metro-North stations as well, to  
13      make sure that folks that are making under  
14      30K can utilize the trains to get in, and  
15      especially during the evening. So, you know,  
16      the night hours from 1:00 to 5 p.m.

17             Are you still using -- what kind of  
18      alternative transportation are you offering  
19      people that are taking -- that need to get  
20      into the city during 1:00 and 5 p.m., and how  
21      is that working?

22             MTA CHAIRMAN FOYE: We are offering  
23      enhanced bus service. And I'll defer to  
24      Sarah Feinberg, who can brief us on the

1 details.

2 SENATOR COMRIE: Are school buses  
3 still part of that mix?

4 NYCT INTERIM PRES. FEINBERG: It's not  
5 school buses, sir, it's just our New York  
6 City Transit and MTA bus service.

7 SENATOR COMRIE: So it's all  
8 MTA-related, no private entities are being  
9 utilized?

10 NYCT INTERIM PRES. FEINBERG: That's  
11 right.

12 SENATOR COMRIE: Okay, thank you.

13 And do you have a -- can you give us  
14 an idea of ridership -- maybe you can't do  
15 that right now, but if you can let us know  
16 what type of ridership numbers are you  
17 getting from the different areas that -- the  
18 members in Brooklyn and in Northern Manhattan  
19 and Bronx are curious to know, and especially  
20 Queens.

21 NYCT INTERIM PRES. FEINBERG: I'd be  
22 happy to.

23 SENATOR COMRIE: Thank you.

24 Just another question on another

1           topic. The issue on accessible meetings has  
2           come up to me from a couple of people.

3                   What can we do to have full committee  
4           meetings via Zoom, as you do for the full  
5           board meetings, and when will that process be  
6           able to be restarted?

7                   MTA CHAIRMAN FOYE: So Senator, we are  
8           looking at that. I think our board meetings  
9           have been effective and accessible throughout  
10          this period. We're looking forward, frankly,  
11          to the --

12                   SENATOR COMRIE: Not the board  
13          meetings, the committee meetings.

14                   MTA CHAIRMAN FOYE: Yeah, no, I -- I  
15          think we are looking at that, Chair Comrie,  
16          and we'll come back to the board and the  
17          public. I think the process during the  
18          pandemic, given its limitations, has worked  
19          well. But we will -- we're studying that and  
20          will come back on it, the committee question.

21                   SENATOR COMRIE: Okay, thank you. I  
22          know my time is up --

23                   NYCT INTERIM PRES. FEINBERG: I was  
24          going to say I got the overnight ridership

1 while I was sitting here. It's 19,000.

2 SENATOR COMRIE: Nineteen thousand  
3 citywide.

4 NYCT INTERIM PRES. FEINBERG: Yes,  
5 sir.

6 SENATOR COMRIE: Okay, thank you. all  
7 right. Thank you. Thank you.

8 CHAIRWOMAN WEINSTEIN: I believe --  
9 Senator, you're finished, right?

10 SENATOR COMRIE: I see 30 seconds on  
11 the clock. Is that my time or your time?

12 CHAIRWOMAN WEINSTEIN: No, it's  
13 counting up, not down.

14 SENATOR COMRIE: Oh, it's counting up?  
15 Okay.

16 CHAIRWOMAN WEINSTEIN: That's how much  
17 you've been over.

18 SENATOR COMRIE: All right. Thank  
19 you. Thank you, Madam Chair. Thank you.

20 CHAIRWOMAN WEINSTEIN: So I understand  
21 that there are not other Senators.

22 I have, just going out of order, two  
23 quick questions, Pat. One first from  
24 Assemblyman Aubry requests me to ask a

1 question about the No. 7 Train, ADA upgrades  
2 to stations, and what improvements to  
3 Willets Point Station are planned as the LIRR  
4 links to LaGuardia AirTrain, as that's going  
5 forward?

6 MTA CHAIRMAN FOYE: So Chair  
7 Weinstein, I'll come back with the specifics  
8 to Chair Aubry on the ADA improvements at  
9 Willets.

10 Sarah, do you have --

11 NYCT INTERIM PRES. FEINBERG: I think  
12 we'd appreciate the ability to do the same.

13 MTA CHAIRMAN FOYE: Yeah.

14 CHAIRWOMAN WEINSTEIN: Okay. So  
15 then -- obviously I was going to ask for it  
16 in writing after you gave your answer, so  
17 that will be perfect.

18 MTA CHAIRMAN FOYE: We'll follow up  
19 with Chair Aubry.

20 CHAIRWOMAN WEINSTEIN: And also to let  
21 us know. We'll make that available to the  
22 other members who are here. There are other  
23 members, I think, who also have a question --  
24 you know, have concerns about that.

1                   And then I wanted to know just a bit  
2                   about the state operating assistance, if you  
3                   know -- and perhaps also in writing -- how  
4                   much each of the dedicated taxes collected by  
5                   the state and paid to the MTA have fallen  
6                   from pre-pandemic levels. And I know you  
7                   talked a little bit about recovery, but when  
8                   do you expect them to recover to pre-pandemic  
9                   levels?

10                  MTA CHAIRMAN FOYE: So, Chair, I can  
11                  tell you that in total they declined  
12                  \$1.5 billion compared with the 2020 adopted  
13                  budget. That's about a 20 percent decrease.  
14                  Each of them declined except the mortgage  
15                  recording tax, which was up marginally.

16                  And these -- just to be clear, these  
17                  are declines as a result of declines in the  
18                  economy or a fall in transactions. And we  
19                  can break each of those out for you. But in  
20                  total, compared to the budget, a  
21                  billion and-a-half dollar reduction.

22                  CHAIRWOMAN WEINSTEIN: Okay. So I  
23                  would appreciate if you could break that out  
24                  and send us an email with that updated



1 information as we move forward looking to  
2 next year's budget.

3 MTA CHAIRMAN FOYE: We will do that.

4 CHAIRWOMAN WEINSTEIN: And I think  
5 some of the other questions I was going to  
6 ask have been asked by my colleagues. That's  
7 why I go last.

8 We're going to go back to the Senate  
9 for an additional Senate member.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Sorry, another Senator snuck in needing to  
12 ask a question. You know, we're all  
13 passionate about this.

14 Senator Roxanne Persaud, to close for  
15 us.

16 SENATOR PERSAUD: Thank you,  
17 Madam Chair.

18 My question, quickly, is regarding the  
19 express buses, particularly the BM1, BM2,  
20 BM5. The BM2 is constantly either late,  
21 nonexistent, or breaks down. There's too  
22 often that the BM2 bus comes along and  
23 there's a disabled passenger who has to  
24 board, the door opens for the wheelchair or

1           whatever to board the bus, and it's unable to  
2           close.  Thereby, the bus is taken out of  
3           commission.  It is happening too often.

4                       What is the MTA's plan in ensuring  
5           that the riders of the BM1, BM2, BM5 buses  
6           have adequate transportation?

7                       NYCT INTERIM PRES. FEINBERG:  We'll  
8           take a close look at that.  I'm not familiar  
9           with it.  But we'll take a close look at that  
10          and come right back to you on it.  This is --  
11          that's news to me.  I've never heard that  
12          before.  So we will look right into it and  
13          come back to you.

14                      SENATOR PERSAUD:  Okay.  You can start  
15          by just following the Twitter feed that's  
16          there.  Every day we get complaints about the  
17          bus breaking down.

18                      So if you can just follow up on that  
19          and let us know, because it's -- as you know,  
20          that area is a transit desert and people rely  
21          on those express buses.  If they're unable to  
22          access the buses, then they're unable to get  
23          to work.  So if you can give us an answer as  
24          to that.

1                   NYCT INTERIM PRES. FEINBERG:  Of  
2                   course.

3                   SENATOR PERSAUD:  Thank you.

4                   CHAIRWOMAN WEINSTEIN:  We go now to  
5                   Assemblywoman Pheffer Amato.

6                   ASSEMBLYWOMAN PHEFFER AMATO:  Okay.  
7                   Good afternoon, everybody.  Hope everyone is  
8                   doing well.  Chairman Foye, to you and your  
9                   team, thank you, going through this pandemic,  
10                  for all the work that you've done.  And  
11                  certainly I appreciate all the sensitivity  
12                  that you've had in discussions regarding the  
13                  tolls.

14                 So it's no surprise, as Chairman  
15                 Paulin and Comrie will both know, that I'm  
16                 speaking about the Cross Bay Memorial Bridge  
17                 located in Rockaway.  And I just want to  
18                 bring something -- I guess a thought on it --  
19                 to your attention.

20                 As everyone knows, the Cross Bay  
21                 Bridge is the only tolled interborough bridge  
22                 in all of New York State.  And for years my  
23                 community has fought against the toll, that  
24                 it's unfair as people, my constituents, go

1 from Queens to Queens.

2 Now, in times of tragedy or hard times  
3 like the pandemic is, everyone has been  
4 innovative in thinking. And I've been  
5 thinking about the toll bridge. And when we  
6 have no -- you know, when someone has no  
7 money, like we think about our own budgets or  
8 the folks that really lost their jobs and  
9 have no money, we reevaluate. So I think  
10 this is the time that we reevaluate the toll  
11 on the Cross Bay Bridge. Because once you're  
12 broke, you're broke. And if Peter comes to  
13 Paul, you take it from Peter to pay back  
14 Paul, I just think it's this opportunity to  
15 do what's right. And what's right is to  
16 eliminate the toll.

17 Now, I appreciate always going after  
18 my Staten Island colleagues who discussed the  
19 Verrazano Bridge, but they are traveling --  
20 it's an unbelievable toll, and they are  
21 traveling from different boroughs into  
22 different states. But we're talking about a  
23 bridge that goes -- imagine your own hometown  
24 and it's Main Street and you go from Queens

1 to Queens.

2 It's unfair. Now it's \$14 million of  
3 revenue, which according to you -- and I love  
4 that number, and thank you, Pat, for the  
5 \$2 billion that you collected in revenue.  
6 And I laugh because it's such crazy numbers.  
7 If we took away the \$14 million, you then  
8 would only collect 1 billion, 886 million  
9 dollars. So that's still a lot of money to  
10 work with.

11 And that's my point. I think it's  
12 time to reevaluate the \$14 million that this  
13 bridge brings in only on the Borough of  
14 Queens.

15 Now again, I'm grateful for all the  
16 innovative thinking, how we're doing it  
17 through the budget, how we're doing it  
18 through congestion pricing, outer bridge  
19 funds. But really there should just be no  
20 toll. It shouldn't be complicated. It goes  
21 back to people who are fighting tolls if  
22 their E-ZPass card or their Mastercard was  
23 expired. And it becomes unfair because  
24 they're going from Howard Beach to Rockaway.

1                   And we need -- I need to keep this  
2                   conversation in the forefront. And I know  
3                   you're meeting in February to talk about it,  
4                   but it's \$14 million out of a 7.2 billion  
5                   operating budget, and we really need to  
6                   consider the legislation that I have, or  
7                   whoever, to remove the toll completely from  
8                   the Cross Bay Bridge.

9                   I'm happy to see that Senator Schumer  
10                  has become this leadership position because  
11                  one day before he was our senator, he was our  
12                  Congressman and knows very well about the  
13                  Cross Bay Bridge and the undue burden it  
14                  brings on all of Queens residents, certainly  
15                  all the city residents, and anybody who  
16                  travels from borough to borough.

17                 So this is a pondering thought. I  
18                 don't expect an answer. But it's something  
19                 that I will always stick up for for my  
20                 community and hope that we can come to some  
21                 other resolution where the tolls are limited.

22                 Thank you.

23                 MTA CHAIRMAN FOYE: So Assemblymember,  
24                 your advocacy for your constituents on the

1 bridge is well-known, universal and  
2 understood.

3 I fear the following, that it would it  
4 be a slippery slope or frankly a slippery  
5 bridge, in this case, to removing one toll,  
6 leading us to have no toll revenue. And that  
7 would be disastrous, because it would create  
8 a hole at the MTA that could not be filled.

9 And I'll also note that net revenues  
10 from the Bridges & Tunnels goes to support  
11 subways and buses, including service  
12 obviously on the Rockaways and in the  
13 Howard Beach area.

14 But I understand your passion and  
15 commitment for the issue.

16 ASSEMBLYWOMAN PHEFFER AMATO: Thank  
17 you. I appreciate it.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 We do not have other Senators, so we  
20 go now to Assemblywoman González-Rojas.

21 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Hi,  
22 thank you so much. Thank you to the  
23 chairpeople of the various committees, and  
24 thank you, Chairman, for joining us.

1           And I want to extend my condolences  
2           for the 123-plus workers that we've lost at  
3           the MTA.

4           I have three questions, and I'll ask  
5           them all up-front, and then I look forward to  
6           your feedback.

7           There was a big -- there was a lot of  
8           discontent around the Queens bus redesign  
9           plan that rolled out last year. I understand  
10          it's on pause at the moment. But if you can  
11          share more details about the future of the  
12          plan. It was not a good plan, not very well  
13          received, so I'm hoping it's either not going  
14          to move forward or we're just not going to --  
15          or it's going to be reconsidered.

16          My second question is related to  
17          all-door boarding on Queens buses. I think  
18          they're all equipped with the OMNY  
19          technology, and I want to get a sense of the  
20          timing of that rollout.

21          And then my last question has to do  
22          with the third-party contractors. I  
23          understand that the MTA spent upwards of  
24          \$371 million to third-party contractors to



1           pay for cleaning of the MTA system. And we  
2           have heard stories by immigrant workers that  
3           have been exploited, they've faced sexual  
4           harassment, they've been fired without cause,  
5           they have not been paid the prevailing wage,  
6           and many have not been allowed to even use  
7           the restroom.

8                        So if you can speak to how we're  
9           holding our third-party contractors  
10          accountable to the worker justice issues that  
11          we need to ensure that every single worker  
12          has the opportunity to work in dignity.  
13          Thank you so much.

14                       MTA CHAIRMAN FOYE: I'm going to ask  
15          Sarah Feinberg to address the first two  
16          issues, and then we'll both speak about the  
17          third.

18                       NYCT INTERIM PRES. FEINBERG: Sure.  
19          Thanks, Pat.

20                       So on the Queens redesign. So the  
21          first redesign that we did was in  
22          Staten Island. And, look, most of these  
23          redesigns all go the same way, which is the  
24          first initial reaction is, you know, there

1       are things that people like and there are all  
2       kinds of things that people hate. And that's  
3       the entire point of the public process. It's  
4       a back-and-forth between folks who have spent  
5       their lives trying to figure out the best way  
6       to serve as many people as possible with  
7       buses and the folks who are actually going to  
8       be served by the buses. And that's why  
9       there's a public process. And we then make  
10      changes and make accommodations. And I think  
11      most people would say that where we landed  
12      with the Staten Island redesign after  
13      every -- you know, after we'd gone through  
14      the entire process was that people were  
15      pretty pleased.

16               And so we're still in the public  
17      outreach phase in the Queens redesign.  
18      Obviously we haven't been doing public,  
19      in-person meetings for quite some time. We  
20      said, you know, to all interested parties and  
21      stakeholders that obviously, you know, that's  
22      not going to start anytime soon, although we  
23      would love to be able to restart that safely  
24      soon.

1                   But there will be plenty of notice and  
2                   heads-up given so that we are not -- no one  
3                   needs to worry that we're going to finalize  
4                   something without people having the ability  
5                   to tell us their thoughts and give us  
6                   their -- give us their feedback.

7                   On the all-door boarding, this is  
8                   something that I'm personally interested in  
9                   as well. We've looked at 2022 for all-door  
10                  boarding. I don't personally see that that  
11                  is necessary. I think that we can start it  
12                  much earlier. But it's something that we're  
13                  currently debating internally, and we can  
14                  come back to you with some of our further  
15                  thinking on that.

16                 MTA CHAIRMAN FOYE: And  
17                 Assemblymember, on the last issue, we have  
18                 not -- or at least I have not heard of the  
19                 sexual harassment claims. Every one of our  
20                 workers, whether it's an employee or a  
21                 contractor, is entitled to be treated with  
22                 dignity and respect. And if you could  
23                 furnish us, offline, information about that,  
24                 I will assure you we will investigate and

1 review it.

2           There were reported issues with  
3 respect to PPE at the beginning of this  
4 process. We told the contractors -- in some  
5 cases we furnished PPE to contractors who  
6 were working who didn't have access to it at  
7 the time. And we've told contractors,  
8 whether it's cleaning or in other cases, that  
9 contract employees have to be treated and  
10 afforded the same access to PPE and other  
11 material.

12           And let's talk offline about the  
13 details, and we will investigate and follow  
14 up.

15           ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And  
16 just this prevailing-wage issue as well.

17           MTA CHAIRMAN FOYE: Again, we'll come  
18 back on that. I have not heard complaints  
19 about the prevailing wage. I don't know,  
20 frankly, sitting here whether it applies to  
21 this work.

22           And we'll talk to the State Department  
23 of Labor, which I think is in charge of  
24 determining whether prevailing wage applies,

1           Assemblymember.

2                   CHAIRWOMAN WEINSTEIN: Thank you.

3                   Before we go to the last questioner, I  
4           just -- which will be Amy Paulin for her --  
5           as the chair for five minutes, I just wanted  
6           to alert folks that I have to leave to run a  
7           Ways and Means meeting and attend a  
8           Rules Committee meeting, so Senator Krueger  
9           will be taking over the hearing for a little  
10          bit and will be calling upon the State  
11          Department of Transportation Commissioner  
12          Dominguez after Assemblywoman Paulin finishes  
13          asking her questions.

14                   Thank you.

15                   CHAIRWOMAN KRUEGER: Great. And  
16          Assemblymembers who may want to ask questions  
17          of the DOT commissioner, if you could pass  
18          your names -- who should they pass them to,  
19          Helene? Is Rich staying here?

20                   CHAIRWOMAN WEINSTEIN: Rich, I think  
21          you should stay and meddle. Yes?

22                   CHAIRWOMAN KRUEGER: Okay, so if you  
23          let Rich from Helene's staff know, and then  
24          he can feed your names into me so that I do

1 my due diligence on behalf of both houses of  
2 the Legislature.

3 THE MODERATOR: Okey-dokey.

4 CHAIRWOMAN KRUEGER: Okay. And  
5 Senators can continue to text me if and when  
6 they have questions to be added to list.  
7 Thank you.

8 Okay, Amy Paulin for a second round.

9 ASSEMBLYWOMAN PAULIN: Thanks, Liz.

10 So just three -- or three areas.

11 First, the MTA's transportation revenue bonds  
12 have been downgraded over the course of the  
13 past year. First, what impact does that  
14 have?

15 And coupled with that, the Payroll  
16 Mobility Tax obligation resolution to  
17 establish a new bond credit for the PMT was  
18 submitted to the CPRB earlier this year and  
19 subsequently withdrawn. Our understanding is  
20 that that would have a positive impact on  
21 bonds. So is the plan to resubmit that  
22 resolution? And if so, when?

23 MTA CFO FORAN: Thank you very much.

24 We do want to resubmit that resolution

1 to the Capital Program Review Board. We've  
2 had that resolution rated. It's rated AA  
3 plus. And as you indicated, the  
4 transportation revenue bonds have been  
5 downgraded over the past year -- downgraded  
6 seven times. The lowest rating is BBB plus.  
7 So a significant difference in terms of  
8 rating.

9 We have \$30 billion of transportation  
10 revenue bonds outstanding. That's a lot of  
11 revenue bonds. And particularly when it's  
12 under pressure, the market starts to charge a  
13 premium, a higher interest rate than any  
14 other comparably rated bonds in the  
15 marketplace.

16 The difference between that credit and  
17 what a PMT credit would be is significant.  
18 But it's most significant on the shorter end  
19 of the yield curve, as opposed to the long  
20 end of the yield curve. Which shows that  
21 investors are really concerned about MTA's  
22 finances right now, but the farther out you  
23 go, the more comfortable they are. So they'd  
24 rather be a 30-year investor than a one-year

1 investor. But there still is a big  
2 difference right now.

3 On the front end, we could borrow on a  
4 PMT for 16 basis points. That's 0.16. We're  
5 borrowing on a TRB at 1.51. So almost 10  
6 times more to borrow through the  
7 transportation revenue bond on a one-year.  
8 You go out to a five-year, and it's four  
9 times more expensive than borrowing. You go  
10 out 10 years, it's twice.

11 So we can --

12 ASSEMBLYWOMAN PAULIN: Bob, I'm going  
13 to stop you because I only have four  
14 minutes -- two minutes and 43 seconds left.  
15 But I would really appreciate if you could --  
16 obviously you're reading from something. If  
17 you could send that to me, because I would  
18 love for my colleagues to all see that. It's  
19 very important. And since we have the  
20 approval for that, it's critically important  
21 that we have all that detail.

22 So I really appreciate your answer,  
23 and I'm sorry to cut you off in the middle of  
24 it.



1           The next question, the Executive  
2           proposal includes legislation that imposes a  
3           criminal penalty for failure to pay a toll,  
4           including for tolls within the Central  
5           Business District tolling program, which  
6           hasn't started yet. Who exactly is  
7           charged -- the driver, the registered vehicle  
8           owner? I mean, we're talking about a  
9           misdemeanor level. Has that really been  
10          thought out? And why are we doing that for a  
11          program that hasn't even started yet?

12           MTA CHAIRMAN FOYE: Chair, the answer  
13          is the owner.

14           Why are we proposing it is the  
15          following. Congestion pricing -- and that's  
16          what we're talking about in Part E of the  
17          bill package -- congestion pricing will  
18          support 30 percent of the capital plan, and  
19          it's fundamental that we realize those  
20          revenues.

21           ASSEMBLYWOMAN PAULIN: So if we lend  
22          our car to a neighbor or a friend or a child  
23          and they happen to go through the congestion  
24          pricing zone without paying, the owner would

1 be charged.

2 MTA CHAIRMAN FOYE: Correct. And the  
3 owner -- if the vehicle didn't have an  
4 E-ZPass, the owner would get a bill at home  
5 and, you know, have a discussion with whoever  
6 the teenage driver was or whatever the  
7 situation. But the owner would be  
8 responsible for paying, sure.

9 ASSEMBLYWOMAN PAULIN: Got it. And  
10 the last area is procurement reform. The  
11 procurement reform bill, which has many  
12 elements. What is the savings that's  
13 estimated from that?

14 And where can the -- and then why did  
15 the MTA decide to stop producing change-order  
16 reports related to that? And where can the  
17 public find information on cost overruns for  
18 the MTA projects? I'll just say all the  
19 questions, and they can be answered.

20 What potential advantages does the MTA  
21 anticipate by using a competitive request for  
22 the proposal system over the existing  
23 sealed-bid system? And what potential  
24 advantages does the MTA anticipate by using

1 e-bidding? So all together on procurement  
2 reform.

3 MTA CHAIRMAN FOYE: All right, so let  
4 me say this. Janno Lieber, in a different  
5 context, earlier reported that he saved 2,000  
6 days of construction and the related overhead  
7 and costs that go with that.

8 The cost savings here is also in  
9 expediting projects. And we believe that by  
10 taking time out, we become frankly a more  
11 attractive and an easier business partner to  
12 deal with from the contractor's point of  
13 view. That gets reflected in pricing. And  
14 just taking time out of the process of  
15 procurement will get things done quicker and  
16 cheaper.

17 One of the reasons for the change is  
18 to eliminate redundant approvals for  
19 design-build contracts, which is obviously  
20 required by act of the Legislature. All  
21 design-build projects, unless exempted by the  
22 Budget Director, or very small ones, are done  
23 as design-build projects.

24 And Chair Paulin, if you want

1 additional information, maybe what we ought  
2 to do is come back with a more detailed  
3 explanation, just given the time remaining.

4 ASSEMBLYWOMAN PAULIN: So just one  
5 follow-up, and that is on the change-order  
6 reports. Is there a public place we can find  
7 out about cost overruns?

8 MTA CHAIRMAN FOYE: Well, we -- we --  
9 the CPOC committee regularly looks at those,  
10 and Janno -- Janno reports. And let me come  
11 back to you on the change-order reporting.

12 ASSEMBLYWOMAN PAULIN: Okay. Well,  
13 thank you very much. That's it for me.

14 MTA CHAIRMAN FOYE: You're welcome.  
15 Thank you.

16 CHAIRWOMAN KRUEGER: Thank you very  
17 much, all the members of the MTA.

18 I think you are now free. Actually,  
19 you don't even have to go anywhere, you can  
20 stay in your offices and go back to your  
21 work. It's the plus of not having to commute  
22 to the LOB this year.

23 And we are now to welcome our next  
24 speaker, who is Maria Therese Dominguez, the

1 Commissioner of the New York State Department  
2 of Transportation.

3 MTA CHAIRMAN FOYE: Chair Krueger,  
4 thanks very much. We're going to sign off.  
5 And we will follow-up on the questions that  
6 were raised and will cede the floor to Marie  
7 Therese.

8 CHAIRWOMAN KRUEGER: Thank you all.  
9 Get back to work on the subways and the  
10 buses. Thank you.

11 I see Marie Therese. Hello.

12 NYSDOT COMMISSIONER DOMINGUEZ: Hello.  
13 Good afternoon.

14 CHAIRWOMAN KRUEGER: Welcome.

15 NYSDOT COMMISSIONER DOMINGUEZ: Thank  
16 you.

17 CHAIRWOMAN KRUEGER: See, we're just  
18 as late as we always are in these hearings,  
19 but you didn't have to hang out in the  
20 hearing room for all those hours.

21 So I believe that all the members have  
22 your testimony. But welcome, and take your  
23 time and present and highlight the important  
24 issues for your agency this year.

1                   NYSDOT COMMISSIONER DOMINGUEZ: Thank  
2                   you very much.

3                   Chairs Krueger, Weinstein, Kennedy,  
4                   Magnarelli, and distinguished members of the  
5                   Legislature, on behalf of the Department of  
6                   Transportation, thank you for this  
7                   opportunity to discuss Governor Cuomo's  
8                   Executive Budget.

9                   First and foremost, I would like to  
10                  take the opportunity to publicly thank each  
11                  and every member of our DOT team for all that  
12                  they have done throughout the ongoing global  
13                  health pandemic these last 10 months. Not  
14                  only have DOT staff delivered on a record  
15                  level infrastructure program and enhanced  
16                  safety for the traveling public this year,  
17                  they quickly pivoted to play a prominent role  
18                  in Governor Cuomo's statewide COVID-19  
19                  response efforts.

20                  Let me highlight a few of the heroic  
21                  actions the men and women of DOT are taking  
22                  to fight this deadly virus. Since early  
23                  March, DOT has led the statewide emergency  
24                  support function for transportation and

1 logistics under the state's Comprehensive  
2 Emergency Management Plan. Our dedicated  
3 team has been on the ground seven days a week  
4 for 11 months. DOT personnel have helped to  
5 stand up and support temporary hospitals,  
6 testing facilities, and now vaccine centers.  
7 We've distributed more than 2.5 million test  
8 kits to nearly 1,200 nursing homes. We've  
9 delivered more than 50,000 critical testing  
10 specimens to Wadsworth Laboratory. We  
11 fielded more than 400,000 calls to the  
12 state's dedicated pandemic response call  
13 centers. And when Governor Cuomo asked  
14 medical professionals to come to New York to  
15 help out, DOT vetted more than 80,000  
16 volunteer healthcare professionals from all  
17 over the country on behalf of the Department  
18 of Health.

19 The selfless actions on the part of  
20 our DOT employees have helped to slow the  
21 spread and save the lives of countless  
22 New Yorkers in every region of the state.

23 The pandemic blindsided New Yorkers  
24 when the federal government did not act to

1 keep us safe and the virus quickly spread.

2 The subsequent economic upheaval has left the  
3 state with a \$15 billion deficit, and we need  
4 Washington to act responsibly and deliver  
5 funding so that the state can meet essential  
6 baseline spending needs.

7 Governor Cuomo stated it best during  
8 his budget address. Over the past four years  
9 the federal government has consistently  
10 failed New York -- failed to provide us with  
11 adequate resources to a state that produces  
12 approximately 8 percent of the nation's GDP  
13 and contributes approximately \$23 billion  
14 more annually to Washington than it receives.  
15 New York for decades has subsidized the vast  
16 majority of other states, resulting in an  
17 imbalance in basic tax fairness.

18 There is, however, hope for optimism.  
19 With a new administration and a new Congress,  
20 the prospects for an additional stabilization  
21 and economic recovery funding package from  
22 the federal government have greatly improved.  
23 In addition to basic fairness, the state also  
24 seeks federal assistance to reimagine,



1 rebuild, and renew New York. After all, for  
2 the nation to prosper, New York must remain  
3 strong and vibrant. We must continue to  
4 modernize our public transportation systems,  
5 and we must continue to transform our  
6 airport, freight rail and seaport  
7 infrastructure. And we must continue to  
8 build and renew our roads and bridges in  
9 every community across this great state.

10 Building upon the Governor's  
11 unparalleled commitment to renewing and  
12 modernizing infrastructure, the budget  
13 outlines \$306 billion in infrastructure  
14 projects which will create hundreds of  
15 thousands of jobs. These are generational  
16 investments, and all of this will strengthen  
17 the state's diverse regional economies. In  
18 fact, New Yorkers are already benefiting from  
19 the projects funded through his initial  
20 infrastructure plan, including modernization  
21 of multiple commercial service airports and  
22 rail stations throughout upstate New York;  
23 reconstruction and elevation of the Nassau  
24 Expressway in Long Island; and reconstruction

1 of Prospect Mountain in the Southern Tier  
2 Region, as well as construction of the new  
3 eastbound ramp on Interstate 690 and  
4 pedestrian access enhancements at the  
5 State Fairgrounds.

6 Building upon unprecedented DOT  
7 investments over the past decade, this  
8 Executive Budget fully honors the second year  
9 of a record-level two-year capital plan. The  
10 two-year DOT capital plan is supporting  
11 \$11.9 billion in investments to renew and  
12 modernize the state's infrastructure.  
13 Compared to the final two years of the last  
14 capital plan, this current plan represents an  
15 increase of \$3 billion, or 33 percent.

16 This record level of investment  
17 provides DOT with resources necessary to  
18 renew, modernize and continue to drive  
19 economic development in local communities  
20 across the state, while ensuring a more  
21 resilient transportation infrastructure for  
22 years to come.

23 The proposed budget also provides  
24 support to advance projects that will reverse

1       the marginalization of communities that  
2       occurred during the construction of the  
3       interstate highway system, including  
4       replacing the Interstate 81 viaduct with a  
5       community grid; reimagining the  
6       Buffalo Skyway into a community boulevard;  
7       and converting the Albany Skyway into a new  
8       linear park.

9               The shorter, two-year capital plan is  
10       necessitated by federal funding uncertainty.  
11       The federal Surface Transportation Act, known  
12       as the FAST Act, was extended for one year  
13       and is now set to expire on September 30,  
14       2021. Unlike the MTA capital plan, where  
15       federal aid accounts for approximately  
16       20 percent of the total spending, the DOT  
17       capital plan has historically relied on  
18       federal aid for more than 40 percent of its  
19       spending.

20              Due to the ongoing uncertainty at the  
21       federal level, the state is making the  
22       prudent decision to commit, at this juncture,  
23       to the second year of a two-year plan while  
24       working with the New York congressional

1           delegation to move the renewal of the FAST  
2           Act forward.

3                   The Executive Budget remains  
4           contingent upon the federal government  
5           delivering the resources necessary to offset  
6           COVID-19 expenses and mitigate the revenue  
7           losses caused by the pandemic which has  
8           ravaged our state's economy. Federal support  
9           is not only just and fair, it is essential  
10          for our state and our nation to prosper.

11                   Recognizing that infrastructure  
12          investments fuel economic recovery, Governor  
13          Cuomo has doubled down on accelerating  
14          outcome-focused transformational projects in  
15          every region of the state in a fiscally and  
16          environmentally responsible manner. To quote  
17          the Governor, "New York has faced challenges  
18          before and has not only survived but thrived  
19          and grown stronger." With the federal  
20          government as our partner, we can do it  
21          again.

22                   In closing, I cannot tell you how  
23          incredibly proud I am of the DOT team and all  
24          that they have accomplished, given the

1           ongoing public health crisis. I want to  
2           assure you that the Department of  
3           Transportation is committed to working with  
4           you on delivering on the Governor's bold  
5           vision for reimagining, renewing and  
6           rebuilding New York's infrastructure.

7                     Thank you.

8                     (Pause.)

9                     THE MODERATOR: Senator Krueger?

10                    CHAIRWOMAN KRUEGER: Sorry. I'm so  
11           sorry. I disappeared and I couldn't find  
12           myself. Excuse me.

13                    Thank you, Commissioner. And I didn't  
14           mean to be rude; I was eating a sandwich  
15           quietly while you were testifying.

16                    Actually I think that my Assembly  
17           colleagues are still in their committee  
18           meetings, so I'm going to ask my  
19           Transportation chair to start us off. Is  
20           that okay, Senator Kennedy?

21                    SENATOR KENNEDY: Yup. Ready to go.  
22           Thank you very much, Chairwoman.

23                    CHAIRWOMAN KRUEGER: Thank you.

24                    SENATOR KENNEDY: Commissioner, thank

1           you very much. Welcome. Thank you for your  
2           testimony. Thank you for your leadership.  
3           As well as the folks that we work with  
4           regularly throughout the weeks and months of  
5           the year that are in constant communication  
6           with me and my office, thank you for your  
7           service.

8                     I want to get right into this year's  
9           capital plan that you mentioned is funded at  
10          \$5.8 billion. It's \$300 million less than  
11          last year's 6.1 billion. Can you talk about  
12          last year's plan, how much of that funding  
13          has already been spent or dedicated to  
14          projects, and how much funding from last  
15          year's capital plan, that 6.1, remains  
16          unspent?

17                    NYS DOT COMMISSIONER DOMINGUEZ:  
18          Senator Kennedy, what we're talking about now  
19          is a capital investment over two years, it's  
20          \$11.9 billion in total. And it represents a  
21          33, almost 34 percent increase compared to  
22          the previous prior two years, fiscal years  
23          '18 through '20.

24                    We are on track and scheduled to not

1           only complete last year's capital plan but  
2           move into this year's capital plan once the  
3           budget is approved.

4                   SENATOR KENNEDY:   So all of last  
5           year's funding will be spent?

6                   NYSDOT COMMISSIONER DOMINGUEZ:   It  
7           will be spent by the conclusion of this  
8           fiscal year, yes.

9                   SENATOR KENNEDY:   And can we get a  
10          regional breakdown of that funding and where  
11          that money is spent?   Do you have a regional  
12          breakdown for that?

13                   NYSDOT COMMISSIONER DOMINGUEZ:   We  
14          have a listing of all the projects that we  
15          work on.   I'll be happy to email it.

16                   SENATOR KENNEDY:   I think it's  
17          imperative that -- and you and I discuss this  
18          at length quite often about the regional  
19          distribution, the equitable distribution of  
20          resources.   It's essential that every region  
21          around the state gets an equitable  
22          distribution of resources.   It is simply  
23          fairness and equity, and we'll be looking for  
24          that.

19 NYSDOT COMMISSIONER DOMINGUEZ: So,  
20 Senator, I understand your advocacy. I would  
21 say that in total more than a billion dollars  
22 is allocated annually to local projects  
23 statewide. That includes CHIPS, PAVE-NY,  
24 BRIDGE NY, the Marchiselli funds. All of



1           them combined are up to a billion dollars.  
2           And those -- in addition, it's 700 million  
3           that are provided directly to municipalities  
4           in total.

5                     So while, you know, we continue to  
6           work with you on all of these projects, I  
7           think this reflects the incredible amount of  
8           investment statewide that we continue to make  
9           in all communities across the state.

10                    SENATOR KENNEDY: I just want to point  
11           to the CHIPS funding again specifically that  
12           hasn't seen an increase in so many years,  
13           prior to you being named commissioner, even.

14                    And, you know, we've been fighting for  
15           this. It is essential that we prioritize  
16           this. The communities across the state are  
17           clamoring for it. And with the  
18           municipalities looking at a potential  
19           decrease in their AIM funds that also help to  
20           bring up our local communities, it's  
21           essential that we're getting more funding  
22           into these programs. So we'll be looking to  
23           work with you on that to get that increased  
24           by the time the budget is approved.

1                   Next I want to talk about the focus on  
2                   climate change. You know that we put in very  
3                   aggressive goals here with the passage of the  
4                   CLCPA here in New York. What is your  
5                   department doing to address issues of climate  
6                   resilience through infrastructure planning?

7                   NYSDOT COMMISSIONER DOMINGUEZ: So  
8                   we've got a whole host of activities that  
9                   we've been undertaking for many, many years  
10                  now, actually. The department has a very  
11                  good record on the level of investment. So  
12                  it's everything from looking at materials and  
13                  how we use them in our construction  
14                  projects to investing in electric buses and  
15                  getting ready, as you know, under the Climate  
16                  Leadership and Protection Act, to make sure  
17                  that our state indeed has the infrastructure  
18                  to be ready for further reductions in  
19                  greenhouse gas emissions through  
20                  electrification, whether that be in our  
21                  buses, in our transit systems, or making the  
22                  roadways ready for electrification.

23                  SENATOR KENNEDY: Are we building for  
24                  water levels of today, or are we taking into

1       consideration the potential for the water  
2       levels to be increasing over the course of  
3       the next 10, 20 years when we're in the  
4       planning process?

5               NYS DOT COMMISSIONER DOMINGUEZ:   So we  
6       actually have done an enormous amount of work  
7       to make sure that all of our standards  
8       reflect the flood plain standards and how we  
9       actually accommodate them in our construction  
10      standards.

11             So the resiliency factor alone, the  
12      hardening of our infrastructure is something  
13      that we take into account through a  
14      standardized process that we go through.  And  
15      I keep saying the word "standard" because  
16      it's literally engineering standards that we  
17      have updated over the course of years and  
18      taken all that climate information that we're  
19      garnering nationwide and including that in  
20      updating our standards accordingly to  
21      prepare.

22             And we've seen it on Lake Ontario, and  
23      all of the projects that we're doing as a  
24      result of -- already reflect all of that.

1                   SENATOR KENNEDY: Yeah, thank you.

2                   You know, a perfect example of this is  
3                   Route 214 and Jewett County Road. I know  
4                   your department has been engaged in  
5                   restructuring these based upon the recent  
6                   flooding through that district. That Senator  
7                   Hinchey has been not only discussing this  
8                   with myself, but I know she's been on the  
9                   front lines with you and the DOT in actually  
10                  getting right in there in an emergency mode.

11                  These roads were washed away by  
12                  increasing floodwaters, and we have to make  
13                  sure that we're planning for the future. So  
14                  I'm glad to hear that you're taking that into  
15                  consideration, and I want to credit Senator  
16                  Hinchey for her work in her district on that  
17                  as well as the climate change initiative.

18                  Obviously the pandemic has ravaged us.  
19                  It's been catastrophic on our bottom line  
20                  when it comes to our finances here. The  
21                  proposed budget takes into account the  
22                  pandemic changes, but it has a devastating  
23                  impact from what's been proposed on our  
24                  infrastructure. Our downstate non-MTA

1           systems are decreased by 16 percent, upstate  
2           transit by 9 percent.

3                   While some federal assistance that's  
4           come has been used to negate these deficits  
5           over the last 12 months by helping with their  
6           operating funds -- but these cuts that we're  
7           putting in on these systems are absolutely  
8           unacceptable. And so we have to get them up  
9           not only to where they were in years past,  
10          but we have to get them increased as well. I  
11          look forward to working with you on those.

12                   Thinking forward, thinking about  
13          high-speed rail -- I know the Governor  
14          briefly mentioned it in his budget release.  
15          I would like to ask you where we're at with  
16          high-speed rail within your department.  
17          What's actually being done with that, and are  
18          we prepared when federal stimulus funds come  
19          here to the state to hit the ground running  
20          on high-speed rail?

21                   NYSDOT COMMISSIONER DOMINGUEZ: Indeed  
22          we are. We've been doing a lot of work in  
23          preparation for high-speed rail. We have an  
24          EIS that's pending with the Federal Rail

1 Administration, looking at the scope and  
2 degree to which we can implement additional  
3 high-speed rail components.

4 And as you know, over the course of  
5 the last decade we've invested significantly  
6 in everything from positive train control  
7 actions to a number of projects between  
8 Buffalo and the city to make sure that we're  
9 not only investing but making the entire  
10 state ready for high-speed rail.

11 SENATOR KENNEDY: So prior to the EIS  
12 that you mentioned being started, we have to  
13 finish the alternatives analysis. Can you  
14 tell us when this will be completed?

15 NYSDOT COMMISSIONER DOMINGUEZ: As I  
16 understand it, the Federal Rail  
17 Administration provided us some comments back  
18 on the EIS, and we'll look to work with them  
19 to resolve them and look to issue the final  
20 environmental assessment.

21 SENATOR KENNEDY: Thank you.

22 I was pleased to see the continuation  
23 of the \$100 million over five years program  
24 to help transit agencies electrify their

1       fleets. However, it's my understanding that  
2       last year's \$20 million is yet to be  
3       released. Is that accurate?

4               NYSDOT COMMISSIONER DOMINGUEZ: That's  
5       correct.

6               SENATOR KENNEDY: Why is that? And  
7       what do we need to do to get it moving? And  
8       how do we get the next iteration out the  
9       door?

10              NYSDOT COMMISSIONER DOMINGUEZ: Well,  
11       we're working on it. And it's part of the  
12       broader funding levels for transit. And as  
13       we look forward to hopefully some additional  
14       investment from our federal partners here, we  
15       would look to enhance our ability to  
16       electrify fleets upstate.

17              SENATOR KENNEDY: Thank you. And I  
18       know -- I want to give credit to RTS, too,  
19       out there in Rochester for really leading the  
20       charge here, and I know there are other  
21       agencies across the state. But we do need to  
22       move that.

23              Is the state on target to hit that  
24       25 percent electrification of the fleet?

1                   NYS DOT COMMISSIONER DOMINGUEZ:   Yes.

2                   SENATOR KENNEDY:   And then  
3                   congratulations to you and the entire  
4                   administration on the completion of the  
5                   Empire State Trail.  Can you discuss how this  
6                   will continue to roll out and what the DOT's  
7                   role is going to be and what we should look  
8                   for for pedestrian-friendly, bicycle-friendly  
9                   infrastructure into the future?

10                  NYS DOT COMMISSIONER DOMINGUEZ:   So I'm  
11                  proud to say that the department has  
12                  contributed to over 200 miles of creating the  
13                  Empire State Trail.  It was a collaborative  
14                  effort, a number of state agencies involved.  
15                  And so, as you know, we have really looked  
16                  across the board to make sure that whenever  
17                  we're undertaking a transportation project in  
18                  any part of the state, we're looking to see  
19                  how we can further leverage that larger view  
20                  of not just a road, not just a bridge, but  
21                  how do we enhance our connectivity, whether  
22                  it's to the Empire State Trail or other  
23                  shared-use path opportunities.

24                  CHAIRWOMAN KRUEGER:   Thank you,



1 Commissioner.

2 Thank you, Mr. Chair. You're beyond  
3 your 10 minutes. You'll have a second round  
4 if you wish.

5 Assemblymember Magnarelli, chair of  
6 the Transportation Committee. Ten minutes,  
7 please.

8 ASSEMBLYMAN MAGNARELLI: Yes. Thank  
9 you, Senator.

10 Commissioner, good to see you again.

11 NYSDOT COMMISSIONER DOMINGUEZ: Hello,  
12 sir.

13 ASSEMBLYMAN MAGNARELLI: And thank you  
14 for your testimony.

15 The Executive proposal maintains the  
16 second year of the two-year DOT capital plan  
17 of \$11.9 billion. This was mentioned already  
18 by Senator Kennedy. And he also asked about  
19 projects and where they are and in what stage  
20 they're -- I'm asking in what stage they're  
21 in and how they can be delineated by region.

22 As the Senator pointed out, and I  
23 agree with him, it's a matter of fairness and  
24 equity that we see where these projects are

1           and what they're doing.

2                   In speaking with you before, I know  
3           that there are lists, but the lists are  
4           basically lists of what you're letting,  
5           projects that are about to begin or are being  
6           put into contract, from what I understand.  
7           They don't tell us where they stand, they  
8           don't tell us if they're completed, they  
9           don't tell us whether they ever went forward.

10                   And what I really would like to see is  
11           a very simple list of what projects are going  
12           on where, how much they cost, when they  
13           intend to be done. Can that be put together?

14                   NYSDOT COMMISSIONER DOMINGUEZ: So  
15           Mr. Chairman, as we've talked, we have a  
16           number of pieces of information that are  
17           available to the public on our website with  
18           regard to all of the projects that we  
19           advance. I'd be happy to work with you on a  
20           compilation of that list.

21                   The bottom line is that if the  
22           Department of Transportation is letting a  
23           project, it means that we're completing a  
24           project. So I want to make that assurance to

1           you that if we're going through the  
2           contractual process, once we start, we're  
3           going all the way through to completion. So,  
4           you know, unless something unforeseen  
5           happens, et cetera, there's not -- right, but  
6           what I'm trying to say is like there's --  
7           there's -- for the most part, there's not --  
8           I think some people are concerned about a  
9           withdrawal of projects in some form or  
10          fashion. That has not occurred with the  
11          Department of Transportation, not during  
12          COVID, not before. And we're -- as you can  
13          tell by the investment that we're making this  
14          year in infrastructure, it's full speed  
15          ahead.

16                 ASSEMBLYMAN MAGNARELLI: Well -- well,  
17          I'm glad to hear that. But as you can see  
18          from both the Senator's and my questions, we  
19          really do want to work with your  
20          Transportation Department to get some kind of  
21          a list that we can take a look at and  
22          understand where the projects are, how far  
23          they're going, and where they're being done.  
24          So I look forward to working with you on

1           that.

2                   Another thing -- again, I want to kind  
3           of piggyback on the Senator's comments -- but  
4           rail is very important. And whether it's  
5           freight or passenger rail, again, the  
6           \$11.9 billion two-year plan, what share of  
7           that, if any, is going towards rail and other  
8           mass transit? Again, Senator Kennedy talked  
9           a great deal about mass transit. I too am  
10          very concerned about those two areas and  
11          where we're going with them.

12                   NYSDOT COMMISSIONER DOMINGUEZ: So I  
13          can assure you that the department's budget  
14          is broken out into all modes of  
15          transportation. We've got a minimum of about  
16          \$60 million that is going into rail and about  
17          \$250 million that's going directly into our  
18          capital transit plan.

19                   ASSEMBLYMAN MAGNARELLI: And does this  
20          rail include passenger rail?

21                   NYSDOT COMMISSIONER DOMINGUEZ: Yes,  
22          it does.

23                   ASSEMBLYMAN MAGNARELLI: We talked  
24          about, you know, the high-speed rail. But

1           just increasing the ability of passengers to  
2           get from one place to another in an on-time  
3           train would be amazing as far as I'm  
4           concerned.

5                       So is any money going to like get us  
6           to that point, or are we only looking for  
7           high-speed rail and not enhancing the rail  
8           that we have now to make it so that people  
9           can get from Point A to Point B, you know, on  
10          a reliable schedule?

11                    NYSDOT COMMISSIONER DOMINGUEZ:  Those  
12          dollars that we're investing are a direct  
13          reflection on our passenger rail network.  So  
14          as you know, the federal requirement under  
15          PRIIA, the responsibility for passenger rail  
16          is really now with the states across the  
17          United States.  And so New York has -- you  
18          know, that's why our program is so robust,  
19          because we need to make sure that that  
20          passenger rail experience not only stays safe  
21          but is continued to be maintained in a good  
22          manner, and we partner with Amtrak on that.

23                    ASSEMBLYMAN MAGNARELLI:  I look also  
24          to the Climate Leadership and Community

1 Protection Act as something else that can be  
2 enhanced by, you know, mass transit and  
3 freight and passenger rail as well. I hope  
4 that that's being taken into consideration  
5 with all of your plans going forward.

6 NYSDOT COMMISSIONER DOMINGUEZ: Yes,  
7 actually the Department of Transportation --  
8 and I actually chair the Transportation  
9 Advisory Panel of the Climate Action Council,  
10 which is the organizing group under the  
11 CLCPA. And I can assure you that we're  
12 looking at all modes of transportation in a  
13 reduction for greenhouse gas emissions, and  
14 obviously freight plays a big role in that.  
15 Freight rail.

16 ASSEMBLYMAN MAGNARELLI: Switching  
17 gears a little bit, the DOT used to release  
18 an annual report on the highway lane miles  
19 and bridge conditions. Why did the DOT stop  
20 producing that report?

21 NYSDOT COMMISSIONER DOMINGUEZ: So I  
22 can assure you, first and foremost, that the  
23 roads and bridges of New York are indeed  
24 safe. We inspect our bridges every two

1       years. We get hands on them, and obviously  
2       we are constantly looking at the roadways.  
3       We inspect by the tenth of a mile.

4               And we are always looking for any  
5       critical deficiencies and making sure that  
6       they're identified and addressed immediately  
7       and corrected.

8               And, you know, our level of investment  
9       is across the board. So I just want to  
10      assure you that our ability to respond to  
11      anything -- not just respond, but we actually  
12      look in a very detailed manner at everything  
13      and rank by risk what we need to address,  
14      based on our inspections that are continuous  
15      and inform how we approach it.

16              ASSEMBLYMAN MAGNARELLI: You know, the  
17      Governor announced that over 100 DOT bridges  
18      were rehabilitated or replaced in 2020, which  
19      is great. But do you have a breakdown of  
20      which DOT regions those improvements  
21      occurred?

22              Again, just trying to figure out where  
23      these projects are and how they've been done.  
24      Can we at least get together with your people

1           and try to put together a report that gives  
2           us that information?

3                       NYSDOT COMMISSIONER DOMINGUEZ: I  
4           don't have the list at the ready, but I'll  
5           follow up with you directly.

6                       ASSEMBLYMAN MAGNARELLI: Okay. Also  
7           talking about CHIPS, highway maintenance and  
8           repair, I want to reiterate what Senator  
9           Kennedy was talking about earlier. We have  
10          not increased monies to our localities for  
11          maintenance and repair of our highways and  
12          bridges. I would hope we can do something  
13          about that.

14                      Why the \$65 million appropriation for  
15          Extreme Winter Recovery monies was not  
16          included in the Governor's proposal, I'm -- I  
17          don't know why. You know, except that, you  
18          know, it comes out in the budget process  
19          somehow.

20                      But these are things that are  
21          important to our localities. And more  
22          importantly, they're needed. And they  
23          definitely have to be funded properly in  
24          order to have these roads safe for our



1           constituencies.

2                       So I want to reiterate that. And I  
3           hope that we will have the support of your  
4           department in trying to get some of those  
5           monies to our localities as well as, you  
6           know, the things that we have to do on a  
7           state level.

8                       NYS DOT COMMISSIONER DOMINGUEZ:

9           Mr. Chairman, I appreciate your advocacy. I  
10          also want to assure you that in addition to  
11          the CHIPS dollars that are going -- and it's  
12          a long-standing program here in the State of  
13          New York, I realize that. But in addition,  
14          you know, under this administration we've  
15          created two additional funding opportunities  
16          with PAVE-NY and with BRIDGE NY. And those  
17          two go directly to local aid. Those two are  
18          monies that go directly in support of local  
19          communities across the state. So that is  
20          part of the larger billion-dollar investment.

21                      ASSEMBLYMAN MAGNARELLI: I hear what  
22          you're saying. But at the same time, you've  
23          got to listen to what I'm listening to here  
24          on a local level.

1           And the need for additional funds is  
2           real. And the amounts of roads and bridges  
3           that have to be maintained, especially across  
4           the state in upstate rural areas, is  
5           incredible. And so there's an awful lot of  
6           mileage and an awful lot of bridges to  
7           maintain.

8           I'm also concerned about mass transit  
9           in upstate New York across the board, whether  
10          it be Buffalo, Syracuse, Rochester, Albany,  
11          and funding those transit systems to a degree  
12          that is needed. And from what I hear, for  
13          the most part they're always scrambling. I  
14          would hope that we would be able to put more  
15          money into mass transit.

16          Having said that and having talked  
17          about cities across New York State, I'm also  
18          very concerned -- especially from my  
19          colleagues in upstate New York, from what I'm  
20          hearing from them -- about rural transit.  
21          Talk about deserts. We have transit deserts  
22          in upstate New York where people can't get  
23          around.

24          So I'm looking to have at least a

1 report done or a study done that will take a  
2 good look at what's happening in rural  
3 upstate New York in mass transit. And I  
4 would hope that I have the cooperation of the  
5 department in this as well.

6 NYSDOT COMMISSIONER DOMINGUEZ: So,  
7 sir, I think that -- you know, I do want to  
8 address the investment in transit across the  
9 board, because I think having heard from the  
10 MTA, you heard what a significant impact  
11 COVID-19 has had on transit ridership across  
12 the board. That's also translated not just  
13 in the city, but also to upstate systems.

14 So I think, moving forward, we need to  
15 make sure that we take a real fresh look at  
16 our public transit system across the board  
17 and make sure that we, you know, are going to  
18 accommodate our new norms, which are social  
19 distancing and cleaning protocols and  
20 everything that we have to go through to make  
21 sure that we've got, you know, the  
22 appropriate system in place to not only  
23 invest in people's safety as they ride, but  
24 also make sure where those dollars are going,

1           they're addressing the needs. So -- across  
2           the board.

3                   ASSEMBLYMAN MAGNARELLI: I think I've  
4           gone over my time, right, Senator?

5                   CHAIRWOMAN WEINSTEIN: Yes. Yes, you  
6           have. But as chair, you can come back for --

7                   ASSEMBLYMAN MAGNARELLI: Thank you,  
8           Commissioner, I appreciate your --

9                   CHAIRWOMAN WEINSTEIN: -- for a second  
10          round.

11                   ASSEMBLYMAN MAGNARELLI: Thank you.

12                   CHAIRWOMAN WEINSTEIN: So now we're  
13          going to go to the Senate.

14                   CHAIRWOMAN KRUEGER: Thank you.

15                   Senator Todd Kaminsky.

16                   SENATOR KAMINSKY: Thank you so much.

17                   Commissioner, it's good to be with  
18          you. I want to thank you for your concern  
19          with the Long Island transit system. We have  
20          a tremendous amount of traffic, an enclosed  
21          drainage system, and really I am hoping that  
22          the next DOT capital plan will prioritize  
23          some bigger projects in our region.

24                   You and I have specifically talked

1           about the Southern State Parkway -- in fact  
2           you came out in the fall and actually drove  
3           on it, which is much appreciated.

4                     I want to reiterate that the stretch  
5           of road known as Blood Alley by Eagle Avenue  
6           in my district that bleeds into Senator  
7           Brooks' district is just incredibly  
8           important. And I would like to know from you  
9           about the study that DOT has said that it's  
10          going to look at but without really providing  
11          any specifics of what will be included in it  
12          and what the timeline is.

13                    I just want to quickly show you what  
14          happened when a bus tried to go under one of  
15          the overpasses there. It was completely --  
16          had its roof shorn off, and there are  
17          fatalities almost every year at that stretch.  
18          So I wanted to point it out for you and hope  
19          that the study can significantly remediate  
20          the area and lead to plans that will put it  
21          into practice.

22                    NYS DOT COMMISSIONER DOMINGUEZ:  
23          Senator, as you and I have discussed --  
24          sorry, our internet service, just for a

1 blanket notice, is going in and out, so I  
2 apologize.

3 Senator, as you and I have discussed,  
4 the study is progressing. And the study in  
5 particular on Eagle Ave. down to the  
6 Meadowbrook, we're looking at that seriously  
7 and we'll take into consideration everything  
8 that we find in terms of road conditions and  
9 go from there.

10 But again, we'll be in touch with you  
11 directly as we look to develop a study.

12 SENATOR KAMINSKY: Okay, really  
13 appreciate it. And making it a priority and  
14 having the study be a significant one that  
15 can eventually be the blueprint for real  
16 changes there would mean a lot.

17 And then the other item I'd just like  
18 to use the next minute to point out to you is  
19 the Loop Parkway Drawbridge. It's a  
20 drawbridge that was built in the  
21 Great Depression. It has to be repaired  
22 every few years for new parts that have to be  
23 almost a hundred years old. And every time a  
24 boat goes through in heavy summer traffic,

1 all the cars have to wait on either side for  
2 like one guy and his boat to pass. And it's  
3 extremely frustrating. It gets in the way of  
4 all types of commerce and tourism.

5 And I'd love to see if DOT can please  
6 study whether a new approach is economical  
7 and justifiable. As someone who's lived in  
8 that area basically my whole life, I have to  
9 think there's better technology that allows  
10 cars to pass, without interfering with  
11 maritime traffic, in a safe manner. And in  
12 light of this bridge nearly being 100 years  
13 old, it's about time to look at that.

14 So that's something I wanted to put on  
15 your radar, please.

16 NYS DOT COMMISSIONER DOMINGUEZ: I  
17 understand. And you and I have had a chance  
18 to talk about that. It is a unique bridge.  
19 It is old. When the parts go out, it does  
20 take a while to restore it and replace it.

21 But we'll continue to look at it and  
22 see if -- I'm hoping that with additional  
23 federal infrastructure dollars that we have  
24 the opportunity to address some of these

1           older bridges like you were talking about.

2                   SENATOR KAMINSKY: Thank you so much  
3           for your time, Commissioner.

4                   I really just want to thank the  
5           chairs, Kennedy and Comrie, for their  
6           wonderful advocacy on behalf of Long Island  
7           on this committee. Thank you so much.

8                   CHAIRWOMAN KRUEGER: Thank you.  
9           Assemblywoman.

10                   CHAIRWOMAN WEINSTEIN: Yes, we go to  
11          Assemblywoman Paulin, chair of our  
12          Corporations Committee.

13                   ASSEMBLYWOMAN PAULIN: Yes, I can  
14          unmute, but I can't put my -- there's a  
15          computer glitch so I'm afraid you won't be  
16          able to see me. They are trying. Let's see  
17          if that works. No. I can't start my video.  
18          Let's see what happens. Yay! Okay, it  
19          worked.

20                   So thank you, Commissioner. And it's  
21          nice to see you by Zoom, if not in person.

22                   The -- I just have a couple of  
23          questions. The first one is very  
24          Westchester/Hudson Valley-focused. The



1 Executive proposal includes \$11 million for  
2 the annual operating costs of the Lower  
3 Hudson Transit Link to provide express bus  
4 service across the Mario Cuomo Bridge.

5 A couple of years ago -- or maybe now  
6 three, maybe going on four -- the Assembly  
7 provided \$13 million to begin a Phase 2.  
8 Where is that money now? And what is the  
9 status of Phase 2?

10 NYS DOT COMMISSIONER DOMINGUEZ: So  
11 it's a pleasure to see you on Zoom. Thank  
12 you for the question.

13 As you know, the Governor directed  
14 that the Department of Transportation develop  
15 and implement a modern, enhanced public  
16 transportation service along the  
17 Interstate 287 corridor, and that really did  
18 coincide with the opening of the Mario M.  
19 Cuomo Bridge back in October of 2018. And  
20 what it did was enhance the Hudson Link  
21 service, and we really started operations.

22 The system is, as you know, very high  
23 quality. It's high frequency; it comes every  
24 15 minutes at peak, 30 minutes off-peak.

1 And --

2 ASSEMBLYWOMAN PAULIN: I'm really  
3 talking about Phase 2, which is the bus  
4 service that's going to go across  
5 Westchester, not across the bridge.

6 NYSDOT COMMISSIONER DOMINGUEZ: So  
7 we're constantly -- what I'm trying to  
8 explain is that the bottom line is that the  
9 service has been expanded, you know, this  
10 past summer alone, even in the middle of  
11 COVID, to make sure that we had additional  
12 shuttle services to provide for the  
13 shared-use path along the Mario M. Cuomo  
14 Bridge.

15 We've done a lot, and we're constantly  
16 looking to see how we can assess the service.  
17 And as demand warrants, as we've got  
18 ridership, we'll look to discuss how the  
19 affected communities can actually look at  
20 future phases of this service. But right now  
21 that's where we're at.

22 ASSEMBLYWOMAN PAULIN: Well, just to  
23 let you know, I realize that you're, you  
24 know, a commissioner that wasn't in that spot

1           when this promise was made. But there was a  
2           commitment made to the Westchester delegation  
3           that Phase 2 would start, and there's been no  
4           progress. I've asked the same question for  
5           the last two hearings -- well, last three  
6           hearings.

7                        So I would just appreciate, maybe  
8           offline, hearing about the actual real  
9           timeline. Because there is \$13 million  
10          sitting there from the Assembly devoted to  
11          that project.

12                       Next, the executive proposes funding  
13          non-MTA downstate transit systems in the  
14          amount of 329.8 million, reflecting a  
15          decrease of 63.9 million, or 16.2 percent.  
16          One of the reasons is that dedicated taxes  
17          that support the non-MTA transit system were  
18          impacted significantly by COVID-19.

19                       Having said that, non-MTA downstate  
20          systems are expected to receive a portion of  
21          the additional federal coronavirus relief.  
22          And I'm wondering, has the non-MTA downstate  
23          systems reached a cap on federal transit aid?  
24          Are they going to be eligible to receive all

1           that money? And, you know, what is the  
2           impact of the allocation on the entire  
3           picture?

4                   Coupled with that, you know, has the  
5           department looked at, you know, how the  
6           downstate systems have done financially? And  
7           does the federal funding fill that budget  
8           gap? And have the non-MTA downstate systems  
9           in Nassau, Suffolk, Rockland or Westchester  
10          had to increase or had to decrease service?  
11          You know, so has the department evaluated  
12          that? And if they have, how much money would  
13          they need -- does the money picture allow  
14          them to get up to full service?

15                   So just a complete analysis, if you  
16          would, on the federal money, the cap, where  
17          we're at, and -- you know, and does that  
18          warrant the 16.2 percent cut?

19                   NYSDOT COMMISSIONER DOMINGUEZ: So I  
20          would say that the -- first and foremost,  
21          that neither the downstate or now the -- or  
22          the upstate corridors are -- you know, the  
23          cap has not been relaxed for either one of  
24          them, and so they're still in place.

1                   And, you know, in terms of service,  
2                   service has been -- service is in place. And  
3                   given our ridership on COVID that's  
4                   constantly being in a COVID environment, it's  
5                   constantly being assessed. So that's where  
6                   we are generally.

7                   ASSEMBLYWOMAN PAULIN: And just a  
8                   follow-up. I guess we'll be hearing from the  
9                   counties, you know, to be sure that they're  
10                  whole. But the actual monies, as I  
11                  understand it, haven't been specified yet,  
12                  you know.

13                 So what is the -- you know, where are  
14                 we on the caps for those communities, those  
15                 counties? And, you know, will they be able  
16                 to realize this new influx of money coming  
17                 from the more recent federal grant?

18                 NYSDOT COMMISSIONER DOMINGUEZ: So  
19                 just in general, yes, we're going to be able  
20                 to make sure that the counties and everyone  
21                 else is ready for the cap.

22                 But I also want to state that the --  
23                 you know, I do realize that some of the  
24                 transit systems were subject to, you know,

1           some of the transit aid being withheld during  
2           the course of the last year. But the bottom  
3           line is that as we move forward, you know,  
4           they really also have the benefit of some of  
5           the other dollars that came in from federal  
6           assistance and they've been leveraged across  
7           the board and across the state. So they're  
8           really back at the comparable levels that  
9           they had in '20 and 2021.

10           ASSEMBLYWOMAN PAULIN: I wonder if we  
11           could just get a breakdown. Because we don't  
12           know how much money has been given to these  
13           systems from the first federal grant, nor  
14           from -- you know, and as soon as we have  
15           those numbers, from the second one. It would  
16           just be helpful to see that on paper. If  
17           someone on your staff could send it, that  
18           would be so appreciated.

19           NYSDOT COMMISSIONER DOMINGUEZ: We'll  
20           work with you on that.

21           ASSEMBLYWOMAN PAULIN: Thank you.  
22           That's it for me.

23           CHAIRWOMAN KRUEGER: Thank you.

24           Senator Joe Griffo, ranker on

1           Transportation.

2                   SENATOR GRIFFO:  Thank you.  Thank  
3           you, commissioner, for your appearance and to  
4           all the men and women at DOT for their hard  
5           work and dedication each and every day.

6                   When was the last time that a full  
7           needs assessment for New York's roads and  
8           bridges was completed?

9                   NYSDOT COMMISSIONER DOMINGUEZ:  Well,  
10          I can tell you, Senator, we literally do that  
11          on a daily basis.  So we have an informed  
12          system that we operate on every day.  It  
13          looks at the critical needs across the state  
14          on our roads and bridges.  Our teams are out  
15          there literally inspecting roadways on a  
16          daily basis and informing what our  
17          critical-needs lists are.

18                  And then, as you know, we also have  
19          bridge inspections.  New York State has one  
20          of the most rigorous bridge inspection  
21          criteria that we adopted -- hands on, eyes on  
22          at least every two years on every piece of  
23          infrastructure that we operate and manage  
24          across the state.  So we do it on -- I would

1 say on a daily basis.

2 SENATOR GRIFFO: So we know we have a  
3 two-year capital plan, and when that's  
4 complete the level of need will still exist.  
5 So if you had to estimate based on that  
6 inventory you're doing regularly, daily, as a  
7 needs assessment, what would you estimate the  
8 total capital need to be to bring all of our  
9 state roads and bridges to not only an  
10 acceptable but a good state of repair?

11 NYSDOT COMMISSIONER DOMINGUEZ: Well,  
12 we do that on a daily basis. And I have to  
13 say that the funding that we have right now  
14 addresses the needs of what we're looking at.

15 So, you know, given our inventory and  
16 the critical needs that we have, we are using  
17 the dollars to leverage them on a daily  
18 basis, leverage those --

19 SENATOR GRIFFO: But you don't believe  
20 you need additional -- I mean, we all talked  
21 about the gravity of some of the issues, the  
22 need for parity and equitable distribution of  
23 funding. You talk about that money. Don't  
24 you believe you have a number that would



1           really be an ideal number that is really  
2           needed to bring all roads and bridges to a  
3           good state? Do we have that figure?

4                   NYS DOT COMMISSIONER DOMINGUEZ: We  
5           have -- we have a list of what we actually  
6           leverage each and every day in terms of our  
7           entire inventory.

8                   You know, any stimulus dollars that  
9           would come towards New York in terms of  
10          larger federal aid could be leveraged in all  
11          manner of categories in terms of furthering  
12          the good repair of our roads.

13                   But I can assure you that there's --  
14          you know, any dollars that come in would be,  
15          number one, appreciated and, number two, put  
16          to good use.

17                   SENATOR GRIFFO: So I would hope that  
18          hopefully, Commissioner, maybe we can compile  
19          that and have that number so that all of us  
20          can get behind such a need that may need to  
21          be addressed.

22                   For instance, I think you would agree  
23          that when we have wear on our roads,  
24          obviously there's a cost attached to that.

1           So obviously when you see the elimination of  
2           \$65 million in Extreme Winter Recovery money,  
3           that is disappointing. And when you look at  
4           CHIPS, as was brought up by my colleagues, it  
5           has not been -- it's been held constant since  
6           2014, has not been increased. So when you  
7           take the cost of living into account, that  
8           flat funding is effectively a reduction in  
9           support for those type of services.

10                 So if we were to have a national  
11           infrastructure program, which has been  
12           discussed, and the possibility exists, what  
13           role do you think New York should play?  
14           Should we match that or substitute? The  
15           Governor has famously substituted federal  
16           money for state money. I think we should be  
17           augmenting that money. Don't you agree that  
18           if there was a federal program, that we would  
19           match it, hopefully, with state funds in  
20           order to really do what we need to do to  
21           bring these roads and bridges to where we  
22           want them?

23                 NYS DOT COMMISSIONER DOMINGUEZ: Joe,  
24           first and foremost, I want to get back to

1           what I said before. Which is that in  
2           addition to the CHIPS funding that has been  
3           in existence for quite some time in terms of  
4           an allocation that you agree with, the  
5           Legislature agrees with the Executive on  
6           every year.

7                     We also have the two other programs  
8           that have been put into place under this  
9           administration for both PAVE and BRIDGE. And  
10          those, taken with all of the other funds --  
11          and again, 40 percent of the local dollars  
12          that we get come from the feds. So all of  
13          that taken into consideration, we've got a  
14          billion dollars.

15                    You know, we've got \$200 million in  
16          BRIDGE NY money that we just released  
17          yesterday. So it's one more element of the  
18          investment that we're making in our roads and  
19          bridges across the state.

20                    SENATOR GRIFFO: If there were an  
21          infrastructure program, though, should we  
22          augment that, not just utilize that? Do you  
23          believe we have a role that potentially we  
24          should consider a special bond or dedication

1 of funding to augment that money that the  
2 feds may provide in some new type of  
3 initiative program?

4 NYS DOT COMMISSIONER DOMINGUEZ: I  
5 think it would depend on the details of how  
6 the federal money comes together. Certainly  
7 we're advocating with our federal partners,  
8 our leaders in Congress, from the state level  
9 to make sure that any federal dollars that  
10 come out of, you know, either stability funds  
11 under COVID or with the reauthorization of  
12 the FAST Act for surface transportation, that  
13 it addresses New York's needs.

14 And we'll look to make sure that, you  
15 know, how those are defined indeed actually  
16 address the concerns that we have.

17 SENATOR GRIFFO: Thank you,  
18 Commissioner. And thank you, Chairwoman.

19 CHAIRWOMAN KRUEGER: Thank you.  
20 Assembly.

21 CHAIRWOMAN WEINSTEIN: Thank you.  
22 Now we go to Assemblyman Walczyk.

23 ASSEMBLYMAN WALCZYK: Thanks very  
24 much, Commissioner. Wonderful to see you and

1 speak with you on this beautiful and snowy --

2 (Zoom frozen.)

3 NYS DOT COMMISSIONER DOMINGUEZ: You're  
4 frozen.

5 ASSEMBLYMAN WALCZYK: -- North Country  
6 day, it is a {unintelligible} for that.  
7 Thanks for all the work that you've done  
8 throughout the pandemic. Your department has  
9 stepped up in so many tremendous ways, and I  
10 really, really appreciate you. I believe  
11 that leadership comes from the top, and I  
12 think the DOT is in good hands with you at  
13 the helm, from running sites throughout the  
14 pandemic to, like I said, keeping us safe on  
15 the roads every day. So thank you.

16 I also appreciate you personally being  
17 available to legislators. It means a lot to  
18 me to be able to pick up the phone and have a  
19 conversation with you on many different  
20 topics. And, you know, with a district that  
21 spans from Sackets Harbor to Messina, we have  
22 a lot of roadways and DOT does a lot of work  
23 in our area, so I appreciate you always being  
24 available.

1           Something that's consistently come  
2           up -- and I think it's good to talk about  
3           this in a public way, because the Governor  
4           has talked about, you know, this initiative  
5           to make broadband cheaper and make sure that  
6           there's internet access for all New Yorkers.  
7           An issue that has come up in the past is that  
8           the tax on fiber optic lines within the state  
9           right of way, most of it being your DOT right  
10          of way. Can you just talk about the {Zoom  
11          frozen} hindrance there for some of the  
12          Legislature to help these smaller companies  
13          that are looking to get internet into some of  
14          the rural areas of New York.

15                 NYSDOT COMMISSIONER DOMINGUEZ: I'm  
16                 sorry, you're freezing. But I think I heard  
17                 you ask about the access issues for fiber.

18                 So I just want to be clear. First and  
19                 foremost, this is not a -- it's not a tax.  
20                 It is literally the imposition of the  
21                 department carrying through what the  
22                 Legislature has actually enacted, and that is  
23                 that --

24                 (Zoom interruption.)

1                   NYSDOT COMMISSIONER DOMINGUEZ: And  
2                   that is that we're actually looking at, you  
3                   know, how to make sure -- I want to  
4                   distinguish a couple of things.

5                   First and foremost, the broadband  
6                   expansion for underserved communities across  
7                   the state is indeed a top priority for the  
8                   administration. The Governor has made the  
9                   largest and most ambitious investment across  
10                  the board, 500 million. I think no other  
11                  state has actually done this. The state has  
12                  secured internet upgrades for approximately  
13                  2.4 million locations statewide. And the  
14                  providers who receive a grant through the  
15                  New York State Broadband Program are not  
16                  subject to the fee that DOT is assessing for  
17                  purposes of fiber optic lines that are  
18                  actually installed in the state's right of  
19                  way.

20                  So the permitting process that we  
21                  administer include the fair market value  
22                  compensation for those state properties.  
23                  Really what we're trying to do is make sure  
24                  that the taxpayers get compensated for

1           companies using our right of way. Just like  
2           if a company were going to seek to put a  
3           conduit in someone's private property, they  
4           would get compensated for it, the individual  
5           owner would. The state is doing the same for  
6           the taxpayers of New York.

7                     And so really accessing the state's  
8           right of way is indeed a safe thing to do.  
9           Last year we had -- sadly, an employee from  
10          one of the internet companies actually died  
11          because they had not properly gone through  
12          the process of permitting and were on the  
13          state's right of way illegally, and as a  
14          result, unfortunately, you know, they lost  
15          their life. So there's really a --

16                    CHAIRWOMAN WEINSTEIN: Thank -- thank  
17          you, Commissioner.

18                    We're going to move on to the Senate  
19          now.

20                    CHAIRWOMAN KRUEGER: Thank you.

21                    We have Senator Ramos.

22                    SENATOR RAMOS: Yeah, hi. Thank you,  
23          Senator, and I apologize that I am not on  
24          video today. But I appreciate the



1 commissioner's testimony.

2 I have a few questions. And I know,  
3 Commissioner, that we spoke not too long ago,  
4 and you and your team have been more than  
5 responsive to me and mine, so I appreciate  
6 and hope that we can continue that  
7 relationship.

8 As you know, we have a lot of safety  
9 concerns about Northern Boulevard, but I also  
10 have a lot of safety concerns related to a  
11 bill that I wrote and that we passed last  
12 year, which was to legalize e-bikes and  
13 e-scooters. And I understand, you know, that  
14 the DOT is a member of the Governor's Traffic  
15 Safety Committee.

16 I'm wondering what type of outreach is  
17 done in order to educate users of e-bikes on  
18 safety, because on the website for the  
19 committee, e-bikes aren't even listed as a  
20 safety topic. So what's going on there?

21 (Zoom overtalk.)

22 NYSDOT COMMISSIONER DOMINGUEZ: -- to  
23 talk to the other members of the Governor's  
24 Safety Committee. It is compromised of DOT,

1           DMV and other elements -- State Police. And  
2           I know the city has done a lot, New York City  
3           has done a lot of work on this, but obviously  
4           we can look at how additional messaging can  
5           be done with regard to safety around other  
6           modes of transportation, including e-bikes.

7           SENATOR RAMOS: Well, does your  
8           capital budget take into account the reality  
9           that more people are utilizing even bicycles  
10          and e-bikes? Is there anything in the  
11          capital budget in New York City and across  
12          the state that is planned to be used to  
13          encourage safety, safe use of these things?

14          NYSDOT COMMISSIONER DOMINGUEZ: I  
15          can't speak to what the city's budget is, but  
16          I can speak to the fact that all of our  
17          shared-use paths, whether they're, you know,  
18          for pedestrian walkways or our roadways, we,  
19          number one, invest in them, making sure that  
20          they're safe for everybody to access and  
21          utilize, but also, you know, anybody using an  
22          e-bike also understands what the safety  
23          precautions are that they have to make when  
24          they also enter the roadways.

1           So yes, it is considered a factor with  
2           our signage and all the road markings and  
3           everything that we do to make sure that the  
4           entire system is safe.

5           SENATOR RAMOS: Got it. Thank you,  
6           Commissioner.

7           And I just have one more question.  
8           How much total state aid, including the DOT  
9           dedicated taxes, was withheld from the DOT  
10          last year due to the state's, quote, unquote,  
11          withholding process? Has the DOT dedicated  
12          any funds -- has any of the DOT's dedicated  
13          funds been raided to cover General Fund  
14          shortfalls?

15          NYSDOT COMMISSIONER DOMINGUEZ: No.

16          SENATOR RAMOS: No? Okay. All right,  
17          I will yield my time. I apologize, I'm  
18          actually dealing with a family emergency but  
19          I wanted to make sure that I still was  
20          participating. And I thank everybody for  
21          their time. Thank you.

22          CHAIRWOMAN KRUEGER: Thank you.  
23          Assemblywoman.

24          CHAIRWOMAN WEINSTEIN: Assemblyman

1 Jacobson.

2 ASSEMBLYMAN JACOBSON: Okay, thank  
3 you, Madam Chair. And thank you,  
4 Commissioner, for your testimony.

5 The good news is President Biden has  
6 taken the oath of office and he's committed  
7 to rebuilding our infrastructure. The bad  
8 news is a lot of our major projects in  
9 New York State are not even close to being  
10 shovel-ready and we're going to lose out on  
11 millions and millions of dollars.

12 And I'm particularly talking about the  
13 widening of Route 17. I mean, this -- we --  
14 in 2018 the engineering was approved to do  
15 the study. Then a bid didn't go out till the  
16 following year. Then we were told, No,  
17 you'll have it in December. And then we were  
18 told, No, it's going to be December 2020.

19 So where is the status and what are we  
20 going to do so that we make sure that we're  
21 able to get the federal money to complete  
22 this project?

23 NYSDOT COMMISSIONER DOMINGUEZ:  
24 Assemblymember, I can assure you that the

1 study is moving forward and it has not only  
2 commenced, but it's progressing, progressing  
3 expeditiously. As you --

4 ASSEMBLYMAN JACOBSON: When do you  
5 expect to have it done?

6 NYSDOT COMMISSIONER DOMINGUEZ: We  
7 expect to have it --

8 ASSEMBLYMAN JACOBSON: Yeah, when do  
9 you expect to have it done?

10 NYSDOT COMMISSIONER DOMINGUEZ: We had  
11 originally expected to have it done by the  
12 end of this year, and we're looking to  
13 accelerate its completion. We hope to have  
14 it done by the end of October of this year.

15 ASSEMBLYMAN JACOBSON: All right.  
16 That was basically the answer last year, as  
17 you know. And -- and -- yeah. Well, all I  
18 know is that can we at least get approval for  
19 part of the project so that we can get some  
20 of the money? Can we get approval for the  
21 area near Woodbury Commons, in that area? Is  
22 that possible? That's where the big logjam  
23 is right now.

24 NYSDOT COMMISSIONER DOMINGUEZ: So as

1       you know, we've done a significant number of  
2       projects across the board in the area that  
3       are really -- and we're looking now to build  
4       upon all of the things we've actually done.  
5       So we've done, you know, a number of  
6       projects, whether it's the Woodbury Commons  
7       project, the Exit 125 interchange that we did  
8       at LEGOLAND. We did the Exit 122  
9       construction at the interstate there. And  
10      we've also, you know, improved the  
11      Hudson Link bus service across the board. So  
12      with the --

13                ASSEMBLYMAN JACOBSON: You mentioned  
14      LEGOLAND, and that's going to be a disaster  
15      once -- you know, once the economy opens up  
16      and we don't have it widened, it's going to  
17      be terrible.

18                I only have a few seconds left.  
19      Extreme Weather funding for local road  
20      projects is out of the budget. Are you going  
21      to protest to the Governor and say, Hey, you  
22      know, our localities need it? We need it.  
23      Extreme weather isn't going away.

24                NYS DOT COMMISSIONER DOMINGUEZ: As I

1           understand it, the Legislature and the  
2           executive undertake that as part of the  
3           budget negotiations.

4                   ASSEMBLYMAN JACOBSON: My time is up.  
5           Thank you.

6                   CHAIRWOMAN WEINSTEIN: Yes, thank you.  
7           To the Senate.

8                   CHAIRWOMAN KRUEGER: Thank you very  
9           much.

10                   The next is Senator Martucci.

11                   SENATOR MARTUCCI: Thank you to the  
12           chairs. And thank you to my friend Senator  
13           O'Mara for giving me a few minutes to speak.

14                   And thank you, Commissioner. Really,  
15           Assemblyman Jacobson did an outstanding job  
16           asking the exact list of questions that I had  
17           for you, so I really just want to stress and  
18           reiterate what he had said. Certainly from a  
19           time -- as early as I can remember, before I  
20           even drove a car myself, quite frankly, we've  
21           been talking about this Route 17 project.  
22           And, you know, I'm concerned that this has  
23           been something that we've been talking about  
24           year after year after year and have never

1           really forwarded the ball on.

2           So again, I just really want to  
3           reiterate what Assemblyman Jacobson said,  
4           which is the importance of making sure that  
5           all the necessary studies are complete.  
6           Because certainly this will be a tremendous  
7           missed opportunity for the region should  
8           federal funding become available and we're  
9           not eligible because the project is not  
10          shovel-ready.

11          So once again, I don't have any  
12          specific questions, as Assemblyman Jacobson  
13          did a great job with his questions. But I  
14          thank the chairs and I thank you for  
15          appearing here today.

16          NYSDOT COMMISSIONER DOMINGUEZ: Thank  
17          you.

18          CHAIRWOMAN WEINSTEIN: Thank you.

19          We go back to the Senate now.

20          CHAIRWOMAN KRUEGER: That was the  
21          Senate. Back to the Assembly.

22          CHAIRWOMAN WEINSTEIN: Okay. That's  
23          what happens when I turn my head away.

24          (Laughter.)



1                   CHAIRWOMAN WEINSTEIN: Assembly -- too  
2 many new members in both our houses.

3                   CHAIRWOMAN KRUEGER: Right, exactly.  
4 I know.

5                   CHAIRWOMAN WEINSTEIN: Assemblywoman  
6 Simon. (Pause.) Are you here, Jo Anne?

7                   If we don't have Assemblywoman Simon,  
8 then can we go to Assemblywoman Gallagher.  
9 And we'll come back to Simon.

10                  ASSEMBLYWOMAN GALLAGHER: Hello.  
11 Thank you so much for having me. And thank  
12 you to the DOT for taking these questions.

13                  I represent North Brooklyn, but I also  
14 have family across the state in Western  
15 New York. And I know that it is very  
16 dangerous for them to walk or to ride bikes  
17 along the roadways there. And I know that  
18 that can actually really cause a lot of harm  
19 for essential workers and low-income folks  
20 who need to get around and don't have a car.

21                  In my parents' district there's quite  
22 a few pedestrian fatalities every year  
23 because they are having to walk along  
24 roadways that really don't have any kind of

1 pedestrian infrastructure.

2                   So I'm wondering what we would need to  
3           do to see that expand. And also what your  
4           plans are for pedestrianizing and making  
5           other forms of transit other than automobiles  
6           more accessible in the rest of the state.

7 Thank you.

8 NYSDOT COMMISSIONER DOMINGUEZ: Sure.  
9 So I will tell you that every project that  
10 the department takes on looks to make sure  
11 that we have an expanded view of all modes of  
12 transportation. So if we're doing an  
13 enhancement on a bridge or a roadway, is  
14 there opportunity to create additional modes  
15 of transportation; in particular, shared-use  
16 paths, et cetera.

17                   So our view and our approach is always  
18                   much more comprehensive than just simply  
19                   looking at what's available in terms of the  
20                   existing form of transportation, recognizing  
21                   that people take advantage across the board  
22                   of, you know, walking, biking, everything,  
23                   and that's indeed what we need to do.

24 So it's not only a safety enhancement,

1 but it's also literally a modality  
2 diversifier.

3 ASSEMBLYWOMAN GALLAGHER: Are there  
4 any plans to add pedestrian or bicyclist  
5 routes beyond the more recreational route  
6 that has been planned across the state --  
7 which I'm very excited to try -- but for a  
8 more work-focused or just daily life-focused  
9 modality?

10 NYSDOT COMMISSIONER DOMINGUEZ: We do.  
11 We have a series of programs that we have,  
12 whether it's our -- we have a program  
13 called -- oh my gosh, it's just escaping me.

14 But the bottom line is we look at some  
15 very specific roadways where we have a lot of  
16 intersections between pedestrians, bicyclists  
17 and roads. And what we do is make sure that  
18 we take a special eye towards what are all  
19 the things that we need to do, recognizing  
20 that maybe the geometry of the road needs to  
21 change, maybe the signage needs to change.  
22 What can we do to enhance safety where we  
23 know we have increased pedestrian use and  
24 we're also seeing additional bike users?

1                   That whole program comes together, and  
2                   it's something that we've invested in  
3                   certainly over the last five years. But  
4                   we're doing another round of investments this  
5                   year.

6                   ASSEMBLYWOMAN GALLAGHER: Thank you so  
7                   much. I look forward to seeing that.

8                   NYS DOT COMMISSIONER DOMINGUEZ: Thank  
9                   you.

10                  CHAIRWOMAN WEINSTEIN: Thank you.

11                  Then to the Senate.

12                  CHAIRWOMAN KRUEGER: Thank you.

13                  Senator Diane Savino.

14                  SENATOR SAVINO: Thank you, Senator  
15                  Krueger.

16                  Commissioner, good to see you again.

17                  I'll be brief, because we only have  
18                  three minutes. So first, I want to thank you  
19                  for the work you guys are doing on the Staten  
20                  Island Expressway. You know, it's been  
21                  great, everything is moving along smoothly  
22                  except for last Sunday. But, you know, hey,  
23                  we take it where we can get it.

24                  I'm hoping that the commitment to

1           continue the future of -- I see Jo Anne Simon  
2           there; I know she's going to talk about it  
3           too. The Triple Cantilever Project is  
4           critically important to the region. You  
5           don't have to go into much detail, but  
6           please, that has got to be part of the  
7           capital project. The future of the city is  
8           dependent upon the future of the Triple  
9           Cantilever Project.

10                   In the Article VII, though, I would  
11           like to say there is a proposal for  
12           increasing the fines for overweight vehicles.  
13           I know the Governor proposed this last year.  
14           I would just like to say there should be some  
15           flexibility in that.

16                   When you live in a place like  
17           Staten Island, many of our trucks go over the  
18           bridge, they get hit by DOT, they get hit by  
19           the MTA, and many of them have no choice  
20           because they're container trucks. So they go  
21           over the bridge into Brooklyn to drop off  
22           construction containers, they then pick up  
23           the product on the other side. They have no  
24           choice, they have to pick it up. They're

1       often overloaded by their customers on the  
2       other side, and then they wind up paying huge  
3       fees because they have no choice because they  
4       can't leave them there.

5               So there should be some flexibility if  
6       the customers overload them, which they often  
7       do. So I would just hope that there's got to  
8       be some room in that.

9               And then finally, I'm very happy to  
10       see the SLOW Act, which is the Slow Down and  
11       Look Out for Highway Workers Act. For the  
12       past nine years in the Senate, we have passed  
13       the Safety in the Work Zone bill. The  
14       Assembly has never once taken up the Senate's  
15       version of that bill, which would create the  
16       penalties of felonies of incursion into work  
17       zones.

18               We have -- unfortunately, we have  
19       tinkered around the edges of increasing the  
20       penalties for work zone violations, and we  
21       have done nothing to decrease the numbers of  
22       workers who are injured, many times killed,  
23       or the number of work zone accidents.

24               So I fully support the language in the

1 Article VII, and I would hope that the rest  
2 of my colleagues would as well.

3 And at that point, if you have  
4 anything to say about the Triple Cantilever  
5 Project, now's your opportunity.

6 NYSBOT COMMISSIONER DOMINGUEZ: Well,  
7 I first want to thank you very much for your  
8 support of the SLOW Act. It couldn't be more  
9 critical. We have so many transportation,  
10 you know, maintenance people that are working  
11 in the work zone and literally we have seen  
12 an increase in hits, and it's just  
13 unacceptable. We've had a loss of life and  
14 everything else.

15 So that's why we're so passionate  
16 about it, and appreciate your support and  
17 advocacy for that.

18 SENATOR SAVINO: It's died in the  
19 Codes Committee for eight years. Maybe now  
20 it will finally come out.

21 NYSBOT COMMISSIONER DOMINGUEZ: Thank  
22 you very much. We appreciate it.

23 CHAIRWOMAN KRUEGER: Okay, Assembly.

24 CHAIRWOMAN WEINSTEIN: I believe

1 Assemblywoman Simon is back into the meeting.

2 Jo Anne?

3 ASSEMBLYWOMAN SIMON: Mute, video.

4 Thank you. Thank you very much. Yes, I had  
5 to get off to join session and come back.

6 Thank you, Commissioner, for your  
7 testimony. And thank you to Senator Savino  
8 for raising the issue of the Triple  
9 Cantilever.

10 As you know, we've spoken about this.  
11 I have -- you know, I think we all know that  
12 the Triple Cantilever is a very vulnerable  
13 part of the I-278 Interstate, which really  
14 very much feeds the entire region and is a  
15 critical link in that.

16 And I wanted to just follow up on two  
17 issues. One is remote truck weight  
18 enforcement, which would require some  
19 involvement of the state as well as the city,  
20 and the other is the involvement of State DOT  
21 really kind of rolling up its sleeves and  
22 being at the table with City DOT to connect  
23 the dots so that we can actually repair the  
24 Triple Cantilever and look at the corridor on



1 a corridor-wide basis.

2 Thank you.

3 NYS DOT COMMISSIONER DOMINGUEZ: It's a  
4 pleasure to talk to you again.

5 I will tell you that the department  
6 continues to work with the city on assessing  
7 their proposals to ensure the safety of the  
8 BQE and the structure itself. This includes  
9 everything from technical assistance to  
10 engineering support. We are really working  
11 with the city and also with the Federal  
12 Highway Administration. We've refocused our  
13 efforts based on the city's desire to really  
14 make sure that we maintain the structure so  
15 that it can continue to meet the needs of the  
16 region and certainly of the state. And we're  
17 going to continue to do that.

18 But the city has really refocused  
19 their efforts to make sure that the system --  
20 that the structure itself is actually safe.  
21 And so while they're viewing that, we're  
22 assisting them with those critical needs and  
23 understanding that they need to address some  
24 critical factors first.

1                   ASSEMBLYWOMAN SIMON: So can I ask you  
2                   a follow-up question, which is in what ways  
3                   are you engaging with the city beyond the  
4                   sort of immediate repairs to keep the roadway  
5                   from falling off a cliff?

6                   And so that we can look at the broader  
7                   issue, the state needs to be involved in  
8                   aspects of the on and off ramps, for example,  
9                   some of which are not in the city's purview,  
10                  and so there are permissions from the state  
11                  that need to be involved.

12                  And I don't have a very clear sense of  
13                  the state's being at the table and providing  
14                  those -- the authorization, for example, and  
15                  the access to federal funding.

16                  NYSDOT COMMISSIONER DOMINGUEZ: We've  
17                  been looking -- we've been working, our  
18                  engineering teams have been working directly  
19                  on those critical assets right now and making  
20                  sure that those are repaired in a very timely  
21                  way, to make sure that the structure itself,  
22                  the integrity of the structure is always  
23                  constant so that it's safe for operation. So  
24                  our engineering teams have literally

1 collaborated and are continuing to  
2 collaborate on those outcomes.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We go to the Senate now.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator James Skoufis.

7 SENATOR SKOUFIS: Thank you very much,  
8 Madam Chair.

9 And it's good to see you,  
10 Commissioner. I want to thank you for taking  
11 the time to reach out and speak with me a  
12 couple of days ago.

13 And as I do at each of these annual  
14 budget hearings, I do want to acknowledge and  
15 express my gratitude to the Region 8 team.  
16 You have a phenomenal Hudson Valley team that  
17 I work very closely with, and I am compelled  
18 to thank them again for their work.

19 And so you've heard from a couple of  
20 my regional colleagues, and so part of me, as  
21 I continue sort of the battery on Route 17 --  
22 and this is something that as I mentioned --  
23 you know, we recently spoke about. And I'm  
24 delighted to hear that after we spoke, you

1           were able to come back and at least expedite  
2           the PEL study a little bit from December --  
3           you had just shared a few moments ago to now  
4           October.

5                     You know, as we have discussed, I do  
6           need to impress upon you that Assemblywoman  
7           Gunther and I and a number of others, back in  
8           2018 we secured I think it was \$5 million for  
9           the PEL study. And that was April of 2018.

10                    The PEL study didn't initiate, didn't  
11           begin till the middle of 2020. So it took  
12           literally over two years from the  
13           appropriation to the start of the contract,  
14           to the start of the PEL. I know there was an  
15           issue with the contractor or the initial  
16           contractor that cost us a few months, but we  
17           lost at least a year and a half, just based  
18           on, you know, just not moving forward for  
19           whatever reason.

20                    But the past is the past. And, you  
21           know, I would just urge you and ask you to  
22           please do better than October and see if we  
23           can get this PEL study done in the coming  
24           immediate months and not have to wait another

18                   NYSDOT COMMISSIONER DOMINGUEZ: So I  
19         hear you loud and clear. I want you to know  
20         that we take this very seriously. The PEL  
21         study, as you know and we explained when we  
22         had a chance to talk, there were some  
23         complications in the contracting process.

24                   That said, we've taken another look at

1           it. We've moved the date up and accelerated  
2           the delivery. We're hoping to have that done  
3           no later than the end of October. And I  
4           recognize this is a sincere interest of yours  
5           and many others.

6                     The bottom line is that the work that  
7           we're doing right now is critical. It is the  
8           scoping document that will further define the  
9           next steps of this project. So we're doing  
10          all we can to get this done as quickly as  
11          possible. And I appreciate you acknowledging  
12          that we're working in that direction and  
13          understand the urgency of it.

14                    SENATOR SKOUFIS: I look forward to  
15          continuing to engage with you and your team  
16          on this.

17                    And thank you, Madam Chair.

18                    NYS DOT COMMISSIONER DOMINGUEZ: Thank  
19          you.

20                    CHAIRWOMAN WEINSTEIN: We go to  
21          Assemblyman Ra.

22                    ASSEMBLYMAN RA: Hi, can --

23                    CHAIRWOMAN WEINSTEIN: Yes. Because I  
24          know then you move on to session, so --

1 (Overtalk.)

2 ASSEMBLYMAN RA: Thank you.

3 CHAIRWOMAN WEINSTEIN: There we go.

4 ASSEMBLYMAN RA: Good afternoon,  
5 Commissioner.

6 NYSDOT COMMISSIONER DOMINGUEZ: Hello.

7 ASSEMBLYMAN RA: I just wanted to  
8 follow up -- I know CHIPS funding was brought  
9 up earlier. Just with regard to we know that  
10 the Governor, in unveiling the budget last  
11 week, talked about, you know, how some of the  
12 things that have been withheld this budget  
13 year are going to be partially restored.

14 I'm just wondering, do you have any  
15 information on exactly how CHIPS is being  
16 handled with that regard and when, you know,  
17 municipalities would receive the withheld  
18 funds?

19 NYSDOT COMMISSIONER DOMINGUEZ: So  
20 what we're looking at right now with this  
21 Executive Budget proposal is that we would  
22 restore 75 percent of the current withholding  
23 that's occurred to date.

24 So guidance on the process for the

1 restoration of the funds is going to be  
2 forthcoming, and we'll make sure that we  
3 share that directly with the municipal  
4 sponsors moving forward. So that's where  
5 we're at.

6 ASSEMBLYMAN RA: Okay, thank you.

7 And then just going back to more  
8 generally with the capital plan, obviously  
9 there was a big focus from the Governor in  
10 recent weeks about infrastructure. I know  
11 that this is an area that we're -- you know,  
12 everybody always talks about as a way, when  
13 we're in these types of, you know, economic  
14 situations, to get things moving. What is  
15 the, like, long-term outlook? I know we're  
16 continuing to fund this two-year capital  
17 plan. But in terms of, you know, the next  
18 one, and potentially doing a larger and  
19 longer capital plan as we try to have an  
20 economic recovery.

21 NYSDOT COMMISSIONER DOMINGUEZ: So I  
22 think this year's capital plan gets exactly  
23 to that point.

24 The fact is that transportation



1           literally is -- and this budget represents  
2           it -- it really is, as articulated by the  
3           Governor, a point of inflection. Right? I  
4           mean, investing in transportation leads to  
5           job growth, it leads to economic recovery.  
6           And the Executive Budget as it's been  
7           presented does exactly that. It's  
8           \$3 billion, it's the second installment of a  
9           two-year commitment. And moving forward, as  
10          our state finances stabilize and we get  
11          additional support from the feds, we'll look  
12          to leverage those dollars as well.

13                 But I think this is not only a great  
14          framework but a great path forward in terms  
15          of our larger transportation investment here  
16          in the State of New York.

17                 ASSEMBLYMAN RA: Great. And I know,  
18          you know, last year I believe we had spoken  
19          about, you know, some of the local roadways  
20          down on Long Island, some of our state  
21          parkways and, you know, prioritizing areas  
22          especially that are currently, you know,  
23          experiencing revitalization-type projects and  
24          things, you know, including the interchanges

1 near Hempstead Turnpike and the Nassau Hub  
2 property and certainly as -- near the  
3 Cross Island, near the new Belmont arena.

4 So, you know, I thank you for your  
5 attention to those matters. And thank you  
6 for being with us today.

7 NYS DOT COMMISSIONER DOMINGUEZ: Thank  
8 you.

9 CHAIRWOMAN WEINSTEIN: Thank you.  
10 We can go to the Senate now.

11 CHAIRWOMAN KRUEGER: So, sorry.

12 I would like to next introduce  
13 Senator O'Mara.

14 SENATOR O'MARA: Thank you. Thank  
15 you, Chairwoman Krueger.

16 Commissioner, thank you for your  
17 testimony here today. I've got a few  
18 follow-up questions and concerns over the  
19 CHIPS funding and the lack of any increase  
20 there, coupled with the removal of the Winter  
21 Recovery funds.

22 You know, I've heard your answers with  
23 regards to BRIDGE NY and PAVE-NY. And those  
24 are great programs, and they've done a lot of

1           good. And I'm glad they're continuing. But  
2           I don't think there's any fairer program in  
3           the state than the way the CHIPS money is  
4           distributed, directly pertaining to  
5           road miles. And we don't have that type of  
6           distribution with the BRIDGE and PAVE  
7           programs. They're discretionary, up to the  
8           Executive to do those. So losing that  
9           65 million which follows the CHIPS formula is  
10          problematic for us upstate on what we need to  
11          do.

12                 And certainly that loss of 5 percent  
13          that you're saying now from the -- that  
14          20 percent being reduced by 15 percent, so  
15          leaving a 5 percent hole.

16                 It's my understanding that some  
17          municipalities put in for their entire CHIPS  
18          hundred percent amount prior to this  
19          withholding taking place, and they were paid.  
20          So how is it fair that other municipalities  
21          don't get made whole?

22                 NYSDOT COMMISSIONER DOMINGUEZ: I'm  
23          not -- I'm not aware of any municipal not  
24          being reimbursed for their CHIPS expenses.

1       So if there's somebody in particular that  
2       you're referring to, by all means please let  
3       me know. Because the allocation and  
4       distribution of the funds that we have has  
5       been across the board. There's nothing -- I  
6       would be happy to --

7               SENATOR O'MARA: Well, my point was  
8       that I think some municipalities that filed  
9       very quickly -- and, you know, the  
10      distributions came out very late this year,  
11      later than any other year in my memory. So  
12      those that spent their whole amount and put  
13      in for it got it.

14             But they won't be subject to that  
15      5 percent cut in the end that the other  
16      counties, towns, villages are going to get.

17             NYSDOT COMMISSIONER DOMINGUEZ: So  
18      while we withheld money, I mean, due to the  
19      circumstances with regard to the COVID  
20      pandemic and how that actually occurred, we  
21      are, as I just said, looking to make sure  
22      that the communities that -- those  
23      communities that did apply for and took a  
24      20 percent reduction are now, you know, made

1 whole up to the 75 percent level.

2 I also want to point out that the PAVE  
3 dollars, the way that we distribute them and  
4 how they're allocated are exactly the same  
5 way that CHIPS are allocated. So when you  
6 talk about CHIPS being the only program in  
7 how it's actually distributed, that it gets  
8 down to local communities, I think it's  
9 important to make that distinction. Because  
10 I realize how important these dollars are to  
11 local communities. And both programs do  
12 exactly the same thing in terms of making  
13 sure that localities get dollars.

14 SENATOR O'MARA: Okay. That was not  
15 my understanding of the PAVE program. I hope  
16 it's that way. It makes me feel a little  
17 better.

18 But we're still getting shorted the  
19 65 million.

20 But let me move on to the capital  
21 plans. And I'm very concerned with the  
22 differential between the MTA capital plan and  
23 the DOT capital plan. That the MTA plan is  
24 for five years, for \$51.5 billion, which

1 equates to \$10.3 billion a year for the next  
2 five years for the MTA.

3 The rest of the state, which also  
4 includes the MTA region, the DOT plan is only  
5 11.9 billion for two years, rather than five  
6 years. And that's only 5.95 billion a year.

7 So we're getting just a little above  
8 half of what the MTA gets annually, and we're  
9 only getting it for two years, not for five  
10 years. How can you justify that  
11 differential?

12 NYS DOT COMMISSIONER DOMINGUEZ: So  
13 fundamentally the MTA is different in how  
14 they're funded, in how their dollars come to  
15 be. They are primarily funded through  
16 off-budget regionally derived revenues.  
17 Those revenues have been extremely strained,  
18 due to the direct impacts of COVID-19.

19 At the same time, the Department of  
20 Transportation's budget has received  
21 aggressive increases. We've got a \$3 billion  
22 budget, which is a 33 percent increase over  
23 the prior two-year period. So, you know, DOT  
24 relies on about 40 percent of our federal aid

1           dollars going directly into our program. The  
2           MTA's is only about 20 percent. And so when  
3           you -- you know, it's not a direct  
4           correlation, is what I'm trying to say.

5                   SENATOR O'MARA: Okay. I guess I'd  
6           like to see some further clarification and  
7           breakout of how that works. Because I can  
8           tell you that's not the way my constituents  
9           and many across upstate New York view that.

10                   But thank you for your testimony  
11           today, and I'd like to follow up with you on  
12           that at some point for my own clarification.

13                   NYS DOT COMMISSIONER DOMINGUEZ: I'll  
14           be happy to.

15                   CHAIRWOMAN KRUEGER: Assemblywoman.

16                   CHAIRWOMAN WEINSTEIN: Yes, we go to  
17           Assemblyman Palmesano for a question. Three  
18           minutes.

19                   ASSEMBLYMAN PALMESANO: Yes.

20                   Thank you, Commissioner, for being  
21           here. It's good to see you again.

22                   I do have a couple of questions, or  
23           probably one question with the time I have.

24                   I have a couple of comments I'd like to make

1 first, particularly around the CHIPS program  
2 and the local infrastructure.

3 It's a critically important program,  
4 as we've discussed in the past. And I heard  
5 you today talk about how, you know, there's  
6 more money going to localities with other  
7 funding programs. And I understand that.  
8 But please keep in mind that those programs  
9 are hand-picked by the Department of  
10 Transportation which programs are getting  
11 funded, which programs are not. So it's  
12 almost like picking winners and losers. Some  
13 benefit from it; some municipalities don't.

14 I just want to reiterate the fact that  
15 CHIPS -- programs like CHIPS and PAVE and  
16 Winter Recovery go through a formula that's  
17 fair and that protects all local  
18 municipalities so they all benefit from that.  
19 And it's even critically more important now,  
20 given the fact that the way the budget was  
21 cut for AIM funding for our local  
22 municipalities as well. So they're getting  
23 the hit there, they got hit on the 20 percent  
24 for the capital side of it earlier. I know



1       you said it's going to go down to 5 percent,  
2       but still they're losing funding on that side  
3       of the equation as well.

4               And then another salt in the wound is  
5       losing this \$65 million again for Winter  
6       Recovery. CHIPS has been flat for too long.  
7       It's mind-boggling to me that the Executive  
8       can talk about increasing funding for  
9       infrastructure by \$300 million but not one  
10      penny to increase local infrastructure  
11      funding. That's critically important. That  
12      creates local jobs, that creates local  
13      projects and local employees.

14             So that needs to be a priority for the  
15      department and for this administration. If  
16      you're talking about 300 million, why can't  
17      100 million of that go for local  
18      infrastructure? That's one point I wanted to  
19      get through.

20             Also I wanted to talk about the  
21      broadband. I know you said it's not a tax.  
22      It's a tax, it's a fee. What it does do is  
23      it discourages private-sector investment and  
24      increases costs and is counter to the

1 Governor's proposal about trying to provide  
2 universal and affordable broadband. We  
3 should be repealing that onerous tax and fee  
4 so we can have that type of investment that  
5 we need in our broadband so it can be  
6 accessible to everyone. Because it's not  
7 going to be accessible and affordable without  
8 that.

9 I do have two quick questions. One,  
10 with the report that was talked about, the  
11 annual report that the department is supposed  
12 to submit on the conditions, you say that we  
13 evaluate, that we're doing it on a regular  
14 basis. But it's required under statute that  
15 it be provided to the Legislature by the  
16 department, and it hasn't been sent to the  
17 Legislature in several years, I believe.

18 So that was one question. I want to  
19 know when are you going to send the report to  
20 the Legislature.

21 And then also on the 20 percent, is  
22 there -- I know you said it's going to be  
23 reduced to 5 percent. Is there any plans  
24 to -- in this budget to, moving forward, from

1       your perspective, to withhold 20 percent  
2       again from our local infrastructure programs  
3       like CHIPS, like PAVE?

4               So when are we going to get the  
5       condition report from the department that is  
6       required under statute, and do you have any  
7       plans to eliminate -- or to reduce funding by  
8       20 percent again? Thank you.

9               NYSDOT COMMISSIONER DOMINGUEZ: So  
10       first and foremost at this time there's no  
11       intention on the part of the state to  
12       withhold future funding for CHIPS.

13              And as I said, we're looking at trying  
14       to restore the -- not trying, but we are  
15       restoring 75 percent of the portion of the  
16       CHIPS dollars that were withheld last year  
17       due to obviously our state finances.

18              I think that going forward we have to  
19       be mindful of literally that the pandemic is  
20       still ongoing. And that the state is going  
21       to continue to monitor what our finances are  
22       and any impact that the budget -- that might  
23       have on the budget. But that's what we're  
24       looking to do.

1                   You know, the intention right now is  
2                   not -- to not withhold future funding for  
3                   CHIPS.

4                   ASSEMBLYMAN PALMESANO: And the  
5                   report?

6                   NYSDOT COMMISSIONER DOMINGUEZ: The  
7                   report -- I mean, literally I will go back  
8                   and look and see where we're at with regard  
9                   to the report.

10                  But the bottom line is that we've been  
11                  literally, between the pandemic and  
12                  everything else, like just trying to get work  
13                  done.

14                  ASSEMBLYMAN PALMESANO: I understand  
15                  that and appreciate that. But it's required  
16                  under statute that it be provided to the  
17                  Legislature. So we will appreciate seeing  
18                  it.

19                  Thank you.

20                  CHAIRWOMAN WEINSTEIN: Thank you.

21                  We go to the Senate now.

22                  CHAIRWOMAN KRUEGER: Thank you.

23                  Senator Jeremy Cooney.

24                  SENATOR COONEY: Thank you, Senator.

1 I'm just trying to get our video working  
2 here.

3 CHAIRWOMAN KRUEGER: Yes. Everyone's  
4 having trouble today. Maybe the snow, we  
5 don't know.

6 NYSDOT COMMISSIONER DOMINGUEZ: Well,  
7 evidently there was an outage up and down the  
8 East Coast, so ...

9 CHAIRWOMAN KRUEGER: That could do it.

10 SENATOR COONEY: Fortunately we're  
11 safe here in the Capitol.

12 (Laughter.)

13 SENATOR COONEY: Thank you,  
14 Madam Chair.

15 And hello, Commissioner. Allow me to  
16 introduce myself. I'm a new upstate Senator,  
17 Jeremy Cooney, from the great city of  
18 Rochester.

19 I want to kind of bolster a point that  
20 my dear friend and colleague Senator Kennedy  
21 raised earlier regarding high-speed rail.  
22 I've been given the great privilege by our  
23 Majority Leader here in the Senate to focus  
24 on a new committee called Cities 2, which

1 looks at cities outside of the City of  
2 New York. And for the first time a  
3 Democratic Majority has represented the Big 5  
4 cities. And so I'm looking at the  
5 opportunity from an economic development lens  
6 of how to better connect upstate to  
7 downstate, and I believe high-speed rail is  
8 one of those strategies for doing so.

9 I got my start working many years ago  
10 for the late and great Congresswoman Louise  
11 Slaughter, who represented the Rochester  
12 region in the House for many years but also  
13 served here in Albany as an Assemblyperson  
14 before that. And when I was working for her  
15 almost 20 years ago, she was talking about  
16 high-speed rail. This is not a new  
17 conversation that we've been having in the  
18 State of New York.

19 You mentioned earlier in your  
20 comments, Commissioner, a renewed sense of  
21 optimism and hope with the new Biden  
22 administration. I share that belief with  
23 you. But we want to take advantage of those  
24 opportunities. And my question to you is, is

1       this an opportunity for us to kind of go  
2       through the studies, do our due diligence,  
3       all that good stuff that you talked about  
4       with Senator Kennedy -- but can we elevate  
5       this conversation to finding new grants,  
6       opportunities, planning studies to really  
7       kind of push forward this conversation?

8               Because I again believe that as  
9       difficult as this pandemic has been, we know  
10      that remote work -- and look at us all here  
11      in this committee hearing right now -- has  
12      opened up economic opportunities for people  
13      who live downstate and are very happy to be  
14      employed in the New York City setting who may  
15      consider the quality of life in upstate in a  
16      different way because they can connect via  
17      Zoom or what have you.

18             So I believe high-speed rail can be  
19      part of that conversation, and I'm wondering  
20      if you're willing to have conversations with  
21      the Governor and our new administration in  
22      Washington on this topic.

23             NYS DOT COMMISSIONER DOMINGUEZ:  So  
24      first and foremost, welcome.  Congratulations

1           on your seat, winning your seat.

2                   And secondly, you worked with a great  
3           woman, Louise Slaughter. I remember when I  
4           first started in transportation I had the  
5           opportunity to work with her. She indeed  
6           represented New York extremely well.

7                   In answer to your question, you know,  
8           the department has invested over a period of  
9           I know personally at least the last decade,  
10          but longer, in really trying to not only  
11          invest in projects but in serious outcomes to  
12          make the state ready for high-speed rail.  
13          And in fact we've got an existing EAS that  
14          we're working with the Federal Rail  
15          Administration to finalize. And so that will  
16          help scope out the next steps on high-speed  
17          rail and what those opportunities might be.

18                  And as I said before, the opportunity,  
19          if it comes to fruition through federal  
20          dollars, you know, we would look to leverage  
21          that for New York, absolutely. We've got --  
22          you know, we've got a president who literally  
23          commuted on Amtrak every day. And we'd like  
24          to see, you know, coming forward, what the



1       larger transportation opportunities are,  
2       whether it's the reauthorization of the  
3       Surface Act or any other stimulus dollars  
4       that would come to New York, you know, how do  
5       we best leverage them for all modes of  
6       transportation, including high-speed rail.

7               SENATOR COONEY: Thank you.

8               CHAIRWOMAN KRUEGER: Thank you.  
9       Assembly.

10              CHAIRWOMAN WEINSTEIN: We go to  
11   Assemblyman Byrne.

12              ASSEMBLYMAN BYRNE: Thank you.

13              And thank you, Commissioner, for your  
14   testimony. I've been listening trying to go  
15   back and forth, like many of my colleagues,  
16   and so many of the points I was going to  
17   raise have already been raised, so I don't  
18   want to be overly redundant. But I want to  
19   thank you for your time, thank you for your  
20   communication. I think one of the Senators  
21   from across the river pointed out the level  
22   of competence and passion and dedication that  
23   Region 8 has delivered, and I would echo  
24   that. I think the regional director in

1       Region 8's been very helpful. I call him up,  
2       he gives me a call back almost immediately,  
3       which I greatly appreciate.

4               And I would like to see the Governor  
5       continue to commit more towards  
6       infrastructure investment into local roads  
7       through CHIPS. We have this perennial debate  
8       about Extreme Winter Recovery funding. I'd  
9       like to see that wrapped into CHIPS, and I'd  
10      like to see the Governor at one point take  
11      that step and put that money into CHIPS so we  
12      don't have to continue to have this debate  
13      each and every time we go through budget  
14      negotiations.

15             But I just wanted to again echo my  
16      thanks all the same. I have seen a notable  
17      investment and work in Region 8, particularly  
18      in Northern Westchester and Putnam. We  
19      always have more work to do.

20             And on a personal note, I know you've  
21      come down to Putnam County to visit the  
22      Pudding Street Overpass project, which is  
23      very significant. We talked about it for 10,  
24      20, almost 30 years, and it's finally getting

1           done. So I wanted to thank you for that.

2           And that's all I have.

3           CHAIRWOMAN WEINSTEIN: Senate.

4           CHAIRWOMAN KRUEGER: Thank you very  
5 much.

6           I think it's actually me for just a  
7 few questions, Commissioner.

8           I want to talk about the federal money  
9 that you got from the COVID relief bill which  
10 passed back in December and included  
11 approximately \$417 million in funding for  
12 transportation for New York State. Can you  
13 tell us how you allocated that money?

14           NYSDOT COMMISSIONER DOMINGUEZ: Those  
15 dollars have come into the state and are in  
16 the process of being analyzed by the  
17 Executive, and we'll look to see how they're  
18 expended. But there's a lot of different  
19 categories that those dollars are able to be  
20 put towards, so it could be anything from  
21 operating expenses to -- you know, there's a  
22 lot of different caveats in those bills, so.

23           CHAIRWOMAN KRUEGER: So it hasn't been  
24 allocated or appropriated yet.

1                   NYSDOT COMMISSIONER DOMINGUEZ: No.

2                   CHAIRWOMAN KRUEGER: No, none of the  
3                   417.

4                   Do you happen to know if it's going to  
5                   be distributed regionally? Is New York City  
6                   expected to get any of that money?

7                   NYSDOT COMMISSIONER DOMINGUEZ: It  
8                   hasn't been determined yet.

9                   CHAIRWOMAN KRUEGER: What's the  
10                  timeline for when we have to do that or worry  
11                  about giving it back?

12                  NYSDOT COMMISSIONER DOMINGUEZ: I'm  
13                  not familiar with any deadlines, but I will  
14                  let you know. I'd be happy to circle back  
15                  with you.

16                  CHAIRWOMAN KRUEGER: And does the new  
17                  stimulus package that President Biden and the  
18                  Congress have promised us include a similar  
19                  specific allocation for transportation within  
20                  it?

21                  NYSDOT COMMISSIONER DOMINGUEZ: Not  
22                  that I'm aware of.

23                  But I also want to go back. The  
24                  monies that were allocated under the CARES

1 Act, it's 2024 when they expire.

2 CHAIRWOMAN KRUEGER: Okay. So do you  
3 have any expectation of when that is going to  
4 get decided? Is it going to be built into  
5 this fiscal budget year?

6 NYSDOT COMMISSIONER DOMINGUEZ: I  
7 think it's part of the overall look at what  
8 the entire state finances are, so we'll look  
9 to see how they actually can be put to best  
10 use.

11 CHAIRWOMAN KRUEGER: Just for the  
12 record, I too am a big fan of high-speed  
13 rail. I think it could turn around the  
14 future of upstate New York, especially if  
15 we're connecting through to -- south down to  
16 the D.C. area and north to the Boston area,  
17 as you go into Buffalo and go across to  
18 Canada. I think the potential is enormous.  
19 So I'll just put my vote in there too for us  
20 not to forget what an opportunity high-speed  
21 rail could be for the State of New York.

22 I'm going to turn it back to the  
23 Assembly.

24 NYSDOT COMMISSIONER DOMINGUEZ: Thank

1           you, Senator.

2                   CHAIRWOMAN KRUEGER: Thank you.

3                   CHAIRWOMAN WEINSTEIN: Yes, we have a  
4 couple of short questions, I believe.

5                   Assemblywoman Fahy first.

6                   ASSEMBLYWOMAN FAHY: Hi. Thank you.

7 Let's see, I hope I'm on here. Yes, okay.

8 Wow. Okay, I guess one of the benefits of  
9 being one of the later ones is you get to  
10 hear some great comments and some great  
11 feedback. So thank you, Commissioner.

12                   Thank you to both the chairs for doing  
13 this. I'm a proud member of the  
14 Transportation Committee, because this is  
15 such -- there's so many issues that are of  
16 importance to us here.

17                   And Commissioner, I want to start by  
18 thanking you and your staff for all you do.  
19 You've been very responsive to a lot of our  
20 interests. Since a number of questions have  
21 already been answered, I just want to echo a  
22 couple of comments.

23                   The need for transportation and  
24 resiliency issues are -- remain very

1           important. I should note I am very  
2           interested in the bond act, the environmental  
3           bond act that I know was pulled last year.  
4           But I do think it's very important, as we  
5           build resiliency, to protect our roads and  
6           improve our roads.

7                   I also want to say you've been asked a  
8           number of times, so I won't reask it about  
9           the list of projects that is also of  
10          interest, as well as the entire climate  
11          action piece that Senator Kennedy and others  
12          raised.

13                   Empire Trail, thank you for all your  
14          work on Empire Trail. The pedestrian  
15          crossings, a few members mentioned pedestrian  
16          safety with pedestrian crossings and bike  
17          lanes. I keep the AARP on a speed dial  
18          because I know that's of huge interest to  
19          them. So I really welcome working with you.  
20          And I know I've mentioned to you and your  
21          staff that sometimes it is just paint. So I  
22          really want to work with you to make sure  
23          that we can redo, maybe the way we do some  
24          bonding, to encourage paint.

1           A couple of questions. One is the  
2           electric vehicles. And can you talk a little  
3           bit about the state vehicle fleet? I've had  
4           a bill on this, but just -- is there an  
5           effort with some of the Volkswagen VW monies  
6           and others that -- to replace the fleets  
7           across the state with some electric vehicles?  
8           Are there any plans there that are underway  
9           that we should be aware of, Commissioner?

10           NYSDOT COMMISSIONER DOMINGUEZ: So  
11           first and foremost we've leveraged the  
12           VW dollars for electric buses, has been one  
13           of the investment areas. Which was referred  
14           to earlier in the hearing, we've been able to  
15           roll those out both here in the Albany area  
16           with CDTA and also with Rochester. And we  
17           obviously have about -- you know, I think  
18           that total investment was around \$16 million.

19           So the State OGS looks at the fleet  
20           writ large, but I can tell you that, you  
21           know, from DOT's perspective as part of the  
22           work that we're doing with the Climate  
23           Leadership and Community Protection Act,  
24           we're also looking to see, you know, what



1           that longer-term investment is for our  
2           vehicles.

3                   Obviously we have a lot of plow  
4           trucks, and that's a longer-term investment.  
5           But obviously technology is advancing, so  
6           we're looking to see what we can leverage  
7           moving forward.

8                   ASSEMBLYWOMAN FAHY: Thank you,  
9           Commissioner. Just one -- two other brief  
10          comments.

11                   CHIPS funding has already come up. I  
12          share a number of the concerns about that  
13          funding. And as you know, I want to make  
14          sure it's a multi-use-type funding so that --  
15          to get at some of the issues raised earlier  
16          on multi-use trails and safer pedestrian  
17          crossings and what have you.

18                   I also want to mention 787. And I've  
19          talked to you and your team about 787. With  
20          the new administration in Washington, lots of  
21          energy behind Highways to Boulevards. And of  
22          course the Governor has been very aggressive  
23          about these issues as well in a number of  
24          places upstate. We just want to add Albany

1 to that list of consideration.

2 Very interested in getting some  
3 feasibility dollars so that we can do a more  
4 engineering study to get some costs on what  
5 that might be, and want to get that on your  
6 radar screen, Commissioner.

7 NYS DOT COMMISSIONER DOMINGUEZ:  
8 Understand.

9 ASSEMBLYWOMAN FAHY: Okay, I look  
10 forward to talking to you.

11 Thank you again, Madam Chair.

12 NYS DOT COMMISSIONER DOMINGUEZ: Thank  
13 you.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 On to the Senate now.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Senator Elijah Reichlin-Melnick.

18 Elijah, are you there?

19 SENATOR REICHLIN-MELNICK: Yes, I'm  
20 there. Thank you so much, Madam Chair.

21 CHAIRWOMAN KRUEGER: Okay. I  
22 apologize for screwing up your last name.  
23 Pronounce it correctly, because we're new --  
24 because you're new.

1                   SENATOR REICHLIN-MELNICK: Absolutely.

2                   It's Senator Rike-lin Mel-nik.

3                   CHAIRWOMAN KRUEGER: Thank you so  
4                   much.

5                   SENATOR REICHLIN-MELNICK: So,  
6                   Commissioner, thank you very much for being  
7                   here.

8                   The Governor has indicated in the  
9                   current year a number of funding sources for  
10                  our local governments, including CHIPS and  
11                  Winter Recovery and PAVE-NY -- which had seen  
12                  20 percent of their funds withheld, are going  
13                  to have some of that money restored. So that  
14                  only 5 percent's withheld.

15                  And now I just want to say first of  
16                  all I appreciate that the bulk of this money  
17                  is being restored. I do want to point out,  
18                  though, that any withholding has serious  
19                  consequences for the local governments and  
20                  constituents I represent.

21                  Prior to being elected to the Senate,  
22                  I served as a village trustee, where every  
23                  additional \$35,000 in our budget was a  
24                  1 percent tax increase for residents. So it

1           may not be much to the state, but when we're  
2           withholding even 5 percent for local  
3           governments, there is going to be a  
4           trickle-down effect for taxpayers.

5                       What I'd like to ask is how will the  
6           department determine what municipalities are  
7           owed? And most importantly, when can local  
8           governments expect payment of this withheld  
9           money?

10                      NYSDOT COMMISSIONER DOMINGUEZ: So as  
11           I said before, the guidance on the process of  
12           the restoration of the funds is something  
13           that we're working on now, and we'll be sure  
14           to not only notice but also communicate  
15           directly with the municipalities on how that  
16           comes forward.

17                      But it's literally in the works right  
18           now. It just -- I mean, the dollars just  
19           came forward as part of this Executive  
20           Budget.

21                      SENATOR REICHLIN-MELNICK: So for the  
22           villages that I represent who need to start  
23           preparing their budget to be adopted by the  
24           end of April, do you think that they'll have

1 clarity on those funds by that point?

2 NYS DOT COMMISSIONER DOMINGUEZ: We're  
3 looking to do it as expeditiously as  
4 possible. And so we'll communicate directly  
5 with you to make sure that you're aware of  
6 when the guidance is published.

7 SENATOR REICHLIN-MELNICK: Thanks  
8 very much.

9 So just wanted to ask one other  
10 question there. So the Article VII  
11 legislation in the budget does include  
12 language to address safety of highway  
13 workers, which I certainly appreciate.

14 I did notice it seems like there is an  
15 exclusion from this. Specifically, there is  
16 no plan to employ photo enforcement in work  
17 zones, which I know is a high priority for a  
18 lot of the unions I represent. Can you just  
19 speak a little bit to why was this excluded?  
20 It seems like other states really have had  
21 success demonstrating photo enforcement as a  
22 good means to reduce accidents and fatalities  
23 in work zones.

24 NYS DOT COMMISSIONER DOMINGUEZ: So

1 photo enforcement is one element of all of  
2 this. I mean, quite frankly, the advocacy  
3 level that we've had to make sure that we  
4 have legislation in place to protect our  
5 transportation workers in the work zone, as  
6 well as police, emergency responders,  
7 everybody -- like that level of comprehensive  
8 legislation -- we need to advance it.

9 And so the fact that we have a bill  
10 right now that actually reflects those  
11 component parts is something that we'd like  
12 to see. Any further enhancements on that as  
13 it moves forward by all means can be looked  
14 at. But the bottom line is that getting that  
15 basic legislation in place is critical.

16 We've seen an increase in aggressive  
17 driving across the board, certainly during  
18 COVID. We've had a number of highway  
19 maintenance workers in DOT who have not only  
20 been hit, but injured. And we've certainly  
21 had fatalities. And it's just completely  
22 unacceptable. We've got too many distracted  
23 drivers. The safety factor is not being paid  
24 attention to. People are using their phones.

1           It's just not -- we can't have it. We're out  
2           there keeping the roads safe, and they need  
3           to be safe in return. People need to pay  
4           attention.

5                     SENATOR REICHLIN-MELNICK: I totally  
6           agree. Thank you very much. And I hope  
7           certainly to continue to consider photo  
8           enforcement in those work zones.

9                     CHAIRWOMAN KRUEGER: Thank you.  
10          Assembly.

11                    CHAIRWOMAN WEINSTEIN: We go to  
12          Assemblywoman Glick.

13                    ASSEMBLYWOMAN GLICK: Okay. They're  
14          not letting me un -- turn on my -- there we  
15          go.

16                    Very briefly, Route 9A is a state  
17          highway that comes down through Manhattan,  
18          and it is West Street in Manhattan. On one  
19          side is a very populated community; on the  
20          other side is the Hudson River Park. And so  
21          the question remains, who actually controls  
22          the traffic signals and the timing? Because  
23          in the summer, people are on the safety  
24          islands waiting to cross, and the traffic is

1 streaming by.

2 So City DOT always says it's your  
3 bailiwick. And we haven't gotten a straight  
4 answer. So I'm hoping I get a straight  
5 answer today. Thank you.

6 NYS DOT COMMISSIONER DOMINGUEZ: So  
7 with regard to signals, that is the City of  
8 New York.

9 ASSEMBLYWOMAN GLICK: The safety  
10 improvements that have been under review, do  
11 you have any idea when we may get some answer  
12 about the report that's sort of been pending  
13 for the last couple of years?

14 NYS DOT COMMISSIONER DOMINGUEZ: I'm  
15 not familiar with the safety report. But I'd  
16 be happy to follow up with your office to  
17 better understand what you're referring to.

18 I think -- you know, we've made  
19 considerable investments for purposes of 9A  
20 to make sure it's safe in -- you know, given  
21 all the security measures that have been put  
22 in place. But I'm not familiar with the  
23 study. I'd be happy to follow up with you on  
24 it.



1 ASSEMBLYWOMAN GLICK: (Muted.)

2 NYSDOT COMMISSIONER DOMINGUEZ: I

3 can't --

4 CHAIRWOMAN WEINSTEIN: Deborah, do you  
5 have something else? Or have you left us?

6 CHAIRWOMAN KRUEGER: I think she's  
7 giving up.

8 CHAIRWOMAN WEINSTEIN: Okay. I know  
9 she was having problems with her service.

10 CHAIRWOMAN KRUEGER: Yes.

11 CHAIRWOMAN WEINSTEIN: So Senator?

12 CHAIRWOMAN KRUEGER: Okay. So to  
13 close for the Senate, we have a second round  
14 for our chair of Transportation, Tim Kennedy.

15 SENATOR KENNEDY: Thank you,  
16 Chairwoman.

17 I just want to go back to a couple of  
18 different issues, some that we've discussed,  
19 some that we haven't. I want to bring up the  
20 Upstate Airport Economic Development and  
21 Revitalization Competition. The Governor  
22 proposed \$200 million as a follow-up to the  
23 previous \$200 million round of funding for  
24 this program, which I think is great.

1                   But I was disappointed that Western  
2                   New York, particularly Buffalo Niagara  
3                   International Airport was left out of that  
4                   first round of funding, especially since they  
5                   were adding that \$80 million expansion right  
6                   in the airport.

7                   Will priority be given to airports  
8                   that did not receive funding in previous  
9                   rounds?

10                  NYSDOT COMMISSIONER DOMINGUEZ: So,  
11                  Senator, first I just want to make sure that  
12                  I'm accurate in the dollars. So the initial  
13                  round of funding was for 200 million. This  
14                  round of funding that's in this  
15                  Executive Budget is for 100 million in new  
16                  funds that have been authorized.

17                  And with regard to the criteria, all  
18                  airports will be eligible.

19                  SENATOR KENNEDY: And will priority be  
20                  given to airports that did not receive  
21                  funding in the first round?

22                  NYSDOT COMMISSIONER DOMINGUEZ: We're  
23                  doing everything we can to acknowledge that,  
24                  you know, some airports did receive funding

1 in the first round, and we'll look to see  
2 what other criteria can be used for those  
3 airports that are applying in this round.

4 SENATOR KENNEDY: Does the DOT plan on  
5 working with the various airports that were  
6 denied to strengthen their applications?

7 NYSDOT COMMISSIONER DOMINGUEZ: We'll  
8 work with all the airports to make sure that  
9 their applications are strong.

10 SENATOR KENNEDY: Okay. What  
11 percentage of the Dedicated Highway and  
12 Bridge Trust Fund was directly used for  
13 capital construction instead of operating or  
14 debt service last year?

15 NYSDOT COMMISSIONER DOMINGUEZ: I'm  
16 not familiar with the number, but I'm happy  
17 to circle back with you.

18 SENATOR KENNEDY: Okay. Do you know  
19 how that's been trending in recent years, by  
20 chance? Would it have been more focused on  
21 debt expenditures or using operational funds?

22 NYSDOT COMMISSIONER DOMINGUEZ: I'm  
23 not, but I'll be happy to get back to you.

24 SENATOR KENNEDY: Okay. The reason I

1 bring it up, some advocates have begun  
2 calling for bonding against the Dedicated  
3 Highway and Bridge Trust Fund to increase  
4 capital availability, arguing there's a  
5 capacity that's -- outstanding debt has been  
6 paid down. Have you heard of this idea? And  
7 do you have any thoughts on it?

8 NYS DOT COMMISSIONER DOMINGUEZ: So I  
9 think we're -- the bottom line is that as we  
10 look for different ways of paying for  
11 transportation investments, I think first and  
12 foremost we need to look at what we have and  
13 then what could be coming through federal  
14 funding opportunities. So I would -- from --  
15 for the department personally, I think those  
16 are the best ways forward right now.

17 As you look at other bonding  
18 opportunities, that really is, I think, a  
19 discussion -- you know, that requires voters  
20 taking action on a bond act and something  
21 that I -- you know, I know that the  
22 Legislature, you've mentioned it before, and  
23 the Executive -- I think, you know, there's  
24 more discussion to be had on that.

1                   SENATOR KENNEDY: Okay, I look forward  
2                   to those conversations.

3                   You know, we've spoken multiple times  
4                   about the aging infrastructure and, quite  
5                   frankly, the state of disrepair in some areas  
6                   of the state, particularly some of the urban  
7                   communities. What's being done to prioritize  
8                   the urban roads?

9                   I know in the past we've discussed  
10                  doing a specific dedicated funding stream to  
11                  address the aging urban districts across this  
12                  state. And I think Senator Cooney brought up  
13                  the fact that there's a new focus on urban  
14                  economic development revitalization, and this  
15                  would play a pivotal role.

16                  Can you talk about that initiative and  
17                  whether or not you would support such an  
18                  initiative?

19                  NYSDOT COMMISSIONER DOMINGUEZ: Well,  
20                  as I said before, I think that the  
21                  department -- you know, the bottom line is  
22                  that for our purposes, we really look to make  
23                  sure that based on our inspection process and  
24                  our asset management capability, we really

1       look to make sure that we inspect the bridges  
2       on a very regular basis. New York has the  
3       most aggressive bridge inspection program in  
4       the country, and the same for our roads.

5               And so based on that capability that  
6       we exercise each and every day, we really  
7       understand where the need is and address it  
8       directly.

9               So how that fits out between the  
10       entire structure of what we're looking at  
11       statewide, whether that's a road, bridge and  
12       other needs, that would have to be -- you  
13       know, it -- that's how we approach it right  
14       now. If there's other ideas on how to do  
15       that --

16              SENATOR KENNEDY: Commissioner, I  
17       really appreciate that. And quite frankly, I  
18       give you credit for working with us, for  
19       coming into the City of Buffalo, for seeing  
20       the disparity between the suburban  
21       communities and you hit the city line and the  
22       roads become a whole different conversation.  
23       And there are truly issues specific to our  
24       urban communities.

1           So we're going to continue to focus on  
2           that and getting an infusion, because the  
3           urban communities across this state are the  
4           older areas of our state. So that's the most  
5           aging infrastructure that needs the most  
6           investment at this point in time.

7           And I just want to make one quick note  
8           and then I'll get out of the way. You were  
9           talking about the BRIDGE NY. Erie County  
10          received zero dollars last year from the  
11          BRIDGE NY fund for projects in Erie County,  
12          according to the administration there.

13          So we have to do a better job of  
14          making the distribution of these resources  
15          proportional and equitable. Thank you.

16          NYS DOT COMMISSIONER DOMINGUEZ: Thank  
17          you, Senator.

18          CHAIRWOMAN WEINSTEIN: Thank you.

19          If the Senate is finished, we actually  
20          have two Assemblymembers. So --

21          CHAIRWOMAN KRUEGER: We're finished.  
22          Feel free.

23          CHAIRWOMAN WEINSTEIN: Right, right,  
24          right. So we're going to go to Assemblyman

1 Brabenec first, and then Assemblyman

2 Magnarelli has a short second.

3 Assemblyman Brabenec.

4 ASSEMBLYMAN BRABENEC: Hi. Thank you,  
5 Madam Chairwoman.

6 And welcome, Commissioner. Thank you  
7 for your testimony today and everything. We  
8 really appreciate it.

9 My district is in Western Orange  
10 County, Lower Rockland County, so a huge  
11 priority for us is the Route 17 I-86 project.  
12 And I know that this project has been going  
13 on for quite some time in the planning  
14 phases. I can remember being a senior in  
15 high school hearing about it. So it's been  
16 quite a while.

17 But definitely we hope that you and  
18 the Governor will make this a top priority,  
19 especially if Senator Schumer secures some  
20 funding for that. And I know there's some  
21 studies along the way that need to be done,  
22 but if we can fast-track that in any way and  
23 make this happen, it would be a big boon for  
24 the area. You know, we have LEGOLAND coming



1           in this year in Orange County, also the  
2           casino up at Sullivan County. So there's a  
3           lot going on.

4                     And I know Senator Skoufis alluded to  
5           some of these priorities as well. So this is  
6           definitely a good thing, and we hope that you  
7           make this a priority.

8                     NYSDOT COMMISSIONER DOMINGUEZ: Thank  
9           you. We're doing all we can to accelerate  
10          the {inaudible}.

11                    ASSEMBLYMAN BRABENEC: All right,  
12          thank you.

13                    CHAIRWOMAN WEINSTEIN: Thank you.

14                    And then Assemblyman Magnarelli,  
15          your second.

16                    ASSEMBLYMAN MAGNARELLI: Thank you,  
17          Madam Chair.

18                    Commissioner, it's been a long day.  
19          One more thing. I just wanted to touch on  
20          broadband and infrastructure and the DOT.  
21          And, you know. What do you see the DOT's  
22          role as far as broadband is concerned?

23                    NYSDOT COMMISSIONER DOMINGUEZ: For  
24          purposes of our role, we're primarily focused

1       on {inaudible}, making sure that they're  
2       operating safely and in the parameters that  
3       we've outlined and seeking a permit to access  
4       the state's right of way as they install  
5       broadband.

6               ASSEMBLYMAN MAGNARELLI: Has there  
7       been any pushback by, you know, the  
8       utilities, the broadband companies as far as  
9       the legislation that we have passed  
10      pertaining to using the right of ways?

11             NYSDOT COMMISSIONER DOMINGUEZ: We've  
12      engaged in multiple discussions with the  
13      companies, whether they're the communications  
14      companies, fiber optic companies, et cetera,  
15      on the requirements for actually meeting the  
16      goals and objectives that we set out to  
17      implement the legislation that the  
18      Legislature passed for the permits and our  
19      use and occupancy permits for the state's  
20      right of way.

21             So we've engaged in multiple  
22      discussions for many months, and we're doing  
23      everything we can to streamline the process  
24      to make sure that people have fast and

1       accurate and accessible information, not only  
2       to apply for the permits but then to actually  
3       do the work.

4               ASSEMBLYMAN MAGNARELLI:   Okay.   And  
5       there's been no -- well, I'm sure there's  
6       been some pushback.   But as far as the cost  
7       of using the right of ways, do you think  
8       that's been a deterrent for companies  
9       expanding -- using those right of ways?

10              NYSDOT COMMISSIONER DOMINGUEZ:   I  
11       can't speak for the companies.   I don't know  
12       what their methodology is with regard to, you  
13       know, their fee structure.

14              ASSEMBLYMAN MAGNARELLI:   One last  
15       question.   This is it.   Not only broadband  
16       but just for, you know, energy purposes, like  
17       solar, wind, things like that, the DOT has  
18       control of a lot of land within New York  
19       State.

20              Has there been any talk of using those  
21       lands to put up solar farms, whatever,  
22       allowing people to do that, like using the  
23       right of ways, but to get those lands  
24       producing energy in a climate-wise manner?

1                   NYS DOT COMMISSIONER DOMINGUEZ: So we  
2                   actually -- two things. One, we actually  
3                   have a number of solar installations across  
4                   the state on DOT right of way. And it is  
5                   producing renewable energy right now,  
6                   contributing back to the grid.

7                   And as the Governor outlined in the  
8                   Executive Budget, with the number of  
9                   renewable projects that are going on across  
10                  the state, literally tip to toe, north to  
11                  south, the DOT is an active participant with  
12                  NYPA and all of the other organizations --  
13                  NYSERDA -- that are working on transmission  
14                  lines, renewable, et cetera, so that we can  
15                  literally make sure that New York meets its  
16                  aggressive renewable energy objectives and  
17                  we're at the table doing all of that.

18                 ASSEMBLYMAN MAGNARELLI: Well, again,  
19                 I want to thank you for your participation  
20                 today. I really do appreciate talking to  
21                 you. Thank you.

22                 NYS DOT COMMISSIONER DOMINGUEZ: Thank  
23                 you so much, sir.

24                 CHAIRWOMAN WEINSTEIN: Thank you,

1 Commissioner. Thank you for being here.

2 And now we are going to go to the  
3 New York State Department of Motor Vehicles  
4 commissioner, Mark Schroeder.

5 NYS DOT COMMISSIONER DOMINGUEZ: Thank  
6 you, Madam Chair.

7 CHAIRWOMAN WEINSTEIN: Look forward to  
8 working with you.

9 NYS DOT COMMISSIONER DOMINGUEZ: Thank  
10 you.

11 DMV COMMISSIONER SCHROEDER: Good  
12 afternoon. Thank you, Chairpersons Krueger,  
13 Weinstein, Kennedy and Magnarelli. My name  
14 is Mark Schroeder. I am the commissioner of  
15 the Department of Motor Vehicles. I also  
16 serve as the chair of the Governor's Traffic  
17 Safety Committee.

18 I want to start by honoring and  
19 recognizing the employees of the Department  
20 of Motor Vehicles. Perhaps more than most,  
21 DMV is the window through which New Yorkers  
22 directly interact with their government.  
23 COVID has foundationally changed the way the  
24 DMV does business, how we are structured,

1           and how we interact with our customers. Our  
2           employees have not only met these challenges,  
3           they have exceeded all expectations. I am so  
4           incredibly proud of the job they have done,  
5           and I look forward to the opportunities this  
6           year will bring to build upon the successful  
7           changes we have made, and to continue to  
8           improve and expand our services.

9                   Each year the DMV provides services to  
10          approximately 15 million New Yorkers through  
11          more than 35 million customer interactions.  
12          Through its state and county-run issuing  
13          offices, Traffic Violation Bureaus, Safety  
14          Hearings, and other related activities, the  
15          New York State Department of Motor Vehicles  
16          collects, we collect more than \$2.1 billion  
17          in revenue annually.

18                   Governor Cuomo's Executive Budget plan  
19          provides \$456 million for DMV to support its  
20          main office in Albany, 30 state-operated  
21          offices, and 102 county-operated offices, and  
22          will enable us to continue our efforts to  
23          reflect our mission statement and to improve  
24          overall customer service, promote traffic

1           safety, and protect consumers.

2           During these unprecedented times, DMV  
3           will use these funds to continue to transform  
4           the way it does business. The COVID-19  
5           pandemic has made clear that providing  
6           abundant and user-friendly online  
7           transactions is paramount. Our website  
8           received more than 76 million visits over the  
9           past year and currently offers nearly  
10          70 online transactions and services.

11          In 2020, in addition to changes that  
12          made our webpage easier to use, we began the  
13          design of a virtual office interface which  
14          will allow customers to complete select DMV  
15          transactions through a new online process  
16          that would have previously required an  
17          in-person visit. Other improvements include  
18          the use of artificial intelligence and  
19          chatbots, allowing members of the public to  
20          have their questions asked without having to  
21          wait to speak to a DMV agent.

22          In 2021, DMV will continue to redesign  
23          and improve our website and mobile user  
24          experience, making it easier for customers to

1           obtain information and complete transactions.  
2           In addition, DMV is working to develop  
3           additional tools, such as online permit  
4           testing and virtual hearings, that are all  
5           aimed to allow customers to interact with DMV  
6           without coming into an office.

7                       As I sit here today, I want to assure  
8           you that DMV will continue to reimagine,  
9           reinvent and improve the way we do business.  
10          While we are expanding the channels by which  
11          we interact with our customers, we are not  
12          eliminating or removing any service channel  
13          currently offered. Customers will continue  
14          to be able to complete transactions in our  
15          offices, by mail, or at one of our kiosks.  
16          We are also working to increase the capacity  
17          and capabilities of our call centers to more  
18          effectively assist those New Yorkers who  
19          prefer not to do their business with us  
20          online.

21                      These changes and others will help DMV  
22          effectively face the ongoing challenges of  
23          today. Beyond the obstacles presented by  
24          COVID-19, DMV continues to face increased



1 federal mandates including the imminent  
2 deadline associated with the Federal Real ID  
3 Act. Additionally, DMV remains committed to  
4 working with our partners in state government  
5 to improve driver safety, deliver secure  
6 identity documents, and administer the laws  
7 enacted to promote safety and protect  
8 consumers.

9 In closing, customer service is our  
10 guiding principle. With the improvements  
11 already implemented and those we anticipate  
12 introducing in the coming year, I am  
13 confident 2021 will be a year of  
14 accomplishment, advancement and innovation at  
15 the DMV.

16 Once again, colleagues, thank you for  
17 this opportunity to speak with you today. I  
18 welcome any questions you might have about  
19 DMV and our plans for serving the people of  
20 New York State.

21 CHAIRWOMAN WEINSTEIN: Thank you,  
22 Commissioner.

23 We're going to go our -- I believe  
24 we're going to our Transportation Committee

1 chair, Assemblyman Magnarelli.

2 Do you have questions?

3 ASSEMBLYMAN MAGNARELLI: Yes.

4 CHAIRWOMAN WEINSTEIN: Okay, you're  
5 on.

6 ASSEMBLYMAN MAGNARELLI: Okay.

7 Commissioner, good to see you again.

8 DMV COMMISSIONER SCHROEDER: Thank  
9 you.

10 ASSEMBLYMAN MAGNARELLI: We are  
11 hearing from constituents that they are out  
12 of compliance with DMV on everything from  
13 license plates and registrations to  
14 commercial driver's licenses, and that the  
15 reason is the backlog at DMV. And my office  
16 and your office, we have had personal  
17 conversations and letters back and forth on  
18 this.

19 That is the status of the executive  
20 orders temporarily waiving these various  
21 requirements, and are enforcement actions  
22 being taken against people doing everything  
23 in their power to be in compliance?

24 DMV COMMISSIONER SCHROEDER: Thank

1           you, Mr. Chairman.

2                       So the point that you make regarding  
3           the executive order, there is an executive  
4           order in place for those New Yorkers who have  
5           a driver's license, including a CDL license.  
6           At this the moment it is extended until  
7           January 29th. So this executive order has  
8           been extended on a monthly basis since March.

9                       The other things that you talk about,  
10          registrations and some of those things,  
11          currently the executive order is no longer  
12          valid. But your point is that we -- we are  
13          reaching out -- we have a database,  
14          Mr. Chairman, of about 6.4 million people  
15          that we communicate with that we know that  
16          they have to do a DMV transaction at some  
17          point in time, you know, soon. So that we  
18          reach out to them and we're giving them the  
19          options of what they can do.

20                      And there are far more options right  
21          now, especially having to do with other  
22          channels, having to with online transactions  
23          and virtual offices and the call center being  
24          able to help people and virtual MVRs helping

2                   So those are a number of the things  
3           that we are doing and that we will continue  
4           to do.

19                   And I just hope that you will continue  
20           to be responsive to those -- the problems  
21           that we're seeing out in the field, so to  
22           speak, and, you know, continue to try to get  
23           through these backlogs.

1           DMV offices around the state are experiencing  
2           backlogs in license and registration  
3           renewals. How is this being addressed? And  
4           I guess you've kind of given us some  
5           indication of that, but budget-wise, what is  
6           needed to get on top of this problem?

7                     DMV COMMISSIONER SCHROEDER: So,  
8           Mr. Chairman, let me just say this first and  
9           then I'm happy to address some of the budget  
10          situation in the appropriations. But I just  
11          want to be clear about this. And thank you  
12          for the comment about all of our workers  
13          across the state, because they are -- you're  
14          right, they're working very, very hard.

15                    So if you look -- and I have -- at the  
16          top nine DMV transactions that New Yorkers  
17          want to do, eight of the nine can be done now  
18          either online or by mail or by drop-off. And  
19          so that -- we've come a long way with that.  
20          If there are customers who want to go to a  
21          DMV office, then because of COVID we are on  
22          reservation only, and social distancing. And  
23          so that is the situation that we're in.  
24          That's why we wanted to give New Yorkers an

1           opportunity to be able to do other things,  
2           and they are.

3                     In terms of your question, the  
4           proposed budget by the Governor is  
5           \$456 million to DMV. That is about  
6           \$5.4 million more than last year. So the  
7           short answer, Mr. Chairman, is the proposed  
8           appropriation and the FTE, the full-time  
9           employee levels, at this moment they are  
10          sufficient. And we, like everybody else in  
11          state government, all the other agencies,  
12          we're just going to try to do the very best  
13          we can, and we are.

14                    ASSEMBLYMAN MAGNARELLI: How has COVID  
15          impacted the DMV's ability -- again, all in  
16          the same area now -- your ability to  
17          implement the REAL ID Act and the Driver's  
18          License Access and Privacy Act of 2019, the  
19          Green Light Law? Have there been any  
20          discussions with the federal government about  
21          getting an extension?

22                    DMV COMMISSIONER SCHROEDER: So I  
23          think I'll take that first.

24                    Since we are early in the year,

1       Mr. Chairman, there probably are going to be  
2       conversations had with the federal government  
3       regarding the REAL ID, which is slated for  
4       October of this year.

5               The good news, though -- the good  
6       news, Mr. Chairman, in my view, is that I  
7       have it on good authority that the Department  
8       of Homeland Security, the new regulations  
9       that they're looking at right now will reduce  
10      the length and complexity of an in-person  
11      transaction by allowing customers to submit  
12      documents to DMV electronically. Now, this  
13      isn't done yet, but this is -- we're on the  
14      way to an opportunity here.

15             Because quite frankly, Mr. Chairman,  
16      when people go into a Department of Motor  
17      Vehicles office to do a REAL ID or an  
18      Enhanced Driver's License, quite frankly they  
19      have to bring -- they have to bring  
20      everything but the kitchen sink in.

21             ASSEMBLYMAN MAGNARELLI: I gotcha  
22      (laughing).

23             DMV COMMISSIONER SCHROEDER: It's  
24      very, very difficult. And it's difficult for

1           them to do it, to be successful the first  
2           time. So we are truly looking at that to see  
3           how we might be able to accommodate our  
4           customers.

5                     Your question regarding the Green  
6           Light Law of last year. Well, it went into  
7           effect on December 16, 2019, and then it was  
8           going into effect in the first quarter of  
9           2020, and then everything was just abruptly  
10          stopped because of COVID-19.

11                    And so the situation that we're in  
12          right now -- and I'm glad that you asked the  
13          question early on, because I do want to say  
14          that there are a number of New Yorkers,  
15          16-year-olds to those who are within the  
16          Green Light Law, who have an interest in a  
17          permit. And so very shortly -- and I mean  
18          very shortly -- we will be introducing an  
19          online permit test as a pilot soon, and we're  
20          just trying to get all the kinks out right  
21          now. But that is going to be so very  
22          helpful.

23                    Why? Why will it be helpful? Well,  
24          in 2019 there were about 400,000 people who



1           want to do a Class D permit. And so  
2           therefore with COVID, and with the  
3           restrictions of people going into our  
4           offices -- for instance, in Syracuse, if you  
5           go into your DMV there is a testing site room  
6           and let's just say it has 20 seats. Well,  
7           we're only able to put in maybe eight or nine  
8           people right now because of COVID.

9                     The online permit test is an  
10           opportunity for people to do this at home.  
11           And they won't necessarily have to get that  
12           appointment. They won't have to go into the  
13           Department of Motor Vehicles office.

14                    So we're extremely excited about that,  
15           Assemblyman. Thank you for asking that  
16           question.

17                    ASSEMBLYMAN MAGNARELLI: Got to keep  
18           rolling here, Mark, okay?

19                    How many registrations have been  
20           revoked as a result of penalties related to  
21           cashless tolling? I know this is kind of  
22           new. I don't know if you have any  
23           information on that.

24                    DMV COMMISSIONER SCHROEDER: Well,

1 first of all, I mean, the Governor and the  
2 administration and all of you successfully  
3 rolled out the open tolling just this past  
4 fall.

5 To answer your question specifically,  
6 and I know you're on a time clock, so I'll  
7 answer the question clearly here for you --

8 ASSEMBLYMAN MAGNARELLI: I'm going to  
9 come back, Mark. I'm going to come back.

10 DMV COMMISSIONER SCHROEDER: Oh, good.  
11 Okay, all right. Thanks, Bill.

12 So -- but in any event, let me just  
13 say this. There are 15.7 million New Yorkers  
14 who have a driver's license. And to answer  
15 your question specifically, there are 20,000  
16 active suspensions right now on file due to a  
17 toll evasion at the end of December 2020.

18 ASSEMBLYMAN MAGNARELLI: Thank you  
19 very much. I think I'm out of time at this  
20 stage, anyway. I hope to be able to ask you  
21 a few more questions, Commissioner.

22 DMV COMMISSIONER SCHROEDER: I'm not  
23 going anywhere.

24 CHAIRWOMAN WEINSTEIN: We'll have you

1 back for seconds, but now we go to Senate  
2 Transportation.

3 CHAIRWOMAN KRUEGER: Thank you.

4 And we'll start with our chair of  
5 Senate Transportation, Tim Kennedy, who may  
6 in fact know what your next question was  
7 going to be and use it anyway.

8 Tim.

9 SENATOR KENNEDY: Thank you,  
10 Chairwoman.

11 And Commissioner, it is fantastic to  
12 see you. Thank you for your service. Thank  
13 you for what you do in our community and  
14 across the state and for your constant  
15 communication in your office with mine. It's  
16 really a pleasure to continue to work with  
17 you and to see you doing so well here.

18 DMV COMMISSIONER SCHROEDER: Thank  
19 you, Senator.

20 SENATOR KENNEDY: I'm going to  
21 piggyback off of what Assemblyman Magnarelli  
22 mentioned.

23 Just -- I've got to also give credit  
24 where credit is due, and the oftentimes

1           unseen heroes that really stepped up  
2           throughout this pandemic throughout the  
3           state, all of the incredible workforce. And  
4           you mentioned them and gave them credit, so I  
5           also want to give them credit.

6                     To that same point, can you talk a  
7           little bit about maybe some of the  
8           differences, if there were any. And if not,  
9           that's fine too. But any of the differences  
10          that you may have encountered in the  
11          responses between, say, your DMV office  
12          that's state-run and maybe some of the county  
13          offices that you're working with. Was there  
14          a disparity in your ability to assist the  
15          customers during this COVID pandemic?

16                    DMV COMMISSIONER SCHROEDER: Senator,  
17          thank you. Thank you for that question.

18                    And my answer would be we try to be  
19          very consistent. Even some of the executive  
20          orders were consistent with the way we're  
21          operating within the 30 state offices that we  
22          run, and then there are 51 county clerks.  
23          And so I don't believe there are any  
24          disparities at all.

1           But when a county clerk -- you know,  
2           the 51 county clerks, they are elected  
3           officials, and so therefore -- and they feel  
4           very strongly about taking care of their  
5           customers, as we do. We have been able to  
6           communicate clearly -- in fact, Senator,  
7           every two weeks I'm on the phone, along with  
8           my team, with three county clerks who  
9           represent all 51 county clerks across the  
10          state. And that meeting is to discuss the  
11          issues of COVID-19, going forward, some of  
12          the things that we need to do -- Plexiglass,  
13          PPE, things of that nature. You know, the  
14          online transactions, the virtual office, all  
15          of these innovations that we have coming,  
16          that we've started and that we have coming  
17          down the road. So we are communicating.

18                 And I have a respect for all of the  
19          county clerks, as you know. And you were  
20          very kind to me last year when you told all  
21          of your colleagues that I have visited every  
22          single county clerk throughout upstate  
23          New York, and I will continue to do that.

24                 SENATOR KENNEDY: Thank you very much.

1                   Can you talk about the rollout of the  
2                   license plates -- there was a bit of a snafu  
3                   last year. You got your hands around it,  
4                   reacted accordingly, and got the ball rolling  
5                   again in the right direction. Can you talk  
6                   about the system as it exists now and if  
7                   you've seen or heard any reports about any  
8                   issues that people may be having today?

9                   DMV COMMISSIONER SCHROEDER: Senator,  
10                  are you referring to the new Excelsior  
11                  license plate that we launched just, you  
12                  know, this year -- last year. And there  
13                  are -- thank you.

14                 There are about 1.7 million  
15                 New Yorkers who now have the new Excelsior  
16                 plate. In terms of the situation that you're  
17                 referring to, the example that I'll give you  
18                 is that as you know, you know, I was in the  
19                 private sector for 25 years and we were  
20                 launching a product that was PET, plastic.  
21                 The product was mostly glass, and then we  
22                 were converting to plastic. And on the first  
23                 run or so, we were really looking at that  
24                 first run just to make sure that everything

2                   That's the same thing that we did last  
3                   year. The contract with the license plate is  
4                   between -- is with DOCCS and the vendor. But  
5                   I am aware of what you're saying, and there  
6                   was a reflectivity situation. And so we  
7                   wanted to be cautious, and we knew where the  
8                   license plates were, so we brought them back  
9                   and we wanted to examine them. So that  
10                  happened some time ago, but right now things  
11                  are going very, very smoothly and over  
12                  1.7 million customers have the brand-new  
13                  plates that New Yorkers decided on what it  
14                  was going to look like.

15 SENATOR KENNEDY: Great, thank you.

16                   Going back to the workforce, last  
17                   year's budget proposed new money to hire  
18                   additional staff to process the driver's  
19                   license applications. Can you talk a little  
20                   bit about how that's been implemented, how  
21                   it's going, and, you know, what improvements  
22                   if any have been seen in the efficiency of  
23                   processing those applications?

24 DMV COMMISSIONER SCHROEDER: So thank

1           you, Senator.

2                     You know, last year we did have an  
3           opportunity because of the pending Green  
4           Light Law and also REAL ID that we were able,  
5           through the Governor, DOB, the Department of  
6           Budget, and also the Legislature, we were  
7           able to hire FTEs to be able to accommodate  
8           us at all of our offices. And so that has  
9           worked perfectly.

10                    One of the situations, though,  
11           Senator, to be clear, is that -- you know,  
12           I'm so proud, as you know, of all of our  
13           motor vehicle representatives. You may  
14           know -- I know you do know -- that they are  
15           Grade 9s, and so therefore their pay level is  
16           modest. And so therefore we do have  
17           attrition, we do have employees who leave us.

18                    And so we do our best to train those  
19           new employees coming in, but that is a  
20           situation that I have been painfully aware of  
21           over the last two years. And there are  
22           certain things that I'm trying to do. It's  
23           not a perfect time to be doing it when  
24           there's a \$15 billion budget deficit looming,



1 but I am aware. And that's one of my  
2 concerns, quite frankly.

3 SENATOR KENNEDY: Thank you,  
4 Commissioner.

5 I want to switch topics to the  
6 transportation network companies like Uber  
7 and Lyft. The 2017 law that authorized  
8 these outside of New York City created an  
9 Accessibility Task Force. I know that's  
10 something that's near and dear to your heart  
11 and the work that you've done over the years.

12 Can you just discuss a little bit  
13 about that task force, you know, how we can  
14 further promote accessible rides and  
15 establishing a more independent oversight  
16 body, that sort of thing, for Uber and Lyft  
17 and other ridesharing companies?

18 DMV COMMISSIONER SCHROEDER: Senator,  
19 first of all, thank you for your leadership  
20 on that for everybody across our state. You  
21 know, I remember last year at this time we  
22 were talking right after the first task force  
23 meeting and we were just sort of comparing  
24 notes. And I will continue to do that.

1           Quite frankly, I do not have the  
2           latest report, but what I will do is I will  
3           look into that and I will be able to  
4           communicate to you directly or your staff.

5           SENATOR KENNEDY: Okay. Thanks,  
6           Commissioner.

7           And then switching gears again -- and  
8           I know I'm tight on time here, so I'm trying  
9           to get through as much as I can here --  
10          talking about the autonomous vehicle program  
11          here in the state. You know, it's for two  
12          years. In the budget it's proposed to be a  
13          five-year extension for the One Hand on the  
14          Wheel Law repeal.

15          Can you just speak to that and what  
16          accounts for that change and the difference  
17          in years?

18          DMV COMMISSIONER SCHROEDER: I can.  
19          And thank you for the question.

20          Senator, as you know and your  
21          colleagues know, you know, most crashes are  
22          caused by human error. I think it's like  
23          94 percent. So to be specific in terms of  
24          what your question is, the budget proposal

1 includes a bill to create a multi-agency  
2 workshop to study autonomous vehicle  
3 technology and to allow DMV to issue  
4 regulations for AV testing and  
5 demonstrations.

6 So Part GG of the transportation bill  
7 would create an interagency group on AV  
8 technology to coordinate state policy on AV  
9 and provide quick and efficient regulatory  
10 modifications in response to evolving  
11 industry trends, and allow DMV to issue  
12 regulations to allow AV testing and  
13 demonstrations, which will sunset in 2026, at  
14 which point the One Hand on the Wheel Law  
15 will be amended to allow hands-free operation  
16 with the use of AV technology.

17 If you need further information,  
18 Senator, I do have more information. I  
19 wanted to give it to you succinctly, and I  
20 can share with you and your staff more  
21 information if that's required.

22 SENATOR KENNEDY: No, that's very  
23 good. And I'll come back for another couple  
24 of questions. Thank you.

3 CHAIRWOMAN WEINSTEIN: We now go to  
4 our Ways and Means ranker, Ed Ra, for some  
5 questions to the commissioner.

8 DMV COMMISSIONER SCHROEDER: Good  
9 afternoon. Thank you.

20 DMV COMMISSIONER SCHROEDER: Thank  
21 you. Thank you.

1       there's this proposal for this \$1 fee on  
2       certain DMV transactions. And do you know if  
3       it's planned that that would be something  
4       that will be utilized -- you know, the  
5       revenue will be utilized within DMV for, you  
6       know, technology enhancements or something,  
7       or if that's something that's just going to  
8       remitted to the State General Fund?

9               DMV COMMISSIONER SCHROEDER: Yeah.

10      Thank you for that question.

11             So as you know, and my colleagues --  
12      my former colleagues know, I was an elected  
13      official for 17 years. So when I hear the  
14      word "fee" like you do, I'm sensitive to it.  
15      And I know that the New York State  
16      Legislature and the Executive will deliberate  
17      this and make a decision, you know, within  
18      the next 68 days or so on what's going to  
19      happen with that fee.

20             But allow me to explain the word  
21      that's in front of the "fee." That word is  
22      "convenience." And as you know, COVID shut  
23      us down, the DMV, for nearly three months.  
24      And so we are embracing technology, and it is

1           working.

2                       And Senator Kennedy knows, the former  
3           mayor of Buffalo, Grover Cleveland, used to  
4           say "Actions speak louder than words." I can  
5           tell you all the things we're doing, but let  
6           me just give you this. In 2020, 10 million  
7           New Yorkers did an online transaction, versus  
8           only about 7 million the year before. That's  
9           about a 30 percent increase.

10                      So I believe that the Governor is  
11           right, New Yorkers are tough, they're smart,  
12           but you have to give them the information.  
13           And the information costs money sometimes  
14           when you have to provide a website. We have  
15           to have an inventory of 6.4 million customers  
16           that we communicate to, to let them know how  
17           to do a transaction. We have -- we have a  
18           lot of calls coming into our call center.  
19           And so now we have the chatbot so that we can  
20           get to constituents faster. And so these  
21           things all cost money.

22                      You know, I Googled recently Verizon  
23           and Google to call their call centers. I  
24           called their call centers, and what they said

1           were due to COVID, you may not be getting an  
2           operator to be on the phone. That does not  
3           happen at DMV. We are doing our best to take  
4           your constituents' phone calls.

5                     And so coming soon, in terms of  
6           convenience, will be the online permit test.  
7           And so that is something that's going to be  
8           very, very important as well.

9                     ASSEMBLYMAN RA: Okay. Well, thank  
10          you for that. I know you have had to adapt  
11          as an agency in many ways. And as I think I  
12          mentioned last year, my district office is  
13          right next to the Garden City DMV location.  
14          So, you know, I can always tell under normal  
15          times how busy you are and everything else,  
16          because I drive past the parking lot and I  
17          see it out my window.

18                    So thank you for that. Just, you  
19          know, it's something, as you said, we're all  
20          sensitive to when you hear about a new fee,  
21          particularly in the downstate areas, who pay  
22          a {inaudible; mic glitch} -- a PD fee as well  
23          on their transactions.

24                    Just one last point in my remaining

1           time. You mentioned REAL ID earlier. I'm  
2           just wondering, what efforts are being made  
3           to make sure people understand, you know,  
4           what the implications of not having a REAL ID  
5           are, you know, for traveling and things like  
6           that? I have a feeling there's going to be a  
7           lot of people itching to travel when this is  
8           all said and done.

9                     DMV COMMISSIONER SCHROEDER: Thank  
10          you, Assemblyman. Thank you especially for  
11          the question on the convenience fee, because  
12          I wanted to have an opportunity to talk about  
13          that, so thank you for that.

14                    Regarding the REAL ID, I did talk  
15          about some of the things happening within  
16          Homeland Security. However, let me be very  
17          clear about what we're doing and how we're  
18          doing this. There are approximately  
19          15.7 million New Yorkers who have a driver's  
20          license. About 4 million have a REAL ID or  
21          an Enhanced Driver's License. So that's a  
22          big gap.

23                    Thankfully to county clerks across our  
24          land and other ways, many New Yorkers also



1           have a passport. So that will get you from  
2           LaGuardia or from the Albany or Buffalo  
3           airport to go visit grandma in Florida. That  
4           will work.

5                     But we are starting to communicate.  
6           We have been communicating. We do  
7           communicate with those customers who have to  
8           renew their license.

9                     We also -- I talked a little bit  
10          before about establishing channels. There  
11          are certain partners, going forward, who may  
12          be able to help us, to give us more  
13          flexibility, so it's just not, as you know,  
14          the requirement right now. We are interested  
15          in doing every DMV transaction online. But  
16          because of federal requirements having to do  
17          with the enhanced license and the REAL ID,  
18          that is something you have to come into an  
19          office.

20                    So we are coming up with potential  
21          channel partners who may be able to deviate  
22          us from having customers come into the DMV  
23          office and to be able to go somewhere else.  
24          And so we are working on that, and I will

1 continue to keep you up-to-date on that.

2 ASSEMBLYMAN RA: Great. Thank you.

3 CHAIRWOMAN KRUEGER: Thank you, Mark.

4 You've gone over, Assemblymember Ra.

5 But we're jumping to ranker Senator  
6 Griffo, who may have some variation on a  
7 similar question.

8 Senator Griffo.

9 SENATOR GRIFFO: Thank you, Senator  
10 Krueger and Senator O'Mara. And  
11 Commissioner, I appreciate all of your work  
12 and all of the employees of DMV. I think  
13 we're very fortunate to have you in that  
14 position of leadership, and we appreciate  
15 your access and availability always when we  
16 are trying to tackle some of these issues.

17 Let's follow up, right, on the REAL  
18 ID, Commissioner. I have right here a copy  
19 of a license. And the one difference that we  
20 have in New York right now, in that top  
21 right-hand corner it says "USA" and across  
22 the nation there's a star.

23 How are we going to rectify that? And  
24 that should be at no cost to the residents of

1 New York, I would hope, because we want to be  
2 able to use this I.D. to get on those  
3 airplanes and not have to resort to a  
4 passport or something like that.

5 DMV COMMISSIONER SCHROEDER: So,  
6 Senator, thank you very much for the  
7 question. And I know your Senate district.  
8 I know you that have three county clerks  
9 within your Senate district. I know that you  
10 hear a lot of feedback from them and also  
11 from your constituents.

12 In terms of the question that you've  
13 just asked, I must tell you for the last  
14 18 months or so there have been no concerns  
15 that I have heard except I know what you just  
16 said. The Enhanced Driver's License does not  
17 have a star on it, it has a flag on it.

18 We have taken a great -- we have taken  
19 a lot of time to converse with federal  
20 officials from across the state. Because I'm  
21 not so much worried about a customer -- a  
22 New York constituent coming from, you know,  
23 Albany to LaGuardia. But what I am concerned  
24 about is a New Yorker who may be coming

1 from -- in Utah, trying to get back to  
2 New York and then confronted with what you  
3 just said because there's not a star on it.

4 We have talked with everybody we need  
5 to talk to. The Enhanced Driver's license of  
6 New York is a bona fide license, and there's  
7 no question about it. And if you go on the  
8 federal website and TSA website, they  
9 acknowledge that.

10 So I am happy to get you some more  
11 information just so that you can be more  
12 comfortable in knowing that that license is  
13 going to work.

14 SENATOR GRIFFO: And Mark, I know it's  
15 been 20-something years the state's been  
16 working at this. The Governor has been  
17 resistant many times in some compliance with  
18 federal guidelines. But in this one, I want  
19 to make sure that the traveling New Yorker is  
20 not going to be inconvenienced or stranded.  
21 And if we have to alter this, it should be at  
22 no expense to those who possess the document.

23 A quick follow-up when you talk about  
24 county clerks and using online services. As

1       you know, Commissioner, right now if you go  
2       into a facility in person, the county gets  
3       12.7 percent of that action that takes place.  
4       But now we're encouraging people to go  
5       online, but zero percent goes to those  
6       counties even if the business is conducted  
7       within those counties.

8               Wouldn't it be fair for us to consider  
9       at least a similar percentage for business  
10      conducted within that county, even though  
11      it's online, which is consistent with what  
12      we're doing with in-person activity?

13             DMV COMMISSIONER SCHROEDER:  Senator,  
14      thank you.  Thank you for that question.

15             Allow me to say that the county clerks  
16      do receive a 3.25 percent percentage for all  
17      online transactions that take place within  
18      their county.  In fact, Senator, this year  
19      because of COVID they've had a record amount  
20      of retention that has gone their way because  
21      the county clerks are very smart and they  
22      realized that all New Yorkers were pent up,  
23      and they did everything they could to  
24      accommodate their constituents -- and they

1           did -- by giving them the information they  
2           needed to be able to do online transactions.

3                     In terms of a retention rate that's  
4           larger, in all due respect, you know and your  
5           colleagues know in the Senate that is a  
6           legislative opportunity for you to decide on.  
7           That is done by the New York State  
8           Legislature and the Governor.

9                     SENATOR GRIFFO: Mark, I appreciate  
10          your time and leadership. Stay well, and  
11          I'll yield back.

12                    DMV COMMISSIONER SCHROEDER: Thank  
13          you, Senator.

14                    CHAIRWOMAN WEINSTEIN: Thank you.  
15          Assemblywoman.

16                    CHAIRWOMAN WEINSTEIN: Thank you.  
17          We go to Assemblywoman Hyndman for  
18          three minutes. (Pause.)

19                    Alicia, are you there?

20                    ASSEMBLYWOMAN HYNDMAN: I'm here. I'm  
21          here, Chair Weinstein. Just trying to get  
22          the things together.

23                    Thank you, Commissioner. Just two  
24          quick questions. You said that -- can you at

1 all quantify to the increase to the DMV when  
2 it came to the Green Light Law? Were you  
3 able to quantify that at all?

4 DMV COMMISSIONER SCHROEDER:  
5 Assemblymember, quantify that in terms of  
6 dollars or in terms of employees that were  
7 able to --

8 ASSEMBLYWOMAN HYNDMAN: Dollars.  
9 Dollars.

10 DMV COMMISSIONER SCHROEDER: Yeah. So  
11 last year's proposed budget, there was an  
12 increase of about \$30 million. And much of  
13 that money, Assemblymember, was used to  
14 underwrite the 444 FTEs, full-time employees,  
15 that we were able to put on across our  
16 27 district offices, of which it's now 30,  
17 because as you know we have a couple of  
18 offices that we started up, including within  
19 your community of Queens at Queens College.

20 ASSEMBLYWOMAN HYNDMAN: Okay. And my  
21 other question is in regard to the  
22 Article VII language, are there -- because --  
23 are more electric cars included in this  
24 modification that's taking place with

1           autonomous cars?

2                   DMV COMMISSIONER SCHROEDER:  So,  
3           Assemblymember, what that would represent is  
4           that the -- it would have sunsetted this  
5           year, in April of 2021.

6                   And so the question that was first  
7           raised by Senator Kennedy, what this does now  
8           is that this gives us an extension.  And so  
9           because, as I mentioned, all of us have an  
10          interest in autonomous vehicles from a safety  
11          value, and that is one of the reasons why.

12                  The testing and things of that nature  
13          will take place after this extension that  
14          goes, you know, another several years out.

15                  ASSEMBLYWOMAN HYNDMAN:  Okay.  Thank  
16          you, Commissioner.  Thank you, Chair  
17          Weinstein.

18                  DMV COMMISSIONER SCHROEDER:  You're  
19          very welcome.  Thank you.

20                  CHAIRWOMAN WEINSTEIN:  Senate?

21                  CHAIRWOMAN KRUEGER:  Okay, thank you.

22                  We have Senator Jeremy Cooney from  
23          Rochester.

24                  SENATOR COONEY:  Thank you,



1           Madam Chair.

2                       I want to follow up on a point,  
3           Commissioner, that I think was raised just a  
4           few minutes ago. And this is really around  
5           those services that the 51 county clerks who  
6           operate DMV operations are looking to kind of  
7           follow your good vision, and I believe the  
8           right vision, for increased virtual presence  
9           of our DMV services, specifically around  
10          tests.

11                     So I was wondering about the timetable  
12          specifically. Is there a timetable for which  
13          these DMVs who are not state-run will have  
14          access to some of these online testing tools?

15                     DMV COMMISSIONER SCHROEDER: Senator,  
16          thank you very much. And a point of personal  
17          privilege. My mother is from Rochester,  
18          New York. So congratulations to you. She  
19          came from Irondequoit.

20                     So to the question, I have had several  
21          conversations with your great county clerk,  
22          Jamie Romeo, and she knows, I've told her --  
23          right now many of the innovations that we are  
24          doing, we are getting ready to launch pilot

1       programs. Once we feel confident that  
2       everything we're doing is secure and  
3       proper -- when it goes live, it will be  
4       statewide, and the county clerks across the  
5       state will also participate with us.

6               As I mentioned to Senator Kennedy,  
7       when we have our conversations every  
8       two weeks with the county clerks -- as you  
9       know, they're very smart, they know what's  
10      going on. They know that the online  
11      transaction train has left the building.  
12      They get it. And they want to be a part of  
13      it. And they want to make sure that they  
14      have every advantage to their constituents  
15      within their counties.

16             SENATOR COONEY: I appreciate that.

17             And so let me just emphasize the point  
18      to please continue that good work and those  
19      conversations, because I do think that that  
20      is where our operations should head. The  
21      pandemic may have caused it to come a little  
22      faster and a little sooner, but I think it's  
23      a part of delivering better 21st-century  
24      services to our citizens.

4 DMV COMMISSIONER SCHROEDER: Thank  
5 you. Thank you, Senator.

9 CHAIRWOMAN KRUEGER: Then we have a  
10 few Senators after that. Thank you.

Article VII would establish an interagency group on autonomous vehicle technology and grant it the responsibility for coordinating all state policy regarding autonomous vehicles and connected autonomous technology, with, in quotes, the goal of

1 providing quick and efficient modification of  
2 regulation and response to evolving industry  
3 trends.

4 Who would determine, in the first  
5 instance, what the state policy is regarding  
6 autonomous vehicles? Is it intended that  
7 such state policy would be at the discretion  
8 of this interagency group of executive  
9 agencies? That's my first question.

10 DMV COMMISSIONER SCHROEDER: Yeah,  
11 thank you, Mr. Chairman. And so the short  
12 answer would be the --

13 ASSEMBLYMAN MAGNARELLI: That's what I  
14 want, short answers. I've got a lot of them  
15 here.

16 DMV COMMISSIONER SCHROEDER: Yeah. I  
17 would say the short answer would be the  
18 New York State Legislature, because you are  
19 the ones who established the first  
20 opportunity with autonomous vehicles. And so  
21 therefore, going forward, I'm certain that  
22 the Executive and the Legislature will  
23 continue to talk and figure out a way.

24 This is becoming very popular now.

1           You know, maybe three or four years ago there  
2           wasn't much talk about it, but now there is a  
3           lot more talk about autonomous vehicles,  
4           electric vehicles and things of that nature.

5                       So therefore, I'm happy to share with  
6           you information as I get it, and right now  
7           that's all I can really -- that's all I  
8           really know in terms of how this will go  
9           forward.

10                      ASSEMBLYMAN MAGNARELLI: You know,  
11           this part also repeals statutory parameters  
12           established to ensure public safety during  
13           autonomous vehicle demonstrations and tests  
14           replacing it with regulations to be  
15           promulgated by the Department of Motor  
16           Vehicles.

17                      Can you tell us why these provisions  
18           of law were repealed or are supposed to be  
19           repealed, and what the department's  
20           intentions are with respect to rules and  
21           resolutions?

22                      DMV COMMISSIONER SCHROEDER: Yeah. So  
23           again, Mr. Chairman, I really can't elaborate  
24           any more than I already have, and I apologize

1           for that.

2                       However, I will send you over  
3           information to answer your questions  
4           specifically. If the questions cannot be  
5           answered by me or DMV, I will let you know  
6           who can answer them.

7                       ASSEMBLYMAN MAGNARELLI: Okay. A  
8           couple more questions. I've got to stay on  
9           this, Commissioner.

10                      DMV COMMISSIONER SCHROEDER: That's  
11           fine, go ahead.

12                      ASSEMBLYMAN MAGNARELLI: Current law  
13           requires the DMV to submit an annual report  
14           to the Governor and the Legislature on  
15           June 1st of each year that the autonomous  
16           vehicle program is authorized, beginning in  
17           2018.

18                      Have any reports been submitted? If  
19           not, why not?

20                      DMV COMMISSIONER SCHROEDER: So,  
21           Mr. Chairman, the short answer would be yes.  
22           However, I will -- I will confirm that and I  
23           will let you know if that's the case. But I  
24           do believe that that has occurred.

1 ASSEMBLYMAN MAGNARELLI: Okay.

2 Finally, a provision of this part would  
3 authorize motorists, beginning April 1, 2026,  
4 to operate a motor vehicle hands-free if a  
5 driving automation system is engaged to  
6 perform the driving function.

7 This in essence authorizes the  
8 operation of autonomous vehicles on public  
9 roads outside the scope of any demonstration  
10 and testing program. Isn't it premature to  
11 authorize autonomous vehicles prior to any  
12 further assessment of the impact of these  
13 vehicles on public safety? In your opinion.

14 DMV COMMISSIONER SCHROEDER: Yeah. So  
15 I -- Mr. Chairman, I understand the question.  
16 And it's a good question. And so, again, I  
17 just don't know what the answer is at this  
18 moment. But I will know before the day is  
19 over, and I will communicate with you  
20 clearly.

21 ASSEMBLYMAN MAGNARELLI: And one more  
22 thing just off of that. Are there any  
23 federal oversight regulations or legislation  
24 that would affect all of this as well? In

1           other words, if we're going to pass this, are  
2           we getting into something that the federal  
3           government has already stepped into?

4                     DMV COMMISSIONER SCHROEDER:  So,  
5           Mr. Chairman, what I have in front of me,  
6           because I anticipated, you know, some of  
7           these questions -- I did not anticipate the  
8           in-depth questions that you asked on this.  I  
9           do have an autonomous vehicle package of  
10          information that's about this thick, it's  
11          about 7 feet over.  It wouldn't be proper for  
12          me to get up right now and go get it.  So I  
13          promise you --

14                    ASSEMBLYMAN MAGNARELLI:  We don't have  
15          the time either, Commissioner.

16                    DMV COMMISSIONER SCHROEDER:  Yeah.  I  
17          will get you --

18                    ASSEMBLYMAN MAGNARELLI:  But I would  
19          appreciate your getting back to my office on  
20          this.  That would be good.

21                    DMV COMMISSIONER SCHROEDER:  Yes.  
22          Count it as done.

23                    ASSEMBLYMAN MAGNARELLI:  That's all I  
24          have.  And thank you again, Commissioner, for



1 taking all the questions.

2 DMV COMMISSIONER SCHROEDER: Okay.

3 You're very welcome.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 Commissioner, there are no more  
6 Assemblymembers, but I understand there are a  
7 number of Senators. So we'll turn it over to  
8 the Senate to go through the Senators.

9 CHAIRWOMAN KRUEGER: Thank you.

10 And Commissioner, as we asked,  
11 whenever you're requested to do follow-up  
12 information, if you -- in addition to whoever  
13 asked you for that information, if you would  
14 also please forward it to Assemblywoman  
15 Weinstein and myself, and we can make sure  
16 all members of the committees get the  
17 information.

18 Because I know I'm very interested in  
19 the autonomous vehicle issues myself. So  
20 thank you, Assemblymember Magnarelli, for  
21 raising those.

22 DMV COMMISSIONER SCHROEDER: Yeah.

23 CHAIRWOMAN KRUEGER: I'm going to now  
24 turn it over to Senator Serino.

1                   SENATOR SERINO: Hi. Senator Krueger,  
2                   can you hear me?

3                   CHAIRWOMAN KRUEGER: I can hear you.  
4                   And hopefully your video will show up  
5                   eventually. Everything is running very slow.  
6                   Here we go.

7                   SENATOR SERINO: Yup, there we are.  
8                   Thank you so much, Chair.

9                   And nice to see you, Commissioner  
10                  Schroeder. Thank you for taking our  
11                  questions today too.

12                  I just want to go back to the  
13                  convenience fee. And I certainly understand  
14                  the need for convenience. We heard from a  
15                  number of folks who wanted better online  
16                  access during this time, and I'm so glad to  
17                  see that you guys are looking ahead.

18                  But why the dollar fee in five years  
19                  instead of a shorter amount of time? And  
20                  were there cuts considered prior to making --  
21                  determining this fee?

22                  DMV COMMISSIONER SCHROEDER: So,  
23                  Senator, thank you very much for the  
24                  question.

1                   And so obviously you've heard from me  
2                   over the last little while that I've been  
3                   talking more about the convenience of it and  
4                   what it would do to help underwrite all of  
5                   these important decisions that we are trying  
6                   to make, to make it easier for the customer  
7                   and for, you know, Brad Kendall's  
8                   constituents in your county.

9                   And so in terms of exactly how it's  
10                  written, how long it's for and, you know, why  
11                  it's a dollar, I'm afraid I'm not able to  
12                  really give you much information on that  
13                  right now.

14                 But I do understand, in terms of the  
15                 convenience of it, to why it's there. And  
16                 because of the budget difficulty that we're  
17                 in this year, and we want to be able to have,  
18                 you know, the opportunity to be able to  
19                 underwrite these programs and projects.

20                 SENATOR SERINO: Thank you,  
21                 commissioner. Because, you know, I  
22                 understand the up-front cost. But typically  
23                 when you have those up-front costs, down the  
24                 line it's supposed to reduce what you're

1           spending. And just curious as to how you  
2           came to that number. And I guess we can  
3           follow up with that, because you'd have to  
4           determine the cost of what everything -- all  
5           these convenience things were costing, the  
6           cashless tolls, everything, to take into  
7           effect and see the balance. So I can follow  
8           up with you.

9                     DMV COMMISSIONER SCHROEDER: Thank  
10           you.

11                    SENATOR SERINO: Thank you,  
12           Commissioner.

13                    DMV COMMISSIONER SCHROEDER: You're  
14           very welcome.

15                    CHAIRWOMAN KRUEGER: Thank you.

16                    Senator O'Mara, the ranker.

17                    SENATOR O'MARA: Thank you.

18                    Good afternoon, Commissioner. Good to  
19           see you.

20                    DMV COMMISSIONER SCHROEDER: Good  
21           afternoon. Thank you.

22                    SENATOR O'MARA: I have a couple of  
23           questions with regards to the access to DMVs.  
24           You know, we're still having a lot of

1 problems in the Southern Tier with access to  
2 appointments.

3 I'm not sure if you were specifically  
4 asked before about when DMV offices are going  
5 to be open without the need for an  
6 appointment. Because right now, while you've  
7 been testifying, I looked through my counties  
8 online. One of them, first appointment, five  
9 weeks. Another county, four weeks. Another  
10 county, three weeks.

11 That's not acceptable to my  
12 constituents, particularly when it comes to,  
13 you know, private sales, which I've been  
14 through personally myself during the  
15 pandemic. And it's a huge pain in the neck,  
16 and I know what I'm doing. The dealers have  
17 been able to handle it a little bit better.  
18 But these individual transactions are a real  
19 problem.

20 So when are people going to be able to  
21 go to the DMV and get their newly purchased  
22 car transferred and registered and licensed  
23 in their name?

24 DMV COMMISSIONER SCHROEDER: So,

1       Senator, allow me to start this way. I  
2       believe that the county clerks have it  
3       harder. Why? Well, when things get a little  
4       rough within the district offices that we  
5       run, I have an opportunity to be able to talk  
6       to DOB and to be able to figure out what to  
7       do about it and how to underwrite it.

8               The counties have it more difficult,  
9       in my view. Their budgets are set the year  
10      before. You know the process, you know how  
11      it works, you know they have to go through  
12      the budget process. And then when things are  
13      tough, when there are cuts, the county clerks  
14      have gotten hit within the counties. And so  
15      therefore, it's difficult for them. Their  
16      constituents are calling on the phone,  
17      they're unable to answer the phones. Why?  
18      It's because they're trying to do all of the  
19      transactions and because they know it  
20      benefits them to do the transaction in the  
21      building, because of what Senator Griffo said  
22      earlier of the 12.7 percent retention that  
23      they get.

24             So these are things -- it's a

1           difficult -- COVID has created situations.  
2           There has never been a time where the county  
3           clerks have been in a situation where there  
4           have been lead times of four or five weeks.  
5           So I feel for them. We're trying to be  
6           helpful to them. We try to communicate with  
7           them, we try to support them.

8                   SENATOR O'MARA: When -- when will  
9           county DMV offices be open for walk-in  
10          appointments? Or state offices as well?

11                   DMV COMMISSIONER SCHROEDER: Yeah, so  
12          the -- the -- you know, when you have county  
13          clerks, Senator, they have a mind of their  
14          own. So they have been doing all of the  
15          transactions since the reopening.

16                   Within the district office that we  
17          run, we did it I would say like a disciplined  
18          approach, that if there was executive orders  
19          that gave New Yorkers an opportunity to  
20          extend out, we were trying to get in  
21          customers to be able to do those  
22          transactions that they needed to do in  
23          person.

24                   SENATOR O'MARA: But, Commissioner, my

1           time is running short. Is it up to the  
2           counties to open up for walk-in appointments,  
3           or is that a state restriction?

4                     DMV COMMISSIONER SCHROEDER: The --  
5           the county clerks were under an executive  
6           order to have appointments-only for public  
7           safety reasons. Many of the county clerks  
8           have adhered to that. Some have not, and  
9           some are doing it a different way.

10                    SENATOR O'MARA: Is that restriction  
11           still there from the executive order on  
12           counties to not have walk-in appointments?

13                    DMV COMMISSIONER SCHROEDER: It -- it  
14           expired, Senator.

15                    SENATOR O'MARA: Okay. So it's up to  
16           the county if they want to open at this  
17           point.

18                    DMV COMMISSIONER SCHROEDER: Yeah.  
19           The counties are all open, and they -- many  
20           of which are doing appointments-only, only  
21           because, you know, for public safety reasons  
22           they do not want to have a hundred people in  
23           the office. And that would affect the  
24           customer, and that would affect their



1 employees.

2 SENATOR O'MARA: Well, I would think  
3 that, you know, my constituents, you know,  
4 they can walk into a Burger King and wait in  
5 line, they can go to Walmart or Home Depot or  
6 the grocery store with hundreds of people and  
7 do their transactions. Yet our DMV offices  
8 don't seem to be able to handle that same  
9 type of activity.

10 Just -- my time is running out here.  
11 So I don't have to take a second round, I got  
12 one last question, please, Chairwoman.

13 DMV COMMISSIONER SCHROEDER: Sure.

14 CHAIRWOMAN KRUEGER: Go ahead.

15 SENATOR O'MARA: On -- there seems to  
16 be an issue with several constituents, I've  
17 seen an increase in my office lately, about  
18 plates being lost that are mailed into DMV.  
19 I experienced this myself. And, you know,  
20 without that cancellation, you can't get that  
21 car off of your insurance.

22 Now, I've had constituents that are  
23 being told they have to call the police and  
24 do a lost or stolen property report for

1 something that they mailed in to DMV -- and I  
2 know because I've done this myself. What are  
3 you hearing and seeing on that, and what are  
4 we doing about that?

5 DMV COMMISSIONER SCHROEDER: Yeah.  
6 So -- so, Senator, I must tell you I have  
7 heard what you've heard and it is concerning  
8 to me, as it is to you.

9 And so one of the things that I will  
10 do, we will be responsive to you on that  
11 question that you've asked. We have a  
12 legislative liaison, government relations  
13 office. I will make it clear to them that  
14 I'm asking them to reach out, you know, to  
15 you to find out exactly what your situation  
16 is in terms of what you know, and then we  
17 will follow up here at DMV to be able to  
18 articulate why that is happening.

19 SENATOR O'MARA: Thank you, Mark.

20 DMV COMMISSIONER SCHROEDER: You're  
21 very welcome.

22 CHAIRWOMAN KRUEGER: Thank you.

23 So, Mark, I just have a couple of  
24 questions for you, one through a colleague

1           who couldn't be here today.

2                     DMV Form 44 allows for gender change  
3           but only provides male and female as the  
4           options. Is that a typo in the creation of  
5           the form or some limitation in your software  
6           program for the computer?

7                     DMV COMMISSIONER SCHROEDER: So,  
8           Senator, I'm sorry, were you -- I thought you  
9           were maybe going to gender -- gender X. Is  
10          your question different than that?

11                    CHAIRWOMAN KRUEGER: Well, again, it's  
12          someone else's question, but they say that  
13          the form doesn't have any other options for  
14          male or female, and yet they say it's a  
15          gender change form. So in theory you'd need  
16          some other options. No?

17                    DMV COMMISSIONER SCHROEDER: Yes.

18                    CHAIRWOMAN KRUEGER: You could be  
19          changing from male to female, but you could  
20          be changing to a non-gender-specific  
21          category. And apparently they don't offer  
22          any option for that.

23                    DMV COMMISSIONER SCHROEDER: Yeah,  
24          we -- we -- the Governor, as you know, in the

1 Governor's State of the State he has directed  
2 DMV to do that. And so we are in the process  
3 of doing it.

4 The one thing that you -- that I know  
5 that you know, some of the legacy lines here  
6 at DMV go back a long, long time and so it is  
7 difficult for us to do this. I wish we could  
8 just do it today. We can't. But we are  
9 doing it, we will do it, and it will be done.

10 CHAIRWOMAN KRUEGER: Thank you.

11 DMV COMMISSIONER SCHROEDER: You're  
12 welcome.

13 CHAIRWOMAN KRUEGER: So you don't  
14 actually control E-ZPass per se, right?

15 DMV COMMISSIONER SCHROEDER: We don't  
16 except for we do now -- we sell them in our  
17 DMV offices. That's really the only role  
18 that we play in that, Senator.

19 CHAIRWOMAN KRUEGER: But do you know,  
20 would you have access to the information  
21 about where E-ZPass bills get mailed to? Or  
22 would that be the Thruway Authority?

23 DMV COMMISSIONER SCHROEDER: So that  
24 would be the Thruway Authority.

1                   Unfortunately for us, the only time  
2                   we're really involved is when there is going  
3                   to be a potential punitive situation where a  
4                   tolling agency is telling us A, B or C, and  
5                   then we might have to do something.

6                   But I do know that the -- coming up  
7                   next you may be able to redirect that  
8                   question.

9                   CHAIRWOMAN KRUEGER: Yes. I think  
10                  it's probably a both of you question, but  
11                  I'll just tell you the rest of it now rather  
12                  than ask you.

13                  So a constituent of mine raised this,  
14                  and I thought, what a clever idea. Everyone  
15                  in New York City has joked for my whole life  
16                  that if there was many people visiting from  
17                  Vermont to New York City on any given day,  
18                  there would be more people than the total  
19                  State of Vermont.

20                  So if you just go up and down the  
21                  streets of New York City and see the license  
22                  plates of the cars parked there, there's a  
23                  huge percentage that are Vermont, some other  
24                  New England states. We know they're New York

1 residents; the cars are there every day of  
2 our lives. They just want to pay the lower  
3 insurance costs and I guess filing fees to  
4 make it a Vermont car. And I'm not picking  
5 on Vermont, but it does always statistically  
6 seem to be Vermont.

7           So it came to this constituent's  
8 attention that since everyone in the world  
9 now has E-ZPass, that these cars have E-ZPass  
10 and the E-ZPass bills go to someone. And if  
11 the E-ZPass bill goes to you living in  
12 New York State, even though the license plate  
13 is Vermont or some other state, that there  
14 should be a way we potentially can match that  
15 and say: Excuse me, you actually live in  
16 New York, you should be paying the fees that  
17 a New Yorker pays for their car.

18           And I'm just -- even though I'm never  
19 that big on gotcha situations, I'm also very  
20 big on even playing fields. And I think a  
21 lot of people have figured a way around the  
22 even playing field. And I'm just wondering  
23 whether because we now have these systems,  
24 there is some way we could actually do

1           that -- which, by the way, would probably  
2           generate a significant amount of new revenue  
3           for the State of New York that we should be  
4           eligible for because people really do live  
5           here and use their cars here, and that that  
6           would be a way to supplement our revenue  
7           needs without raising any new taxes. We're  
8           just saying, pay your fair taxes because  
9           you're a New Yorker just like Mark Schroeder  
10          and Liz Krueger are New Yorkers, but register  
11          our cars in New York.

12                        So it's just something for you to  
13          think about and I will raise with the next  
14          commissioner up after you.

15                       DMV COMMISSIONER SCHROEDER: Senator,  
16          I must say I've been around DMV now for two  
17          years, and quite frankly I haven't heard that  
18          one.

19                       And so it's very logical to what you  
20          just said, and I will have a conversation  
21          with Matt Driscoll to see if there's a  
22          response. Because revenue is revenue. And  
23          New York needs the revenue.

24                       CHAIRWOMAN KRUEGER: And also we

1           believe in fairness. Don't we believe that  
2           if we're paying our fair share of taxes,  
3           which is really what these fees and taxes to  
4           DMV are, then everybody should pay for the  
5           same services. So I just think it's a  
6           fairness issue as well.

7                     And with that, I am actually  
8           officially letting you go for the evening --  
9           afternoon --

10                    DMV COMMISSIONER SCHROEDER: Thank  
11           you, Senator.

12                    CHAIRWOMAN KRUEGER: -- so that we can  
13           continue with the next commissioner.

14                    Thank you very much, Mark.

15                    DMV COMMISSIONER SCHROEDER: Okay,  
16           thank you, Senator.

17                    CHAIRWOMAN WEINSTEIN: Thank you,  
18           Commissioner, for being here.

19                    And next up is the New York State  
20           Thruway Authority, Matthew Driscoll,  
21           executive director.

22                    EXECUTIVE DIRECTOR DRISCOLL: Can you  
23           hear me?

24                    CHAIRWOMAN WEINSTEIN: Yes.



1 EXECUTIVE DIRECTOR DRISCOLL: Good  
2 afternoon.

3 CHAIRWOMAN WEINSTEIN: Yes, you're on.

4 EXECUTIVE DIRECTOR DRISCOLL: Thank  
5 you. Chairs -- {mic out}.

6 SENATOR COMRIE: What happened to him?

7 CHAIRWOMAN WEINSTEIN: We lost you.

8 Matt, are you -- we seem to have lost you.

9 Are you there?

10 THE MODERATOR: We don't have him in  
11 the room. We will try and get him back.

12 CHAIRWOMAN WEINSTEIN: Okay.

13 THE MODERATOR: Momentarily.

14 CHAIRWOMAN WEINSTEIN: Okay.

15 THE MODERATOR: I apologize.

16 CHAIRWOMAN KRUEGER: For those of you  
17 who never left your chair for the last six  
18 hours, it's a good time to stretch.

19 CHAIRWOMAN WEINSTEIN: And just to let  
20 you know, this is then going to be our last  
21 government witness before we move on, for  
22 people who are listening, to panels.

23 And unfortunately, Senator Krueger and  
24 I will not be providing dinner tonight.

1 (Pause.)

2 CHAIRWOMAN WEINSTEIN: So we saw Matt  
3 for a second, and then he was gone. So  
4 let's -- hopefully we can get him back in.

5 THE MODERATOR: We are working on  
6 finding him and/or the next panel, whichever  
7 happens first.

8 CHAIRWOMAN WEINSTEIN: Okay, great.

9 THE MODERATOR: You're welcome. I  
10 apologize for the delay.

11 (Pause.)

12 CHAIRWOMAN WEINSTEIN: So we're  
13 getting the -- the Thruway Authority will be  
14 back with us in a moment.

15 THE MODERATOR: Yes. Mr. Driscoll has  
16 just arrived. We are just getting his audio  
17 and video set, and he should be ready to  
18 testify. Thank you for your patience.

19 CHAIRWOMAN WEINSTEIN: Maybe he had no  
20 money left on his E-ZPass.

21 (Laughter.)

22 CHAIRWOMAN WEINSTEIN: Just wanted to  
23 see if people are paying attention.

24 (Laughter.)

1                   CHAIRWOMAN WEINSTEIN: A little bit of  
2 humor.

3                   EXECUTIVE DIRECTOR DRISCOLL: And I  
4 don't know where we dropped off, so perhaps  
5 I'll just --

6                   CHAIRWOMAN WEINSTEIN: You were  
7 about --

8                   CHAIRWOMAN KRUEGER: Pretty much  
9 nothing.

10                  CHAIRWOMAN WEINSTEIN: Right, you  
11 basically said hello and then we lost you.  
12 So why don't you just start from the  
13 beginning.

14                  EXECUTIVE DIRECTOR DRISCOLL: Let's  
15 take it from the top again.

16                  (Overtalk.)

17                  EXECUTIVE DIRECTOR DRISCOLL: All  
18 right, let me start again, then.

19                  Thank you, Chairs Krueger, Weinstein,  
20 Kennedy, Magnarelli and distinguished members  
21 of the Senate and Assembly fiscal and  
22 transportation committees. Thank you for  
23 inviting me here today.

24                  My name is Matthew Driscoll. I am the

1 executive director of the New York State  
2 Thruway Authority.

3 The Governor Thomas Dewey Thruway is a  
4 570-mile superhighway spanning New York State  
5 and is one of the longest toll systems in the  
6 United States of America. Underscoring its  
7 importance to the state, region and nation,  
8 the Thruway serves as a vital link to  
9 long-distance interstate travel and provides  
10 the major route of access for visitors to our  
11 state's tourism anchors. It is also a  
12 primary artery of commerce and serves as a  
13 primary catalyst of the state's economic  
14 activity.

15 The Thruway Authority is operated and  
16 maintained solely as a user-fee system and is  
17 not supported with any state taxpayer  
18 funding.

19 The '21 Thruway budget represents a  
20 total financial commitment of \$1.1 billion.  
21 It is a budget that is balanced, provides the  
22 necessary resources to operate the system at  
23 a high level, and maintains our  
24 infrastructure by maximizing funding for

1 critical projects through our multiyear  
2 capital plan.

3 As we are all aware, the COVID  
4 pandemic has caused unprecedented challenges  
5 to almost every aspect of our daily lives.  
6 Throughout this crisis, the Thruway Authority  
7 has continued to progress transformative  
8 changes. On November 14th, six weeks ahead  
9 of schedule, cashless tolling went live on  
10 the Thruway's entire ticketed system.  
11 Implementing cashless tolling is a long-term  
12 capital investment that improves the safety  
13 and convenience of the system for all of our  
14 customers. The environmental benefits are  
15 clear, and we have already seen reduced  
16 congestion and improved traffic flow with the  
17 reduction of stop-and-go traffic and idling  
18 at toll plazas. We've already removed toll  
19 plazas at six high-volume interchanges, which  
20 means approximately 50 percent of all traffic  
21 no longer passes through a toll booth.

22 The remaining toll plazas will be  
23 removed this year, making driving through  
24 toll booths a thing of the past on the entire

1 system.

2 Along with the conversion to  
3 systemwide cashless tolling, the Authority  
4 has expanded its aggressive education and  
5 marketing campaign to raise awareness and  
6 promote E-ZPass usage -- the most convenient  
7 way to pay for tolls. This is a  
8 multi-platform campaign including social  
9 media, drive-time radio ads, and targeted  
10 in-app advertisements on Waze and search  
11 engines.

12 The rebuilding and redevelopment of  
13 the Thruway's 27 service areas is also  
14 advancing. The selected proposer, Empire  
15 State Thruway Partners, was approved by the  
16 Authority's board of directors in May of 2020  
17 with their \$450 million investment plan.  
18 Service area improvements include enhancing  
19 customer amenities, technology, commercial  
20 truck services, and overall facility energy  
21 efficiency, including electric vehicle  
22 charging stations.

23 To support the ChargeNY program, we  
24 are creating an expansive network of electric

1 vehicle charging stations, which is key to  
2 the increased adoption of zero-emission  
3 electric vehicles. We currently have 39 EV  
4 charging stations operating at 23 locations  
5 on the Thruway system. This foundation,  
6 coupled with the redevelopment of those  
7 27 service plazas and accompanying charging  
8 stations, will result in a robust corridor of  
9 more than 100 fast-charging EV stations, with  
10 an average of 30 miles between each location  
11 along the Thruway system.

12 On June 15th of 2020, we opened the  
13 3.6-mile shared-use path on the Governor  
14 Mario M. Cuomo Bridge. To date, more than  
15 250,000 visitors have taken advantage of this  
16 one-of-a-kind destination featuring six  
17 scenic overlooks, digital kiosks, and  
18 impressive public art installations. We also  
19 feature dedicated parking spots reserved for  
20 electric vehicle charging stations at both  
21 the Westchester and Rockland landings as  
22 well.

23 Last year's opening included safety  
24 protocols to limit the potential spread of

1 COVID, and those efforts continue to be in  
2 place.

3 Maintaining and modernizing a  
4 superhighway requires continual reinvestment.  
5 Last year, the Authority reinvested  
6 approximately \$544 million into its  
7 infrastructure by undertaking roadway and  
8 bridge rehabilitation and replacement  
9 projects across the state. To support our  
10 continuing investments, we instituted a  
11 modest toll adjustment on the Mario M. Cuomo  
12 Bridge that went into effect on January 1st  
13 of this year.

14 The Thruway Authority board of  
15 directors approved the proposal in December  
16 of 2020, after a lengthy public process that  
17 began in the summer of 2019. It's been more  
18 than a decade since any previous adjustment  
19 to our tolls. To be clear, NY E-ZPass  
20 customers will see no change in their tolls,  
21 except for the Mario M. Cuomo Bridge. That  
22 said, we fully appreciate the impact the  
23 bridge has had on the local economy, and at  
24 our public meetings in Rockland and



1 Westchester Counties we clearly heard the  
2 importance of keeping tolls low for residents  
3 and commuters.

4 So to address that feedback, we  
5 created a new resident E-ZPass plan for  
6 Westchester and Rockland county residents  
7 that keeps their toll rate flat through 2022  
8 when traveling over the bridge.

9 Approximately a quarter-million qualified  
10 residents who have a vehicle registered in  
11 one of those two counties were automatically  
12 enrolled. For commuters, their tolls also  
13 remain very low -- they pay only 15 cents  
14 more this year, and another 30 cents in 2022.

15 And again, in all other areas of our  
16 system, New York E-ZPass customers will see  
17 no toll increase whatsoever.

18 These accomplishments have been  
19 possible because of the commitment from the  
20 men and women of the Thruway Authority.  
21 Their dedication and professionalism during  
22 these most trying times has really kept the  
23 Thruway a very safe and reliable system for  
24 all motorists and has been integral in

1           allowing for the continued movement of goods  
2           throughout the state.

3                   Those that work out on the roadway  
4           each day are the key to our success, and they  
5           deserve to have a safe work environment as  
6           much as any other employee. As part of that  
7           commitment, we continue to promote awareness  
8           about the Move Over Law, and we look forward  
9           to the day when we can be back interacting  
10          with motorists at our service areas to talk  
11          about the importance of that law.

12                   In closing, please know that I remain  
13          committed to keeping the Thruway the safest  
14          and most convenient means of travel in the  
15          state. Whether one is commuting to work,  
16          visiting friends or family, enjoying the  
17          recreational opportunities around our state,  
18          or supporting the freight economy, the  
19          Thruway will take you there.

20                   Thank you for your time, and I'm happy  
21          to answer any questions that you may have of  
22          me.

23                   CHAIRWOMAN WEINSTEIN: Yes, thank you.

24                   I believe we go to our Transportation

1 chair, Assemblyman Magnarelli.

2 ASSEMBLYMAN MAGNARELLI: Yes, Madam

3 Chair, thank you very much.

4 Commissioner, good to see you again.

5 EXECUTIVE DIRECTOR DRISCOLL: Good to  
6 see you.

7 ASSEMBLYMAN MAGNARELLI: I just have a  
8 couple of questions.

9 First of all, I'd like to say  
10 thank you to you and everyone who works on  
11 the Thruway. I do enjoy driving that road  
12 back and forth, and I appreciate all the work  
13 that you and your staff and the workers do to  
14 keep it in good shape.

15 There's part of your remarks that  
16 alluded to "as part of the commitment, we  
17 continue to promote awareness of the Move  
18 Over law and look forward to the day when we  
19 will all be back."

20 I'm concerned about workers on the  
21 Thruway as well. And I just wonder if  
22 there's any support from the Thruway and your  
23 authority for the workplace -- or workforce  
24 camera law bill that I'm trying to get passed

1 in the Assembly. And if we can get it part  
2 of the budget as well, it would be just as  
3 well.

4 In other words, a pilot program or  
5 something to take a look at catching, you  
6 know, violators of workplace sites. I think  
7 the Governor is looking to increase  
8 penalties. My feeling is that if we get --  
9 if we can get the consciousness of these  
10 people, that they know that there may be  
11 cameras at worksites, that this might work  
12 even better than just increasing a fine.

13 You know, I want to make it known to  
14 everyone that this is the wrong -- wrong  
15 thing to do and make sure that our workers  
16 are safe. What do you think of all of that?

17 EXECUTIVE DIRECTOR DRISCOLL: Well,  
18 the first thing I think is thank you for your  
19 support of the safety of the men and women  
20 who are out on the Thruway and frankly, you  
21 know, all roadways. We appreciate that. As  
22 I shared with you, I am supportive of  
23 measures that will help ensure the safety of  
24 the men and women who work out on the

1 Thruway, a high-speed road that, you know,  
2 can be very difficult to work on for our men  
3 and women. The same goes for state roads as  
4 well.

5 So yes, I'm supportive of working  
6 through that process.

7 ASSEMBLYMAN MAGNARELLI: Another  
8 question that I have is, you know, the  
9 Thruway right of way, constituents come up to  
10 me all the time, especially those that are  
11 concerned about, you know, transmission  
12 lines, solar panels, solar farms. Why can't  
13 we use the Thruway and some of the Thruway's  
14 lands for some of those things?

15 So in this era of, you know, being  
16 very aware of climate change and the things  
17 we have to do to be more environmentally  
18 sound as a state, what do you think of the  
19 Thruway right of way for some of those  
20 things? Is it even feasible?

21 EXECUTIVE DIRECTOR DRISCOLL: It is  
22 feasible. And we have done that, you know,  
23 at Exit 16, as an example of a solar array  
24 down by Woodbury Commons.

1                   And it's actually something that I'm  
2                   looking at. I would agree, I think the  
3                   Thruway corridor represents a lot of unique  
4                   opportunities to support the state and to  
5                   modernize in many ways. So we are doing  
6                   that. You know, we're very engaged. I won't  
7                   get into the details here because it's just  
8                   some conversation, but we're engaged with  
9                   folks talking about some of those  
10                  opportunities.

11                 ASSEMBLYMAN MAGNARELLI: I don't know  
12                 what the cost is. But the last time I had a  
13                 talk with someone who's talking about, you  
14                 know, speed -- fast rail service, that maybe  
15                 even the Thruway corridor could be used for  
16                 that. I think one of the problems is getting  
17                 on and off type of thing, but --

18                 EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
19                 that would be considered a break in access.  
20                 So I think, frankly, that's pretty  
21                 challenging.

22                 And while you may see -- like when  
23                 you're driving home to Syracuse, you may see,  
24                 you know, wide swaths of right of way. It's

1 not that way in other sections and certainly  
2 as we head downstate.

3 So I think that's a little more  
4 challenging. But I think that there is ample  
5 opportunity in other areas and certainly to  
6 help support the -- you know, the energy  
7 framework of New York State as well. So it's  
8 something that I'm interested and I can tell  
9 you that I'm looking at.

10 ASSEMBLYMAN MAGNARELLI: Commissioner,  
11 the only other thing I have to talk about is  
12 local. And I think I'll collar you some  
13 other time to talk about that. I think you  
14 know the bridge I'm talking about. So we'll  
15 get together on that.

16 And I appreciate all your time in  
17 answering these questions. Thank you.

18 EXECUTIVE DIRECTOR DRISCOLL: Thank  
19 you. Thanks for your support, I appreciate  
20 it.

21 CHAIRWOMAN WEINSTEIN: To the Senate  
22 now.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Chair Tim Kennedy.

1                   SENATOR KENNEDY: Thank you,  
2                   Chairwoman.

3                   Commissioner, it's always a pleasure  
4                   to be with you. And again, thank you for  
5                   your leadership not just with the Thruway  
6                   Authority but over the years in state  
7                   government. You've really been a pleasure to  
8                   work with, and --

9                   EXECUTIVE DIRECTOR DRISCOLL: Thank  
10                  you.

11                  SENATOR KENNEDY: -- we appreciate the  
12                  relationship that we have, the constant  
13                  communication.

14                  I want to talk about the Thruway  
15                  Authority maintenance and repair. You know,  
16                  especially the bridges within the system.  
17                  And the Thruway benefits from not having to  
18                  do as rigorous of scoping as maybe other  
19                  agencies like the DOT.

20                  Can you talk a little bit about that  
21                  and whether the Thruway Authority will be  
22                  accelerating any capital spending to get more  
23                  New Yorkers back to work and more projects  
24                  started in this system, given the financial



1           situation and the current economic situation  
2           that we're in?

3                   EXECUTIVE DIRECTOR DRISCOLL:  Yeah,  
4           and I just -- again, I would point out that  
5           as you'll recall -- I know you and I have had  
6           this conversation -- we receive no state  
7           funding.  So all of the funding for the  
8           operation and maintenance of the Thruway is  
9           from tolls.

10                   You know, that said, we've had a very  
11           aggressive capital plan here.  And frankly in  
12           the last three years alone, since 2017, we've  
13           either rebuilt or replaced 130 bridges and  
14           redone about 917 lane miles.  And I think  
15           you, coming from Buffalo, probably are  
16           enjoying a smoother bit of a ride.

17                   It's a big focus for us.  And the  
18           reason for that is because we are a  
19           customer-based user system, so we want to  
20           keep our people happy.

21                   The other thing is we've really taken  
22           a deep dive into how we can continue to  
23           harden our infrastructure.  We've replaced  
24           about 398 culverts across the system.  And

1           that's important because of, you know,  
2           flooding issues and other things that impact  
3           our system. And again, as we have created a  
4           very sophisticated asset management plan  
5           here, so we can really make site-specific  
6           investments, knowing that they're paying us  
7           dividends. And so that's a model that we'll  
8           continue to use.

9                     SENATOR KENNEDY: Thank you,  
10           Commissioner.

11                    You know, you and I have talked about  
12           the E-ZPass, to your point there. And  
13           recently I've introduced legislation to make  
14           the E-ZPass more accessible to low-income and  
15           underbanked communities. Can you talk a  
16           little bit about what the Thruway Authority  
17           is doing to ensure that E-ZPass is accessible  
18           to everyone?

19                    EXECUTIVE DIRECTOR DRISCOLL: Sure.

20                    So we have right now over 800  
21           locations across the state that anybody can  
22           go and get a transponder from. And by the  
23           way, the transponder, the thing that you put  
24           on your windshield, there's no cost. It's

1           for free.

2                       So, you know, what we do and continue  
3           to do is we'll accept money orders, checks,  
4           prepaid credit cards, debit cards -- many of  
5           the things that people do already using  
6           cellphones and for some utilities.

7                       So I think, you know, that's part of  
8           the marketing program that I talked about  
9           too. Right? So we're very aggressive right  
10          now out across the radio, doing billboards  
11          across mobile app devices, and really  
12          promoting the use of E-ZPass. So it's easy  
13          to get the transponders for free, and we'll  
14          accept money orders, debit cards, prepaid  
15          credit cards as well. So it's pretty simple.

16                      SENATOR KENNEDY: Yeah, and again I  
17          want to recognize your leadership on that  
18          issue, in making it more accessible. But I  
19          think we have a long way to go. And, you  
20          know, for someone to be able to walk into a  
21          gas station and actually acquire an E-ZPass,  
22          but they can't go into that same gas station  
23          and actually load it or reload it with cash.  
24          Therein lies the problem, especially for

1 lower-income or underbanked communities.

2 So we're hopeful to work with you to  
3 get this legislation or an iteration of it  
4 passed to expand the accessibility for that  
5 E-ZPass.

6 EXECUTIVE DIRECTOR DRISCOLL: Okay.

7 SENATOR KENNEDY: I want to talk  
8 about Thruway debt. Will the most recent  
9 toll increases cover the anticipated capital  
10 needs for the next five years?

11 EXECUTIVE DIRECTOR DRISCOLL: Well, it  
12 helps. It goes -- everything goes into  
13 essentially a pot. As we've always done at  
14 the Thruway Authority, and I said earlier,  
15 that we use, you know, our system to do  
16 site-specific work and repairs across the  
17 whole system. So that -- those revenues will  
18 go into that same fund, and we'll make  
19 site-specific determinations based on our  
20 asset management plan on how the upgrades are  
21 made.

22 SENATOR KENNEDY: Okay. And then when  
23 it comes to E-ZPass ownership rates, you  
24 know, there are much lower rates upstate than

1           downstate. And given the concerns about  
2           scofflaws and past difficulties with the toll  
3           retention rates, what's your plan for  
4           avoiding significant revenue loss?

5                   EXECUTIVE DIRECTOR DRISCOLL: Well,  
6           again, we are urging everyone to get an  
7           E-ZPass. It really is the most efficient way  
8           to pay your tolls. It avoids a toll by mail  
9           process, which means we have to mail you a  
10          bill. That's expensive for us.

11                   And so really the answer is -- there's  
12          a reason we call it cashless tolling. We  
13          don't want to accept cash any longer. We  
14          want to do everything electronically, as  
15          other toll roads across the United States do  
16          as well.

17                   So we'll continue marketing strongly  
18          on that. We've seen a real uptick in usage  
19          of E-ZPass across the state. It exceeds  
20          87 percent downstate, about 80 percent  
21          statewide elsewhere. So we're making good  
22          progress. We have given away over 100,000  
23          transponders since we ignited this marketing  
24          program just a short while ago. So we're

1           going to stay at it.

2                   Look, like anything, it's always about  
3           education, reinforcing that education. We'll  
4           continue to do that.

5                   SENATOR KENNEDY: Thank you. And just  
6           one more note here, and if you could  
7           elaborate on this. One of the things that  
8           under your leadership and the leadership of  
9           this administration we have seen is an  
10          increased sound barrier program, especially  
11          in areas where there is a heavy residential  
12          along the Thruway. There have been  
13          communities that I represent, and communities  
14          along the Thruway that I don't represent,  
15          that have really been advocating for the  
16          implementation of these sound barriers for  
17          the quality of life in their neighborhood.

18                   For many years we didn't get that.  
19          We've seen that change under your leadership.  
20          Can you talk more about your program, how  
21          you're looking at these and what you're doing  
22          moving forward to implement these sound  
23          barriers for the quality of life in these  
24          neighborhoods? And I'll leave it at that.

1                   And again, Commissioner, thank you.

2                   EXECUTIVE DIRECTOR DRISCOLL:  Yup,  
3                   thank you.

4                   So as you and I have discussed as  
5                   well, there is a very rigorous federal and  
6                   state process to determine, you know, where  
7                   sound barriers go.  And really what they are,  
8                   they're for projects that increase capacity.  
9                   As an example, you may add another lane of  
10                  traffic, so your volumes are increasing.

11                  So it's a very strict determination  
12                  process.  But as I've indicated to you, you  
13                  know, and I know you and I have chatted about  
14                  this, you know, we continue to find ways to  
15                  try to be creative.  But in terms of the  
16                  sound wall barrier program, it has very  
17                  strict guidelines that, you know, we are  
18                  required to follow.

19                  Thank you.

20                  CHAIRWOMAN KRUEGER:  Thank you.

21                  Assembly.

22                  CHAIRWOMAN WEINSTEIN:  Yes.  So we go  
23                  now to Assemblywoman Paulin, chair of our  
24                  Corporations Committee.

1                   ASSEMBLYWOMAN PAULIN: Thank you so  
2 much, Helene.

3                   And welcome, Commissioner. I  
4 appreciate your being here and sitting  
5 through our questions.

6                   So the first one is in -- I guess in  
7 one of the Article VII bills, you raise the  
8 value of a procurement contract from 15,000  
9 to 50,000. Could you explain the current  
10 need for raising the figure and the  
11 anticipated effect it will have on your  
12 operations?

13                  EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
14 sure. That's a great question. Thanks for  
15 asking.

16                  Really what it will do is it will  
17 first bring us parity with other entities  
18 like DOT. But second of all, it will save us  
19 money. Because we are limited, as you point  
20 out, to up to \$15,000 where we can, you know,  
21 contract with somebody.

22                  Let me give you an example. One of  
23 the things that we're doing now is instead of  
24 farming out bridge redecking and so forth,



1           we'll do it ourselves. We'll bring in some  
2           contractors to assist, depending on the size  
3           of the project.

4                     But if the project and the work  
5           required exceeds \$15,000, then we have to do  
6           two lettings, two contracts, which makes it  
7           very cumbersome. And it's not efficient.

8                     We can actually save money by having  
9           this authorization.

10                    ASSEMBLYWOMAN PAULIN: Thank you.

11                    The Mario Cuomo Bridge. The toll on  
12           the bridge, as you point out, is a dollar  
13           over two years. Is it anticipated that the  
14           toll increase will be sufficient to pay for  
15           the construction of the bridge? Or do you  
16           see subsequent toll hikes immediately after  
17           this one is complete?

18                    EXECUTIVE DIRECTOR DRISCOLL: So the  
19           way that I view this is how we arrived at  
20           even this figure. As you point out, it's  
21           50 cents this year -- that's already taken  
22           place -- and 50 cents next year. Those  
23           revenues will go into the fund, as it does.  
24           We'll make site-specific investments across

1 the Thruway.

2 With respect to any future potential  
3 increases on the system, look, there's a  
4 reason we've been able to not have one --  
5 that is, an increase -- in over 10 years,  
6 because we are making prudent decisions on  
7 how and where we finance these structures.  
8 I'll give you an example.

9 In 2019 one of the things that we did  
10 was we looked at how we can restructure  
11 existing debt. By doing that, we actually  
12 saved ourselves \$327 million. It was like  
13 found money. So we, I think, can -- really  
14 we have a lot of tools in our box, if you  
15 will, to utilize before we get to even that  
16 thought process. And we would certainly use  
17 those types of tools to determine any type of  
18 future funding needs. But we're not there.  
19 We're in pretty good shape right now, despite  
20 the pandemic.

21 ASSEMBLYWOMAN PAULIN: And on the  
22 same -- well, slightly different. The Tappan  
23 Zee Constructors have sued the Thruway  
24 Authority for \$900 million. What is the

1 nature and the status of that dispute? And  
2 would toll prices be impacted by a ruling  
3 against the Thruway?

4 EXECUTIVE DIRECTOR DRISCOLL: Well, so  
5 just to clarify, they haven't sued us.  
6 They've utilized what's called the dispute  
7 resolution process. And that's not a novel  
8 idea, it's something that's built into mega  
9 projects globally like this, and it was  
10 really for both parties, for TZ Constructors  
11 and the Thruway Authority to utilize.

12 And that's what they're doing, they're  
13 utilizing that. We're going through that  
14 process. That will have no bearing at all on  
15 any rate structures at the bridge.

16 ASSEMBLYWOMAN PAULIN: Thank you.

17 And finally a few related questions,  
18 all on the same topic of the toll violations  
19 going up to a Class A misdemeanor. And, you  
20 know, so I'm -- and would make it a violation  
21 with a fine of up to \$500 to drive on a toll  
22 road with an obscured license plate.

23 So, you know, we've been back and  
24 forth, you and I, the Hudson Valley

1           delegation and you, on the whole issue when  
2           it came up with -- when it was the  
3           Tappan Zee, then the Mario Cuomo Bridge.  
4           When all of the -- so I guess related to  
5           that, you know, the -- you know, have you  
6           gotten many more complaints? I mean, it's --  
7           we've seen less complaints, you know, about  
8           the tolling system, but still some. And I  
9           wondered what your experience is. You know,  
10          you've definitely improved the process, which  
11          we appreciate.

12                 The second question related to that is  
13          what is the revenue currently that you  
14          get? It was quite a lot, as I recall, last  
15          time I looked, and I just wondered what the  
16          current numbers are.

17                 And do you really need a Class A  
18          misdemeanor? That seems like a very high  
19          penalty. You know, are there that many  
20          people that are completely evading paying  
21          tolls?

22                 EXECUTIVE DIRECTOR DRISCOLL: So  
23          you've asked a lot there.

24                 So, you know, the first part is, look,

1       the last thing we want is to get to that  
2       suspension process. We have really doubled  
3       down on the customer-service aspect. You  
4       mentioned the Tappan Zee Bridge. That was  
5       really kind of the growing pains, if you  
6       will, for when the state went to its first  
7       cashless piece, and there was a lot that went  
8       with that. You know that I was very visible  
9       down there.

10               As I say, we've really focused on  
11       customer service. The last thing we want is  
12       to get people down there. I suspect that the  
13       reason that you've heard less about that  
14       issue is become more people have become  
15       informed and educated about it. And we're  
16       making sure that we're doing outreach to  
17       people as well. We're offering people lots  
18       of opportunities in different ways to pay in  
19       advance before they get here.

20               And if they get here and they come to  
21       us, we work with them. So, you know, I think  
22       that's a big part of it.

23               ASSEMBLYWOMAN PAULIN: And the money  
24       you've collected from toll violations, the

1 revenue?

2 EXECUTIVE DIRECTOR DRISCOLL: From  
3 toll violations?

4 ASSEMBLYWOMAN PAULIN: Yeah, from  
5 the --

6 EXECUTIVE DIRECTOR DRISCOLL: I don't  
7 have -- I don't have a specific number that  
8 we've collected on toll violations.

9 ASSEMBLYWOMAN PAULIN: I wonder if you  
10 could just get that number, to the best  
11 degree you can, for us. That would be  
12 helpful.

13 EXECUTIVE DIRECTOR DRISCOLL: Sure.

14 ASSEMBLYWOMAN PAULIN: And also, you  
15 know, riders don't know whether they're  
16 traveling on a Thruway road or an MTA, you  
17 know, bridge or road. Right?

18 Have you worked together to align your  
19 procedures so that there's less confusion for  
20 the public even in terms of, as you point  
21 out, the trying to work with someone once  
22 there are a lot of potential violations, just  
23 to make sure everybody's on the same page?

24 EXECUTIVE DIRECTOR DRISCOLL: Yes.

1           And that's a great point.

2                   And I can tell you, I get a lot of  
3           people who reach out to me and they're --  
4           99 percent of the time, they're MTA. But --  
5           so we work with -- so in that instance, our  
6           customer service people here, I get it to  
7           them and they work with the MTA to get that  
8           resolved.

9                   But to your larger question, do we  
10          work with the MTA, we do. And we also work  
11          with the Port Authority, since we're all  
12          tolling agencies. We have, you know, great  
13          communication between Pat Foye, Rick Cotton  
14          and myself, and our staffs work together all  
15          the time.

16                   ASSEMBLYWOMAN PAULIN: And the actual  
17          procedure, do you know if it's identical with  
18          all three agencies or authorities?

19                   EXECUTIVE DIRECTOR DRISCOLL: Well,  
20          there's some distinctions. But generally  
21          speaking, we're pretty similar.

22                   So we have a good working  
23          relationship. There's a good communication  
24          piece. Frankly, it's less about the

1 agencies; it's more about the consumer.

2 ASSEMBLYWOMAN PAULIN: And I wonder --  
3 oh, I'm sorry, go ahead.

4 EXECUTIVE DIRECTOR DRISCOLL: Well, I  
5 was going to say, I think that's the point  
6 I'm trying to make here, which is education  
7 really is the key. It's something that I  
8 think all of you in your lives as Senators  
9 and Assemblymen know you constantly have to  
10 reinforce messages to people.

11 We're really doing that and taking a  
12 greater role in doing that. And I think  
13 that's the challenge for the tolling  
14 agencies, is getting customers to understand  
15 better.

16 ASSEMBLYWOMAN PAULIN: And I just  
17 wonder one last thing. The obscured license  
18 plate, that is certainly a concern. We  
19 know we heard from the MTA earlier today  
20 about the concern as they implement  
21 congestion pricing.

22 You certainly have been a toll  
23 collector -- you know, the Authority -- for  
24 quite some time. Do you have any way of



1           telling how many cars are in that category  
2           proportionate to the number of cars that  
3           cross? You know, just to have some sense  
4           of -- because that's a purposeful act, you  
5           know, in many cases. Sometimes it's an old  
6           license plate, but a lot of times not. And I  
7           guess we're trying to get at the people who  
8           are purposely doing that.

9                     Is there any way to get any kind of  
10           data that you might have accumulated for  
11           those tolls that you already have?

12                    EXECUTIVE DIRECTOR DRISCOLL: Well, I  
13           think maybe I'm misunderstanding your  
14           question. Are you asking me if we can  
15           identify people who purposely obscure a  
16           license plate?

17                    ASSEMBLYWOMAN PAULIN: Well, I guess  
18           if you can't read the license plate, you  
19           know, it's either one of two instances. One,  
20           it's either not readable because it's an old  
21           one, or it's purposely obscured.

22                    For this purpose I would just want to  
23           know what the percentage total is. Because  
24           you wouldn't be able to distinguish between

1           those two categories.

2                   EXECUTIVE DIRECTOR DRISCOLL:  No, I  
3           can't give you a percentage.  But what I can  
4           tell you is this.  And, you know, like I  
5           said, we've obviously just installed all new  
6           electronic tolling and equipment.

7                   We have the most sophisticated cameras  
8           and sensors in the world.  We actually have  
9           run a number of tests related to plates --  
10          old plates, new plates, peeling plates,  
11          plates that are completely peeled, so that we  
12          can -- and we can get the resolution on  
13          those.  And in the instance where it's even  
14          questionable, there is a process by which --  
15          it's called a manual plate review, so that  
16          people actually take that image, it's  
17          multiscreened and 3D dimensional, and they  
18          look at it on a screen in front of them to  
19          drill down on the information on the plate.

20                   But I don't have the specific  
21          information that you're asking for.  I can --

22                   ASSEMBLYWOMAN PAULIN:  Well, only  
23          because we're putting a fine or the proposal  
24          is to put a fine of \$500 if you have an

1           obscured license plate. And so I would just  
2           want to know, you know, who are we talking  
3           about? You know, is this just for show, you  
4           know, or is this a real deterrent?

5           EXECUTIVE DIRECTOR DRISCOLL: Yup, I  
6           hear you. So let me circle up with some of  
7           my folks and we'll try to drill down on some  
8           of that for you.

9           ASSEMBLYWOMAN PAULIN: I appreciate  
10          it.

11          I'm done, Chair. Thank you.

12          CHAIRWOMAN WEINSTEIN: Thank you.

13          We go to the Senate now.

14          CHAIRWOMAN KRUEGER: Thank you.

15          Transportation Chair Tim Kennedy.

16          SENATOR KENNEDY: Thank you,  
17          Chairwoman.

18          Let me just -- I'm sorry. Here.

19          EXECUTIVE DIRECTOR DRISCOLL: I can't  
20          hear you, you're muted.

21          SENATOR KENNEDY: Yeah, I'm sorry.  
22          We're having some serious -- this late in the  
23          day. It's one of those long days here,  
24          Chairman.

1                   We're all set, Chairwoman. All set on  
2 my end.

3                   CHAIRWOMAN KRUEGER: Okay.

4                   SENATOR KENNEDY: Okay.

5                   CHAIRWOMAN KRUEGER: We're ready for  
6 you, Tim, but you went back on mute.

7                   SENATOR KENNEDY: No, I'm very sorry,  
8 chairwoman. I said I'm all set. Can you  
9 hear me?

10                  CHAIRWOMAN KRUEGER: Yes. Can you  
11 hear me?

12                  SENATOR KENNEDY: Yeah. Yeah. No,  
13 I'm all set. I've gotten through and  
14 exhausted my questions.

15                  CHAIRWOMAN KRUEGER: Oh, you're all  
16 set, you have no questions. You're our  
17 favorite Senator. Thank you so much.

18                  Then I'm going to jump to  
19 Senator Comrie. Are you all set, or do you  
20 have some questions, Senator Comrie?

21                  SENATOR COMRIE: Yes, I'm here. Thank  
22 you, Madam Chair. I do have a couple of  
23 questions.

24                  Good evening, Commissioner. Happy

1       New Year. I just wanted to first follow up  
2       on what Assemblyman Magnarelli was saying  
3       about the ability of the Thruway Authority to  
4       utilize its facilities to do more solar and  
5       to also do broadband. As you know, you and I  
6       talked about those issues the first time we  
7       met, and I was trying to encourage you to --  
8       you were talking about the ability of the  
9       Thruway Authority because you have high-speed  
10      internet services now and you were looking to  
11      improve them.

12               And can you just share with us what is  
13      being done so that you can increase broadband  
14      access for all of the communities contiguous  
15      to the Thruway Authority? And has there been  
16      any update on that since we had the initial  
17      conversation?

18               EXECUTIVE DIRECTOR DRISCOLL: Yeah.  
19      And so let me start by thanking you and  
20      everybody for your support of that  
21      legislation. That's the fiber optic system  
22      that the Senator is speaking about. We've  
23      actually brought on a marketing firm who is  
24      out now, recently started. So we are

1           aggressively marketing that fiber optic  
2           system. It runs the entire length of the  
3           Thruway. And so we're happy to support  
4           broadband in any instance that we can.

5                    SENATOR COMRIE: And do you expect  
6           that if you're -- once you increase the  
7           broadband you'll be able to extend it out  
8           into other areas --

9                    (Overtalk.)

10                   EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
11           it's really a matter more of, yes, connecting  
12           to our system. But as I say, now with the  
13           authority to aggressively utilize our fiber  
14           optic system, we're looking at all of those  
15           options.

16                   And just I wanted to add to your piece  
17           about the solar array that, you know, I  
18           mentioned that we installed down in Harriman.  
19           Again, you know, the service areas and the  
20           service plazas are going to be really -- you  
21           know, they're going to be really focused on  
22           energy and the environment. So we're going  
23           to look at opportunities there through the  
24           vendor.

1           But it's also something that we're  
2           looking at in terms of the right of way  
3           opportunities that we have on the Thruway  
4           that would expand those opportunities.  
5           Frankly, I'd like to look at those  
6           opportunities on our maintenance facilities  
7           as well. Where we can decrease the usage of  
8           energy off the current grid and utilize it at  
9           sites using solar and other technologies.

10           So that's really what we're delving  
11           into here, and more to come in the future.

12           SENATOR COMRIE: Great. I look  
13           forward to both those technology increases by  
14           your agency.

15           Just to go into something that I  
16           wanted to talk with the MTA about, but you  
17           have it in your Article VII also, the issue  
18           of doing bids by all-electronic and the  
19           electronically secure submissions for bids.  
20           You have it in your Article VII request.

21           Can you just give us some idea of how  
22           you're going to make sure that there's an  
23           opportunity to ensure that the MWBE numbers  
24           are maintained through that, and the ability

1 to do subcontracting is done with this  
2 electronic process, that you're looking for  
3 that.

4 EXECUTIVE DIRECTOR DRISCOLL: Yes.  
5 And that's a great question.

6 And so we have a strong focus on MWBE  
7 in all of our programs, regardless of whether  
8 it's electronic -- which we don't have that  
9 authorization, which we're looking to get --  
10 and in every other instance.

11 You know, we're doing -- we're also  
12 going to take some additional steps here in  
13 terms of outreach. You know, one of the  
14 challenges is for the Thruway Authority, we  
15 don't do vertical construction like DOT. So  
16 we're limited to horizontal construction, a  
17 lot of paving. There's bridge work. But  
18 there's a high capital investment for  
19 contractors, minority and others alike.

20 And so one of the things we want to do  
21 is really do more outreach. It's something  
22 that I have on our agenda to do more outreach  
23 so that we can inform people and firms across  
24 the state about the opportunities that do



1           exist at the Thruway Authority. So we're  
2           going to continue a strong focus on that.

3                   SENATOR COMRIE: I look forward to  
4           seeing some statistics on it. I look forward  
5           to helping you with making sure that outreach  
6           is done, maybe empowering the ESDC to -- the  
7           ESD, rather, they've got a new title -- to  
8           show that that can happen and we can make  
9           sure that folks can be aware of the bids as  
10          well and the subcontracting bids.

11                   So the electronic process, has this  
12          been tested yet or is it still in a  
13          development stage?

14                   EXECUTIVE DIRECTOR DRISCOLL: The  
15          electronic tolling is --

16                   SENATOR COMRIE: No, no, not tolling.  
17          Electronic submission for contracts.

18                   EXECUTIVE DIRECTOR DRISCOLL: Oh. No.  
19          And that's what we're looking for  
20          authorization for.

21                   SENATOR COMRIE: All right. And then  
22          just my last question on -- you know, I have  
23          my pet peeve, the ability for drivers to be  
24          able to settle their toll issues. And has

1           that system been improved? And if so, can  
2           you describe it?

3                     EXECUTIVE DIRECTOR DRISCOLL: Yes, I  
4           think it has been improved. You know, we  
5           have an ombudsman now, a toll advocate --  
6           which I know that the Legislature, both  
7           houses, was strongly in favor of -- doing a  
8           great job.

9                     And as I talked about earlier, we've  
10          really reemphasized the importance of  
11          customer service. That's how I view the  
12          Thruway. Again, we receive no state funding.  
13          So we are a service business who relies on  
14          its customers. And so it's important for us  
15          to make sure that we're working with people,  
16          that we do outreach to people. We've really  
17          upped the game on that, and we'll continue to  
18          do so, as I also pointed out, with our  
19          marketing campaigns as well.

20                    SENATOR COMRIE: Well, if you could  
21          send us the ombudsman. Because unfortunately  
22          I still have constituents that are getting  
23          huge bills because they did not realize that  
24          their original process expired due to, you

1 know, changing banks or credit cards,  
2 et cetera. So I'm still getting a lot of  
3 folks that are frustrated with their ability  
4 to get responses from folks.

5 EXECUTIVE DIRECTOR DRISCOLL: And I'm  
6 happy to do that. I think at least  
7 historically, a lot of the folks that you  
8 sent our way are MTA customers. But as I  
9 said earlier, whether the Port Authority, the  
10 MTA or the Thruway, if they come our way, we  
11 make sure we connect them with the right  
12 people. And if it's here at the Thruway  
13 Authority, we make sure we get it finalized.

14 SENATOR COMRIE: Thank you. My time  
15 is up. Thank you, appreciate your --

16 CHAIRWOMAN WEINSTEIN: Thank you. We  
17 go now to Assemblyman Ra for five minutes.

18 ASSEMBLYMAN RA: Thank you, Chair.

19 Good afternoon. So just a question  
20 with regard to the recent hiking of the  
21 non-E-ZPass tolls. Is that viewed -- is that  
22 an attempt, you know, to further just drive  
23 people to go and get E-ZPasses? Or how is  
24 that viewed from a revenue standpoint? Do

1           you anticipate it being a revenue increase or  
2           a decrease?

3                     EXECUTIVE DIRECTOR DRISCOLL: Well,  
4           let me start by saying and recognizing your  
5           flag behind you. I appreciate that. A great  
6           university, known nationally.

7                     So no, what we really want is we  
8           really want people to get an E-ZPass. That's  
9           what we really want. Because we don't want  
10          to have to send out bills, sometimes multiple  
11          times. It gets expensive. Again, there's a  
12          reason we call it cashless tolling, and  
13          that's because we don't want to -- you know,  
14          we want to do everything electronically going  
15          forward.

16                    So I don't view it as a revenue stream  
17          that, you know, we would want. We would  
18          prefer that people use an E-ZPass.

19                    ASSEMBLYMAN RA: Okay, thank you.

20                    And then I just wanted to ask about --  
21          I know like -- I mean, we've had this  
22          conversation, especially earlier with the  
23          MTA. Obviously, you know, everybody's  
24          revenues were down as people were not

1           utilizing the systems. You know, the Thruway  
2           is certainly no different during the height  
3           of this pandemic that I know forced some  
4           borrowing to have to take place.

5                     What's the kind of long-term outlook  
6           in terms of, you know, the agency with having  
7           to potentially borrow further, you know, in  
8           the next couple of years? And what is the  
9           impact potentially on the tollpayers?

10                    EXECUTIVE DIRECTOR DRISCOLL: So I'll  
11           first say that COVID absolutely --  
12           obviously -- impacted everybody.

13                    The first thing I would say is the  
14           most important thing is -- is that we had an  
15           impact to the men and women who work at the  
16           Thruway Authority, particularly in our  
17           New York division. I mean, at one point we  
18           had 121 people who were either -- they were  
19           out of work. They were out because they  
20           either contacted -- or contracted COVID or  
21           they were a contact. So there was that kind  
22           of operational impact. And fortunately,  
23           thankfully, everybody's fine.

24                    But we had a decline, obviously, in

1 traffic. And that is our business model. We  
2 bottomed out in April and May. We were down  
3 nearly 70 percent at one point. But I'm  
4 pleased to say that we've seen that  
5 continually and steadily growing back.

6 So those revenues are gone. With like  
7 any business, it's lost. But we're seeing  
8 the -- you know, the volumes increase. We're  
9 only down now around 15 percent, depending on  
10 the day. But that will have no impact going  
11 forward on any future costs for the Thruway  
12 Authority. I kind of view it as it is what  
13 it is. We did what everybody's had to do  
14 who's been impacted by COVID. We've  
15 tightened the belt, we've reduced spending,  
16 we've done the things that we need to do to  
17 keep ourselves afloat and to make sure that  
18 we're focused on the critical safety work of  
19 the Thruway.

20 You know, I'll remind everybody that  
21 we're an essential agency and -- or  
22 authority. And, you know, even despite when  
23 COVID was at its height, you know, we were  
24 operational. We were out working. And in

1           some instances actually it helped us  
2           accelerate work, because there was less  
3           volume.

4                     But that said, that will have no  
5           bearing on our future issuances.

6                     ASSEMBLYMAN RA: Thank you very much.

7                     And certainly, you know, I thank you  
8           on behalf of my constituents for all of your  
9           workers within the authority, for their work.  
10          And certainly while many of us were, you  
11          know, in a situation that we were working  
12          from home or whatever, you know, they were  
13          out there keeping the roadways safe and, you  
14          know, ensuring that many other essential  
15          workers could get from one place to another,  
16          and certainly all kinds of different supplies  
17          that certainly travel on our Thruway were  
18          able to get through as well. So thank you.

19                    EXECUTIVE DIRECTOR DRISCOLL: Yeah,  
20          and that's a great point. Because freight,  
21          you know, continued, of course. People still  
22          needed to eat and goods had to be traversed.  
23          So commercial stayed pretty consistent.

24                    But thank you. I know that everybody

1 appreciates your comments.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 We go to the Senate.

4 CHAIRWOMAN KRUEGER: Thank you,  
5 Helene.

6 Our next speaker is Pete Harckham.

7 SENATOR HARCKHAM: Thank you very  
8 much, Madam Chair.

9 Mr. Commissioner, great to see you  
10 again. Always good to see you, sir.

11 EXECUTIVE DIRECTOR DRISCOLL: It's  
12 good to see you. The last time I saw you we  
13 were in a snowstorm together.

14 SENATOR HARCKHAM: Yeah,  
15 unfortunately. But we're in another one  
16 right now, so things don't change that much.

17 But please give all my regards and  
18 best to friends and former coworkers over at  
19 the Thruway Authority. A first-rate bunch of  
20 people. And I share everything that  
21 everybody has said about their performance  
22 during the pandemic. So please pass along my  
23 best wishes.

24 EXECUTIVE DIRECTOR DRISCOLL: Will do.



1                   SENATOR HARCKHAM: A couple of  
2                   questions. Most of my questions have been  
3                   asked by other folks. I know you're not  
4                   looking beyond 2022 on tolls in the big  
5                   picture. Important to Westchester and  
6                   Rockland, are you in a position to commit  
7                   that there would be some sort of a  
8                   Rockland/Westchester discount beyond 2022?

9                   EXECUTIVE DIRECTOR DRISCOLL: So I  
10                  think we -- you know, our actions have  
11                  spoken, you know. I was down there myself,  
12                  and beyond the two public hearings that we  
13                  held with a panel of individuals. And I've  
14                  been there and met with many other people.  
15                  So we heard loud and clear about the  
16                  importance of that.

17                 I won't ever make any commitment about  
18                 future predictions. I just -- that's just  
19                 not who I am. But I can assure you, again,  
20                 that I will always listen. And I take  
21                 seriously, you know, what people say to me.  
22                 And I think the result of the plan that we've  
23                 put forward with the residents' plan, as an  
24                 example, is a direct result of that.

1                   SENATOR HARCKHAM: Got it, thank you.

2                   And then just quickly, in the last  
3 minute and a half I have left, a lot of  
4 controversy last year about the proposed  
5 merger with the Bridge Authority. Instead,  
6 there is a coordination agreement. Have  
7 you -- have both agencies started to see  
8 savings from that? And how is that going to  
9 positively impact the driving public?

10                  EXECUTIVE DIRECTOR DRISCOLL: So the  
11 whole effort was really just to improve the  
12 efficiencies of both authorities.

13                  I'll tell you that I've already met  
14 with the executive director. We're forming a  
15 small team so we can start digging down on  
16 some of the recommendations that were in the  
17 cooperation agreement. And I can tell you  
18 that the Thruway Authority is already  
19 assisting them and absorbed their legal work,  
20 so we're saving them, based on their last  
21 year's expenses, over \$500,000 just in the  
22 legal work.

23                  SENATOR HARCKHAM: Great. Thank you.

24                  EXECUTIVE DIRECTOR DRISCOLL: You bet.

1                   CHAIRWOMAN KRUEGER: Thank you.

2                   Assembly.

3                   CHAIRWOMAN WEINSTEIN: Yes, we go to  
4                   Assemblywoman Glick.

5                   ASSEMBLYWOMAN GLICK: Okay. Thank you  
6                   very much.

7                   I just have two quick questions, and  
8                   I'll ask them and then just listen to your  
9                   response while my Zoom is still seemingly  
10                  working.

11                  One, you talked about the solar array  
12                  at Harriman at Exit 16. I'm just wondering,  
13                  what does that generate and is that just used  
14                  for your -- for the operation right there at  
15                  the beginning of the Thruway?

16                  And number two, before the world came  
17                  to sort of a crashing halt, I had the  
18                  opportunity to do a little travel down to  
19                  Virginia and down to the Jersey Shore. In  
20                  both instances, I have to say the rest stops  
21                  in other places are more appealing and more  
22                  customer-friendly. And I'm just wondering  
23                  whether we have long-term contracts that  
24                  limit what can be done at our rest stops and

1           whether there's a future where we'll have  
2           better, more welcoming rest stops.

3                     Thank you.

4                     EXECUTIVE DIRECTOR DRISCOLL:  Yes, so  
5           that's -- I'll start with your last point.

6                     And I would agree that our Thruway  
7           service areas need an upgrade.  That's the  
8           reason that last year our board of directors  
9           approved us moving forward with Empire  
10          Partners, who was going to renovate and  
11          frankly rebuild the 27 service plazas  
12          throughout New York State on our system.  
13          We're excited about that, because that's  
14          really going to bring a tremendous upgrade  
15          for, again, our customers, because our  
16          customers are how we maintain and operate and  
17          pay the bills at the Thruway Authority.

18                    And so we want to have the most  
19          modern, convenient facilities that we can.  
20          These are going to include upgrades for the  
21          truckers who are a big part -- the freight  
22          economy is a big part of our business model.  
23          It's going to include Taste NY.  We want to  
24          make sure that we are helping to promote the

1           local agribusiness and artisans that are in  
2           these regions. And it's going to have a  
3           strong focus on healthy food choices as well.

4                        So you're going to be -- I think  
5           you're going to be very pleased when you see  
6           that all come to fruition.

7                        The solar piece at Harriman, I don't  
8           actually have the number of what the output  
9           is there. We utilize it in the grid, we get  
10          a credit for it, and we utilize some on-site  
11          as well. (Pause.)

12                       Did I lose the Assemblyperson?

13                       CHAIRWOMAN WEINSTEIN: I'm not sure if  
14          she's finished or not --

15                       ASSEMBLYWOMAN GLICK: That was fine.  
16          I appreciated the response. And I look  
17          forward to maybe a little more air and light  
18          in those rest stops.

19                       EXECUTIVE DIRECTOR DRISCOLL: I think  
20          you're going to be pleased.

21                       CHAIRWOMAN WEINSTEIN: Thank you.  
22          Thank you.

23                       We go to the Senate now.

24                       CHAIRWOMAN KRUEGER: Thank you.

1                   Our Senate Transportation ranker, Joe  
2                   Griffo.

3                   SENATOR GRIFFO: Thank you very much.

4                   Thank you, Director Driscoll, for  
5                   being here tonight. I know as we conduct  
6                   this hearing virtually tonight, the men and  
7                   women of the Thruway Authority and DOT are  
8                   working against the elements of nature, from  
9                   Central New York to the Capital District. So  
10                  we want to express our gratitude to all the  
11                  men and women for their work, and to you for  
12                  your leadership. You've done some good  
13                  things in the various departments that you've  
14                  headed, and we appreciate your service, Matt.

15                  So just a couple of questions. The  
16                  first thing, to reiterate what you had  
17                  indicated, Director Driscoll, you had said  
18                  that it appeared that -- does it appear that  
19                  this toll increase for people without E-ZPass  
20                  has led to more individuals now getting an  
21                  E-ZPass?

22                  EXECUTIVE DIRECTOR DRISCOLL: Yeah.  
23                  Well, first of all, thank you for your kind  
24                  remarks, Senator. You're an old friend, and

1 I appreciate all the work that you've done  
2 over the many years in all your different  
3 posts. You've done a great job.

4 I think a lot of it has to do with the  
5 education piece that actually began at the  
6 old Tappan Zee Bridge. It's been, you know,  
7 cumulative. We started this marketing  
8 campaign that I talked about, but also we  
9 certainly got a lot of attention and free  
10 press, if you will, prior to us going live  
11 with cashless tolling. So I think certainly  
12 in a large part, you know, that's helped.

13 But there's no question that our  
14 targeted marketing strategy is working for  
15 us, and we'll continue that forward.

16 SENATOR GRIFFO: And also,  
17 Commissioner Schroeder a short while ago  
18 indicated that he thought there were about  
19 20,000 driver's license suspensions due to  
20 toll evasion towards the end of this year.

21 Do you see that number as normal, or  
22 is it higher or lower? Or do you have any  
23 idea?

24 EXECUTIVE DIRECTOR DRISCOLL: Well, I

1 don't -- you know, I missed that. I'm not  
2 sure what the commissioner was speaking to.  
3 Was that for the Port, the MTA or the Thruway  
4 or everybody? I don't really know.

5 SENATOR GRIFFO: Okay. So in your  
6 case, though, relative to the Thruway, have  
7 you seen any significant changes as a result  
8 of suspensions?

9 EXECUTIVE DIRECTOR DRISCOLL: I would  
10 say that we've seen a slowdown. It's what I  
11 said earlier that we've really -- that's the  
12 last thing we want, you know.

13 So we've really focused and doubled  
14 down on our customer service, our outreach,  
15 which I think is really important. And  
16 that's the last thing we want to see happen.

17 And so we've really focused on that.  
18 People I think recognize now, you know, that  
19 they can come to us and we'll work with them  
20 to avoid that.

21 SENATOR GRIFFO: And I know we've had  
22 a conversation in the past with the new  
23 gantries and the modernization that's being  
24 undertaken, at this point in time -- and



1           hopefully this will not happen -- you don't  
2           anticipate using those gantries for  
3           speed-control devices also?

4                   EXECUTIVE DIRECTOR DRISCOLL:  No.  Not  
5           at all.  They are used only for the  
6           collection of tolls, that's it.

7                   SENATOR GRIFFO:  And you discussed  
8           transponders before, Director Driscoll.  Is  
9           there any idea of maybe modernizing those  
10          too?  I know in many of the other states they  
11          use smaller devices on license plate frames,  
12          things of that nature, which makes it easier  
13          than putting it in a windshield.  Has there  
14          been any discussion or thought to that?

15                   EXECUTIVE DIRECTOR DRISCOLL:  Yeah,  
16          so -- and that's right, you're accurate.  I  
17          mean, we're keeping a sharp eye out on that.  
18          I'm focused on it.  Because it's changing  
19          their -- you know, they're talking about it  
20          maybe in a license plate or an actual  
21          registration sticker or a smaller model.

22                   So the technology is advancing  
23          quickly.  And so we're watching it, quite  
24          honestly, and would make the appropriate

1           determination when we think there's a final  
2           solution that's going to work for everyone.

3                   SENATOR GRIFFO: And last question,  
4           from my perspective. You were talking again  
5           about modernization. And as you know,  
6           transportation is such an important element  
7           of economic opportunity and development, the  
8           network.

9                   Is there any potential thought,  
10          depending upon the financial ability that we  
11          may have looking into the future, to expand  
12          upon exits on the Thruway? Now that we're  
13          cashless tolling, something we've all talked  
14          about, there are other communities that may  
15          be able to benefit from getting an exit on  
16          the Thruway.

17                   EXECUTIVE DIRECTOR DRISCOLL: Yeah, so  
18          that's a great question. And it really  
19          depends -- and hopefully we all see  
20          tremendous growth in New York State in  
21          certain areas. That's a break in access, as  
22          defined by Federal Highway. But there's  
23          really a process that you go through on that  
24          to ascertain, A, how close might that exit be

1           to another exit, what are the number of users  
2           that might use that exit, what would be the  
3           revenue that we might derive to pay for the  
4           cost of installing that exit.

5                        So there's a lot that goes into it.  
6           But I personally certainly hope that there's  
7           a point in time where we can all say we need  
8           additional, you know, exits and entries onto  
9           the Thruway.

10                      SENATOR GRIFFO:  Matt, thanks for your  
11           time, and again thanks for your leadership.

12                      I yield back, Madam Chair.

13                      CHAIRWOMAN KRUEGER:  Thank you.

14                      Assemblymember.

15                      CHAIRWOMAN WEINSTEIN:  Hi.  I'm sorry.

16           We have -- at the moment the last  
17           Assemblymember to ask any question is  
18           Assemblyman Zebrowski.

19                      ASSEMBLYMAN ZEBROWSKI:  Thanks,  
20           Chair Weinstein.

21                      And thanks, Mr. Driscoll, for being  
22           here today.

23                      Let me first compliment you and your  
24           office.  You've always been responsive to my

1 office and myself on constituent issues and  
2 questions, so I appreciate that.

3 Let me also thank you for the Rockland  
4 and Westchester discount over the Mario Cuomo  
5 Bridge. It's extremely helpful to our  
6 regional economy. Folks in Rockland and  
7 Westchester utilize businesses, service folks  
8 on both sides of the river. People have  
9 family, people may travel that bridge back  
10 and forth several times a day, in many cases.  
11 So that's why we believe the discount is  
12 necessary. It's really a bridge that  
13 services the two counties, you know, when you  
14 live in that particular area.

15 So I want to thank you for that. You  
16 listened to us when you came down for those  
17 public hearings, and we really appreciate  
18 that.

19 The one question I had, I wanted to  
20 follow up on something Senator Kennedy talked  
21 about in terms of the sound barriers. So I  
22 represent, obviously, Rockland County, and a  
23 portion of the Thruway really, you know, cuts  
24 west to east, you know, comes down north to

1 south and then cuts west to east as you start  
2 to go through my county. And there's sort of  
3 a hodgepodge, if you will, of sound barriers,  
4 you know, historically set up in that area.

5 And probably, you know, in terms of  
6 the Thruway the thing I get asked the most is  
7 about those sound barriers. And I've had  
8 some correspondence with the Thruway  
9 Authority regarding those. I've asked for  
10 sort of an analysis of that. And I recognize  
11 that over the years Thruway Authority, as you  
12 said, in meshing with federal highway  
13 recommendations or regulations, has come up  
14 with a specific criteria.

15 But what I've asked is to really try  
16 to marry that criteria to what's going on in  
17 my area down there. Because, one, there is  
18 just like -- it seems like there's no rhyme  
19 and reason before you establish this criteria  
20 of where they were put. So like there's a  
21 stretch of sound barrier, then none. Then  
22 another stretch, then none. It's not like  
23 it's all, you know, from the bridge. And  
24 then certainly the bridge increased capacity.

1           So my question would be the length of  
2           area, with the regulations, as to where to  
3           really increase that capacity. So, you know,  
4           I would just ask if perhaps we could have a  
5           little bit of attention down there. I know  
6           money is tight, right, in these COVID times.  
7           But if we could really prioritize and look at  
8           that area, because it doesn't seem to have  
9           much of a rhyme or reason, like I said  
10          earlier, of where they are and where they're  
11          not. And we could look at -- we asked for  
12          specific data about the expanded roadway from  
13          the new bridge.

14                 EXECUTIVE DIRECTOR DRISCOLL: Okay,  
15          sure. And I suspect that many of those noise  
16          barriers that you reference were done with a  
17          project specific in those, you know,  
18          particular areas.

19                 But I'll have my person reach out to  
20          you, and we'll provide you some information  
21          on that.

22                 CHAIRWOMAN WEINSTEIN: Thank you.

23                 We now -- there are no more  
24          Assemblymembers to ask questions. I know

1           there are several Senators. So, Senator  
2           Krueger, if you can move on to the Senators  
3           one after another.

4                   CHAIRWOMAN KRUEGER: Great. Thank you  
5           very much, Assemblywoman.

6                   All right, we have Senator Anna  
7           Kaplan.

8                   SENATOR KAPLAN: Thank you, Chairwoman  
9           Krueger.

10                   Commissioner, I want to thank you for  
11           your testimony and for your leadership and  
12           for your hard work.

13                   I want to echo the same sentiments  
14           that Senator Comrie brought up, the Article  
15           VII proposal to allow sealed bids and how  
16           this might actually negatively impact MWBEs.  
17           I know that I've read so many articles that  
18           with COVID-19, so many women businesses and  
19           minority businesses have been really  
20           impacted.

21                   I wanted to know if you had any  
22           suggestions as to how the Thruway Authority  
23           can avoid any negative impact. And if  
24           there's anything that we can do to help you

1           to make sure that that impact, if any, is at  
2           minimum.

3                     EXECUTIVE DIRECTOR DRISCOLL:   Sure.

4           So just a question for you.  Would the  
5           concern be that a potential respondent might  
6           not have the technology to submit  
7           electronically?

8                     SENATOR KAPLAN:  Technology or not  
9           even be aware of this, how they can go ahead  
10          and put -- that there is a time period for  
11          them to put their bids in.  Yes, the whole  
12          procedure.  How to even know about there is  
13          this availability for them to go ahead and  
14          put the bids in.

15                    EXECUTIVE DIRECTOR DRISCOLL:  Okay.

16          So -- well, here's what I'm going to do.  I  
17          mentioned earlier, you know, we have and are  
18          really going to be aggressive in terms of our  
19          outreach to the MWBE community.  As I say,  
20          there's some challenges, because we do  
21          basically vertical construction.  There's  
22          capital costs that are difficult for some  
23          people.

24                    But in terms of that, we will



1 include -- should we get the legislation. I  
2 hope we do, because, you know, it will make  
3 things more efficient. We'll make sure that  
4 we're emphasizing and educating people on  
5 that. People will still be able to, of  
6 course, you know, send in a response as they  
7 traditionally do. But the value of having it  
8 electronically is great. So we will make  
9 sure we include that in our education and  
10 outreach component with our compliance  
11 division.

12 SENATOR KAPLAN: I appreciate that.

13 And I really -- I ask you to please  
14 also give us that information so we could  
15 also do that outreach in our districts and  
16 basically we could also be advocating and be  
17 your voice and trying to bring more attention  
18 to this so more of these MWBEs can  
19 participate.

20 EXECUTIVE DIRECTOR DRISCOLL: Well,  
21 I'd appreciate that. Any way we can always  
22 get the word out further is good for us. So  
23 we will definitely include you.

24 SENATOR KAPLAN: Thank you. Thank you

1           very much. Thank you.

2                   CHAIRWOMAN KRUEGER: Now, Senator Sue  
3           Serino.

4                   SENATOR SERINO: Thank you,  
5           Madam Chair.

6                   CHAIRWOMAN KRUEGER: You're welcome.

7                   SENATOR SERINO: Just waiting for my  
8           video to come up. There we go.

9                   And thank you, Commissioner, very  
10          much. I know we're getting right to the end  
11          now.

12                   Senator Harckham actually asked the  
13          question that I had been waiting to ask about  
14          the merger. Which is great to know, because  
15          we're neighbors and we're on the same page.  
16          But my concern also has been about local  
17          voices being heard and respected when  
18          entering into these shared-services  
19          agreements. I'm just wondering if that's  
20          been your experience or not.

21                   EXECUTIVE DIRECTOR DRISCOLL: Yes.  
22          Lookit, the Bridge Authority still has a  
23          board of directors. None of that's changing.  
24          They have an executive director, as we do

1           here, a board of directors as well.

2                   As I say, I visited, I drove down and  
3           visited with the executive director a couple  
4           of weeks ago so we could, you know, catch up  
5           personally. I've known her, certainly,  
6           previously. But talking about how we're  
7           going to start pulling together teams here  
8           and there that can start working together.

9                   Because at the end of the day, you  
10          know, we each have our mission statements,  
11          but to be sure, there are efficiencies that  
12          can be had. I referenced, you know, the  
13          legal work that we're doing for them. That's  
14          going to save them a half a million dollars a  
15          year. That's real money.

16                  So where we can benefit one another by  
17          those efficiencies I think just makes good  
18          governmental sense.

19                  SENATOR SERINO: That's great.

20                  And just one other question. I know  
21          Assemblywoman Paulin asked about the  
22          violations. But with regard to the toll by  
23          mail -- and I'm not looking for an exact  
24          number, I'm just trying to get an overall

1 feeling. Because I know that there are  
2 people that have their cars registered at an  
3 address but they don't physically live there,  
4 right? That happens. Or maybe they're just  
5 not being responsive.

6 And that's my question: Are they  
7 being responsive, or are you finding  
8 challenges with getting paid?

9 EXECUTIVE DIRECTOR DRISCOLL: Well,  
10 one of the things that I learned early on was  
11 that -- and first of all, people are required  
12 by law, if they move, they're supposed to,  
13 you know, provide the Department of Motor  
14 Vehicles their new address for that  
15 registered vehicle.

16 So we've seen a lot of that. And I  
17 think that's been -- was one of the larger  
18 challenges that we saw on the Tappan Zee  
19 Bridge when that went to cashless tolling.  
20 As I say, we've done a lot of outreach and  
21 education on that. I've seen a decline,  
22 quite honestly, in the complaints that I get  
23 and that we get here.

24 Nonetheless, I mean, we're still busy,

1           of course, but it's dropped tremendously.  
2           And I think it's been kind of that maturation  
3           process, from the Tappan Zee Bridge to where  
4           we are at this point in time, that people are  
5           -- you know, they've learned and they  
6           recognize also that they have to register  
7           their new address at the DMV.

8                     SENATOR SERINO: Great, thank you,  
9           Commissioner.

10                    EXECUTIVE DIRECTOR DRISCOLL: Thank  
11           you.

12                    SENATOR SERINO: Thank you.

13                    CHAIRWOMAN KRUEGER: All right, I only  
14           have two quick questions for you as -- in  
15           closing. One of them is one I had actually  
16           asked of Mark Schroeder before. Were you  
17           listening to the --

18                    EXECUTIVE DIRECTOR DRISCOLL: No, I  
19           don't think I saw most of Mark's testimony.

20                    CHAIRWOMAN KRUEGER: Okay. So the  
21           question is we know that too many people in  
22           New York State end up getting plates in other  
23           states and avoid paying what they see as  
24           higher taxes in New York for registering

1 cars. And we know that a good percentage of  
2 the cars parking on the streets of New York  
3 City have out-of-state license plates, and  
4 yet they are in our communities for years on  
5 end, so they really do live in New York City.  
6 And we think there's a similar story in other  
7 parts of the state.

8 Now that you have E-ZPass and you send  
9 a bill to someone who says they live at X  
10 location and yet they have a license plate  
11 that is not New York State, can we not do  
12 matches and go after people who are actually  
13 wrongfully not registering their cars in  
14 New York State?

15 EXECUTIVE DIRECTOR DRISCOLL: Hmm.  
16 Well, I -- you know, I -- that's -- I haven't  
17 heard that.

18 CHAIRWOMAN KRUEGER: He hadn't heard  
19 it either, so I'm asking if --

20 EXECUTIVE DIRECTOR DRISCOLL: Well,  
21 the first thing I would say, Senator, is  
22 though if that's the case, I would think  
23 that, you know, the folks that may be doing  
24 that, A, are likely scamming their insurance

1           company. Because if they're registering  
2           their vehicle in another state and living  
3           here, I would expect that the insurance  
4           company might have a concern about that.

5                     But I haven't considered that. You  
6           know, we -- right now you can get a  
7           transponder in 16 other states and you come  
8           to New York and we recognize it. We do  
9           charge 15 percent more for an out-of-state  
10          transponder. But we provide a transponder.  
11         If somebody comes to us at one of our  
12         locations and takes a transponder, the rest  
13         is up to them. They go online and they, you  
14         know, enroll it and they authorize it.

15                    So I haven't gotten down to the  
16         nitty-gritty of a license plate where they're  
17         living, to be quite honest with you.

18                   CHAIRWOMAN KRUEGER: All right.  
19         Well --

20                   EXECUTIVE DIRECTOR DRISCOLL: But good  
21         to know. Food for thought.

22                   CHAIRWOMAN KRUEGER: We'll follow up  
23         with you. It turns out another Senator  
24         already had a bill that attempted to do

1 something similar to this, and it was brought  
2 to me by a constituent.

3 And yes, people should not be  
4 committing insurance fraud, but also they  
5 shouldn't be not paying the same fair share  
6 of taxes to the State of New York if they  
7 live in New York. In New York City the joke  
8 is there are more cars parked in New York  
9 City that say they are from Vermont than the  
10 entire population of Vermont on any given  
11 day. Something doesn't jibe here.

12 My final question to you for this  
13 evening are concerns that have been raised by  
14 some of my colleagues that your customer  
15 service centers do not have enough language  
16 access for people when they are trying to  
17 follow up on billing problems, collection  
18 problems, et cetera.

19 Is there a way to ensure that there  
20 are more varieties of languages spoken by the  
21 people who answer the phones at the service  
22 center, or tie it into some kind of language  
23 phone bank the way some other services do?

24 EXECUTIVE DIRECTOR DRISCOLL: Yes.



1           We'll speak with our vendor as well as here.  
2           And let me look into that and I'll get back  
3           to you. But I don't see why not.

4                   CHAIRWOMAN KRUEGER: Great. Because  
5           again, you said how large this contract is,  
6           multiple states. There's a lot of  
7           non-English speakers in all those states.

8                   EXECUTIVE DIRECTOR DRISCOLL: True.

9                   CHAIRWOMAN KRUEGER: So thank you --  
10          can I say thank you, Helene? Thank you very  
11          much for your time. We are done with him for  
12          this evening.

13                  CHAIRWOMAN WEINSTEIN: Yes. He can  
14          head out on the Thruway.

15                  CHAIRWOMAN KRUEGER: Well, be very  
16          careful if you're driving on the Thruway  
17          tonight.

18                  EXECUTIVE DIRECTOR DRISCOLL: Well,  
19          let me just say thanks to all of you. I  
20          appreciate the work that you do each and  
21          every day. And yes, I'll be heading out.  
22          Our folks are busy from Syracuse all the way  
23          through Albany, where I am, and south of  
24          here. So we have a busy night ahead of us.

1                   But thank you, and travel safely  
2                   yourselves.

3                   CHAIRWOMAN KRUEGER: Thank you.

4                   EXECUTIVE DIRECTOR DRISCOLL: All  
5                   right.

6                   CHAIRWOMAN WEINSTEIN: Thank you.  
7                   Good night.

8                   So we have finished the governmental  
9                   portion of our hearing and will be moving on  
10                  to the panels. Just a little bit of  
11                  housekeeping. So we have panels of from two  
12                  to five members. Each panelist gets three  
13                  minutes to make a presentation.

14                  And then after the panel finishes, if  
15                  there are any members who wish to ask a  
16                  question, one question of the panel or an  
17                  individual on the panel, they have three  
18                  minutes to ask a question. Each panelist has  
19                  three minutes to make their initial  
20                  statement.

21                  And just for reference for those who  
22                  have been here in years before, last year's  
23                  Transportation hearing went for -- lasted for  
24                  just under six hours. We are just hitting --

1           we've just passed the nine-hour mark for  
2           today for our first joint budget hearing, and  
3           we have 10 more to go.

4                     That being said, I'd like to call our  
5           first panel, the Permanent Citizens Advisory  
6           Committee to the MTA, Lisa Daglian, executive  
7           director; Tri-State Transportation Campaign,  
8           Lauren Bailey, director of climate policy;  
9           Rebuild New York Now, Fred Hiffa, member;  
10          Transport Workers Union Local 100, Tony  
11          Utano, president; and Associated General  
12          Contractors of New York State, Walter  
13          Pacholczak, vice president of government  
14          affairs.

15                    So if our Assembly staff, our tech  
16          staff can get those folks up on the -- get  
17          that panel there. I see most of them. If we  
18          could in -- if the panelists can go in that  
19          order, starting with the Permanent Citizens  
20          Advisory Committee.

21                    THE MODERATOR: We do not have Tony  
22          Utano at this time. If we get him, we will  
23          bring him in.

24                    CHAIRWOMAN WEINSTEIN: Okay, sounds

1           good. Thank you.

2                   MS. DAGLIAN: Hi. Good evening. I'm  
3           Lisa Daglian, executive director of the  
4           Permanent Citizens Advisory Committee to the  
5           MTA -- PCAC. Thank you for holding this  
6           hearing today.

7                   As you heard earlier, the MTA's fiscal  
8           resources were devastated by the pandemic,  
9           and it's likely ridership won't return for  
10          years. Last week we released a white paper  
11          entitled "How the MTA can Transition into the  
12          New Normal: Getting Riders Back on Board,"  
13          that includes our recommendations on measures  
14          the MTA should take to increase rider  
15          confidence and help get them back on transit.

16                  But additional federal funding is  
17          essential to that and to the MTA's fiscal  
18          well-being, as is getting the go-ahead for  
19          congestion pricing, integral to funding the  
20          '20-'24 capital program. That program is on  
21          pause, but it's critical to our recovery that  
22          it resume. The state's and city's \$3 billion  
23          for capital each should be accelerated as a  
24          kickstarter.

1           We reluctantly supported unlocking the  
2           lockbox to allow capital funds to be used for  
3           operating. But it's important to relock the  
4           box and restore the funds.

5           It's also important to get a full  
6           accounting of the state's emergency  
7           withholdings from the MTA, including the  
8           \$1 billion that was seemingly erased from the  
9           books. Similarly, all revenue that's  
10          dedicated to the MTA needs to be moved  
11          off-budget so it needn't go through the  
12          regular budgetary process.

13          Specific to the capital program, the  
14          proposed changes to the procurement process  
15          are extensive, and we believe the Legislature  
16          should hold hearings on this critical issue  
17          rather than having it embedded in the budget.

18          We're concerned that requiring utility  
19          companies in New York City to relocate their  
20          own infrastructure could add another layer of  
21          bureaucracy and cause project delays, the  
22          opposite of its intended purpose.

23          Increasing subway accessibility is  
24          incredibly important, and we'd like to see

1 the MTA and city work together to expand and  
2 improve access, as they are in the Zoning for  
3 Transit Accessibility in New York City  
4 program.

5 Regarding new operating revenue  
6 streams, raising the gas tax seems a clear  
7 choice. It's been 8 cents a gallon since  
8 2006. Tripling it could yield hundreds of  
9 millions of dollars for the MTA and benefit  
10 upstate transit systems, including Amtrak,  
11 and roads and bridges.

12 Another option is increasing the  
13 percentage of the gas tax and petroleum  
14 business tax the MTA gets. Yet another  
15 possibility is a temporary 10 percent COVID  
16 recovery fee on the PBT for the 10-county MTA  
17 region.

18 Regarding other aspects of the budget  
19 and process. Restoring 24/7 subway service  
20 is essential, and we continue to call for  
21 publicly stated metrics and milestones for  
22 reopening overnight service.

23 As you look at mental health spending,  
24 we ask that you ensure it's sufficient to

1 support adequate services for the unsheltered  
2 who inhabit the system.

3 We thank transit workers for  
4 everything they've done to help us get  
5 through the worst of this, and fully support  
6 increasing their safety by adding transit  
7 employee titles to the Penal Law.

8 We thank you for all your efforts to  
9 ensure stimulus money came to the MTA and  
10 pledge to continue working with you to get  
11 what the MTA, state and municipalities are  
12 due.

13 Thank you for considering our  
14 comments, and I look forward to any questions  
15 you may have. Thank you.

16 THE MODERATOR: Ms. Bailey, please.

17 MS. BAILEY: Thank you very much.

18 Thank you, Senator Krueger,  
19 Assemblymember Weinstein, and esteemed  
20 colleagues for the opportunity to testify  
21 before you today. I'm Lauren Bailey,  
22 director of climate policy for Tri-State  
23 Transportation Campaign, a 27-year-old  
24 organization dedicated to improving people's

1 lives by expanding their access to transit  
2 and clean transportation options in New York,  
3 New Jersey and Connecticut.

4 Despite the massive disruption to the  
5 daily patterns of our lives over the past  
6 year, transportation continues to be New York  
7 State's highest greenhouse-gas-emitting  
8 sector. The air pollution that our  
9 transportation system of cars, buses and  
10 trucks sends into the air each day is now  
11 proven to worsen the effects and lethality of  
12 COVID-19, adding another threat to  
13 communities that have been historically and  
14 consistently harmed by these emissions.

15 Reducing our state's reliance on  
16 fossil fuels by protecting and expanding  
17 public transit and accelerating vehicle  
18 electrification are necessary and feasible  
19 steps to meet our climate goals -- and will  
20 be key elements of our state's successful  
21 recovery from this pandemic.

22 Despite our short-term challenges,  
23 New York's transportation system must  
24 continue to evolve, and our public transit



1        must be top priority. Transit vehicle  
2        electrification is proving to take time and  
3        energy, as we knew that it would, and as any  
4        worthy item is. We appreciate that the  
5        Executive Budget proposal includes the second  
6        year of \$20 million in bus electrification  
7        funding for the five largest transportation  
8        authorities outside of the MTA, and we  
9        encourage the legislature to support this  
10       funding and continue to pursue legislation to  
11       electrify the entire state's transit systems.

12                However, electrification doesn't just  
13       stop with our buses. We encourage the  
14       Legislature to also pursue equitable  
15       installation of electric vehicle charging  
16       stations across New York State and  
17       electrification of the trucking industry.  
18       Rolling out these technologies to all  
19       communities will assist in the widespread,  
20       equitable adoption of electric vehicles and  
21       improve air quality for communities living  
22       near our state's highways and ports.

23                Throughout this impossible year, our  
24       transportation authorities have done what

1       they do best -- keep people moving. The  
2       almost 10 percent cut in operating aid to all  
3       upstate authorities, along with the much  
4       higher cuts to downstate and MTA, are  
5       breathtaking. Riders and taxpayers deserve  
6       to know, did the state's take of the  
7       petroleum, payroll and other tax sources  
8       decline, as many have over this difficult  
9       time, leading to this budget hole -- or is  
10      this a deliberate raid? The Legislature is  
11      poised to find these answers.

12               We finally encourage you to push for  
13      the renewal of 24/7 subway service. Our  
14      organization has conducted thorough research  
15      with our colleagues in public health, and we  
16      have found no indication of transit  
17      contributing significantly to the spread of  
18      COVID-19. The overnight closures do not save  
19      the MTA one penny in spending, nor does the  
20      ongoing hygiene theater of disinfecting the  
21      train cars have any measurable benefit to  
22      protecting riders' or operators' health.

23               Since vaccine clinics are assumed to  
24      be slated to be open 24 hours, it is all the

1 more urgent that frontline shift workers,  
2 primarily low-income and people of color who  
3 are mostly transit-dependent, have an  
4 efficient way to access these places.

5 Transportation continues to be an  
6 essential service we provide to all  
7 New Yorkers, as well as an industry with  
8 enormous potential for contributing to  
9 New York's economic recovery and clean, green  
10 future. We look forward to what the  
11 Legislature will accomplish to make transit  
12 and the entire transportation network  
13 cleaner, safer, and more efficient for  
14 everyone.

15 Thank you very much for your time.

16 MR. HIFFA: Good evening. I'm Fred  
17 Hiffa. On behalf of Rebuild New York Now, we  
18 appreciate the opportunity to address you  
19 today with regards to the Governor's proposed  
20 executive transportation budget.

21 I want to start by commending the DOT  
22 for continuing to deliver a robust capital  
23 plan during these very difficult times.  
24 Rebuild New York Now appreciates Commissioner

1       Dominguez's comments earlier today that local  
2       governments will receive 90 million of the  
3       120 they had withheld in local highway  
4       funding this season, and we're looking  
5       forward to avoiding a reduction next year.  
6       Also, we appreciate yesterday's release of  
7       the 200 million in the local bridge program.  
8       We also want to thank each of you,  
9       understanding this hearing and each of your  
10      efforts helped precipitate these  
11      announcements.

12             The Governor's proposed '21-'22 NYSDOT  
13      capital program provides an excellent  
14      foundation, but we would request you and your  
15      legislative colleagues consider making  
16      adjustments. In the grid I provided on the  
17      first page of my submitted testimony, it  
18      denotes the proposed budget for highway  
19      funding at 3.6 billion. But within that  
20      number, 1.3 billion is for signature  
21      projects -- only 2.25 billion for core  
22      highway and bridge repair, the lowest level  
23      of core funding in over five years.

24             According to DOT's own numbers, in

1       2017 the agency projected it would need over  
2       5.7 billion to bring its pavements into a  
3       state of good repair, a 35 percent increase  
4       and a \$2 billion increase over just eight  
5       years earlier. During the same period of  
6       time, the agency projects more than 2100  
7       bridges will become deficient over the next  
8       five years -- a 100 percent increase.

9               We understand there are limited  
10       resources, but there needs to be a  
11       correlation between project selection in the  
12       Executive's budget and the system's real  
13       needs. The Thruway is a great example of how  
14       project selection can impact the conditions  
15       of the system as much as the level of  
16       investment.

17               The Thruway has taken on a number of  
18       megaprojects, including the Mario Cuomo  
19       Bridge and cashless tolling. These projects  
20       have benefits, but due to their significant  
21       costs and the authority's limited finances,  
22       reductions occurred in capital investments on  
23       the rest of the system. As a direct result  
24       of prioritizing the megaprojects, the rest of

1       the system has seen devastating levels of  
2       deterioration. In 2007, only 9.6 percent of  
3       the Thruway was rated in fair or poor  
4       condition. Just 10 years later, in 2017,  
5       62 percent of its pavements were rated fair  
6       or poor.

7               Construction on the new bridge began  
8       in 2013, and at that time the Thruway was  
9       spending an average of \$350 million annually  
10      in highway and bridge maintenance. Since  
11      2013, the average spending has been reduced  
12      to just over 200 million annually.

13             In December the federal government  
14      passed a second stimulus package, which  
15      included 426 million for the New York State  
16      DOT. The DOT's '21-'22 capital program has  
17      not been increased to reflect these  
18      additional funds. We urge you to ensure  
19      these funds are added to the DOT's core  
20      program, creating jobs and infrastructure  
21      renewal, not fiscal relief.

22             On behalf of Rebuild New York Now,  
23      thank you very much, and we look forward to  
24      continuing to work together.

1                   CHAIRWOMAN WEINSTEIN: Thank you.

2                   MR. PACHOLCZAK: Good evening, I'm  
3                   Walter Pacholczak, vice president of  
4                   government affairs for the Associated General  
5                   Contractors of New York State. AGC is a  
6                   construction trade association of union and  
7                   open-shop contractors. AGC members perform  
8                   the majority of the public and private  
9                   transportation, building and environmental  
10                  infrastructure work across the entire State  
11                  of New York.

12                  I'll quickly go through my testimony  
13                  today. Governor Cuomo, recognizing the  
14                  critical nature of the construction industry  
15                  to New York's economy, has kept construction  
16                  essential throughout the COVID-19 pandemic,  
17                  and even as the industry has worked safely on  
18                  projects that have contributed to the economy  
19                  and remained online, New York lost more  
20                  construction jobs than any other state other  
21                  than California, a loss of nearly 10 percent.

22                  At the same time the Governor has made  
23                  it perfectly clear that any action by the  
24                  federal government is essential to the

1       revitalization of this aggressive plan and  
2       recovery of our economy. AGC and our members  
3       have consistently hammered home that message  
4       with the members of the New York State  
5       Congressional delegation. To date, we've had  
6       17 of these Zoom town-hall-style meetings,  
7       and we'll continue to do so in 2021,  
8       hammering home that message.

9               The construction industry is ready to  
10       meet Governor Cuomo's challenge to "Build  
11       Back Better," a vision shared by President  
12       Biden. That means building signature  
13       projects, the core DOT program, and local  
14       roads and bridges across the entire State of  
15       New York.

16              For the past several years or maybe  
17       longer, AGC has testified at these joint  
18       public hearings, urging the Legislature to  
19       require DOT to release annual road and bridge  
20       condition reports. The reports increase  
21       governmental transparency and will help the  
22       Legislature and public to determine whether  
23       or not the New York State DOT capital program  
24       is meeting our needs, and if all the approved



1 funding is actually being spent on road and  
2 bridge construction.

3 I'm going to move quickly through to  
4 the Article VII proposals addressed in the  
5 TED bill. Specifically I'll start with  
6 Part B, addressing the safety of  
7 transportation workers. This is something  
8 that AGC supports very strongly because in  
9 the definition of highway worker it includes  
10 contractor and flagger and imposes tougher  
11 criminal penalties on perpetrators of  
12 violence against transportation workers, and  
13 establishes new penalties for the intrusion  
14 into an active work zone.

15 Part C, we talked a little bit about  
16 the electronic bidding for Thruway  
17 construction contracts, something clearly  
18 important. AGC supports that proposal.

19 Under Part E, the toll enforcement,  
20 something that AGC supports, but we do not  
21 know where the money is going yet. And on  
22 Parts G and H for the MTA, AGC clearly  
23 supports those too, to help speed up and  
24 expedite construction. And on Part I, the

1 MTA worker assault and harassment, obviously  
2 we support that too, but we think that the  
3 contractors that are doing work for the MTA  
4 should be included.

5 And I will -- just quickly, one final  
6 note on the cannabis proposal. AGC clearly  
7 supports allowing employers the right to a  
8 drug-free workplace. This is particularly  
9 important to the construction industry, where  
10 job site safety is of the utmost concern.  
11 Furthermore, New York is the only state in  
12 the nation with a Scaffold Law, which places  
13 an absolute liability standard on  
14 elevation-related injuries, so therefore AGC  
15 supports reforming the Scaffold Law as well.

16 Thank you for your time today. We  
17 appreciate it.

18 CHAIRWOMAN WEINSTEIN: Thank you.  
19 Thank you all for being here. I do not  
20 believe we have questions from any members.

21 I did want to take this opportunity  
22 both to thank all of you for the work you do  
23 as well as being here. And just a reminder  
24 that written testimony that has been

1 submitted was circulated to the members, to  
2 all members of the respective committees, and  
3 is part of the official record of the  
4 hearing.

5 So thank you for being here, and now  
6 we're going to move on to Panel B --

7 PANEL MEMBERS: Thank you.

8 CHAIRWOMAN WEINSTEIN: -- the New York  
9 State Association of Town Superintendents of  
10 Highways, Alex Gregor, president, and  
11 New York State County Highway Superintendents  
12 Association, Joe Wisinski, president.

13 MR. GREGOR: I'm sorry, I had a little  
14 technical difficulty.

15 CHAIRWOMAN WEINSTEIN: No problem.

16 MR. GREGOR: First, thank you for your  
17 stamina today. It's been a long day.

18 Hello, Senator Krueger, Assemblywoman  
19 Weinstein, and other members of the  
20 Legislature. I'm Alex Gregor, president of  
21 the New York State Association of Town  
22 Superintendents of Highways. And I'm the  
23 highway superintendent for the Town of  
24 Southampton in Suffolk County.

1           Local governments are responsible for  
2           ensuring the safe operation of 87 percent of  
3           the state's public roads, half of its  
4           bridges, and plowing not only our own huge  
5           system but over a quarter of the amount of  
6           the State DOT roads.

7           The Executive Budget proposal holds  
8           CHIPS funding once again flat at 438 million.  
9           BRIDGE and PAVE-NY are also receiving no  
10          increases at 100 million each. And the  
11          Extreme Winter Recovery program, that's been  
12          cut to zero, and we urge you to reappropriate  
13          this funding in the '21-'22 enacted budget at  
14          an increase of \$100 million. This is  
15          something we always depended on you folks in  
16          the Assembly and the Senate to be our  
17          champions and get this included. So please,  
18          respectfully, we request the 100 million in.

19          I am pleased to hear from Commissioner  
20          Dominguez this morning that the withholding  
21          of our local transportation assistance from  
22          this year will be restored to only a  
23          5 percent reduction, which means the return  
24          of \$90 million statewide. The commitment

1           there is currently no intent to withhold  
2           these funding programs in the upcoming  
3           budget. The vast majority of municipalities  
4           receive no federal highway assistance.  
5           Restoring this funding is essential.

6                     I was also very happy to see the next  
7           round of BRIDGE NY was announced yesterday.  
8           Thank you to the Governor, to Commissioner  
9           Dominguez, and especially to you all, every  
10          member of the Legislature. Thank you very  
11          much.

12                    I also would like to thank those  
13          New Yorkers who were deemed essential  
14          employees, including the many thousands of  
15          men and women, municipal highway workers, who  
16          continue to work tirelessly through this  
17          pandemic to ensure other essential workers  
18          and the traveling public get to where they  
19          need to be safely.

20                    I realize that this isn't really a  
21          budget-related issue, but I did send a letter  
22          to Governor Cuomo just asking for  
23          clarification that we are and should be  
24          included in the 1-B vaccination plan. I

1 mean, it was something that was said all  
2 along. So if there's any help with that, you  
3 know, we would certainly appreciate it.

4 I don't see the clock, but I'm pretty  
5 much finished. I wanted to thank you for the  
6 opportunity to participate in this important  
7 hearing.

8 But what I've learned, as a simple  
9 highway superintendent from the Town of  
10 Southampton and the president of 933 town  
11 highway superintendents, is we're all  
12 connected. Whether we live in the urban  
13 areas, whether we live in the suburban or  
14 whether we live in the rural, we need to fix  
15 the infrastructure, and I hope that the  
16 funding can be spread fairly throughout the  
17 state to ensure safety.

18 And I appreciate your dedication and  
19 all your work. Thank you very much.

20 THE MODERATOR: Mr. Wisinski?

21 MR. WISINSKI: Yup. Good evening,  
22 Chairs Krueger and Weinstein and members of  
23 the Senate and Assembly.

24 I am Joseph Wisinski, president of the

1 New York State County Highway Superintendents  
2 Association and Madison County highway  
3 superintendent. Thank you for this  
4 opportunity to offer comments today on the  
5 2021-2022 Executive Budget and its impacts on  
6 county local roads and bridge programs.

7 The COVID-19 pandemic has affected  
8 everyone, and our county highway departments  
9 are no exception. We adhere to and follow  
10 all current public health policies to  
11 minimize the spread. However, despite our  
12 best efforts, we continue to be short-staffed  
13 with people out for positive cases or  
14 quarantine. The costs for cleaning and  
15 sanitizing vehicles and equipment, social  
16 distancing, mask requirements, continue to  
17 strain our local budgets as our dedicated  
18 staff goes about the business of  
19 reconstructing, repairing and maintaining our  
20 local transportation systems.

21 In addition, I would like to request  
22 that our highway crews be added to the  
23 Phase 1-B COVID vaccine eligibility list.

24 Regarding local roads and bridges, as

1       you know, they make up the bulk of the  
2       statewide system. Eighty percent of  
3       New York's roads and over half of the bridges  
4       are owned by local governments. Our crews  
5       are out plowing county roads, as well as many  
6       state-owned highways, to assure safe winter  
7       travel. Local roads are essential. The  
8       reason is motorists need to get to and from  
9       their jobs, homes, schools, hospitals, and  
10      other destinations.

11               Regarding the Executive Budget, the  
12      '21-'22 Executive Budget proposal holds CHIPS  
13      funding once again flat at 438 million. If  
14      this is enacted, this would be the ninth year  
15      without a CHIPS increase.

16               No increases are proposed for  
17      BRIDGE NY and PAVE-NY. Both remain at  
18      100 million. We do applaud the Governor's  
19      announcement yesterday to roll out the new  
20      \$200 million BRIDGE NY solicitation to  
21      generate good-paying jobs, improve system  
22      functionality and resiliency, and keep  
23      millions of motorists safe.

24               The Extreme Winter Recovery Program,



1       which the Legislature sponsors at 65 million,  
2       is not carried forward in the Executive  
3       Budget. Thus the state's local road and  
4       bridge spending plan is flat, despite a  
5       33 percent increase in the overall two-year  
6       DOT capital plan, set \$3 billion for the  
7       current budget year plus the one to be  
8       adopted in April.

9               Local programs should be made whole as  
10       soon as possible. The current appropriations  
11       for local highway programs were cut by  
12       20 percent in 2020. Funding allocation  
13       notices to highway departments were not sent  
14       out until 69 days after the budget was  
15       adopted last April. Many municipalities  
16       could not go forward and plan their highway  
17       programs with the uncertainty of full  
18       reimbursement from the state.

19              With only 80 percent of our CHIPS,  
20       PAVE-NY and EWR funds available, our local  
21       transportation capital programs that were  
22       already underfunded were reduced even  
23       further. As a result, we saw a reduction in  
24       local construction jobs, and we all know that

1 work delayed will cost much more at a later  
2 date.

3 Counties have seen massive drops in  
4 sales tax and state aid. While counties do  
5 all they can to maintain highway  
6 infrastructure funding at the local level,  
7 they're often operating with their hands tied  
8 behind their backs and are not to make up  
9 losses in highway funding.

10 So the Governor's Executive Budget  
11 proposes a 15 percent repayment for local  
12 programs that were cut. Five percent will be  
13 a permanent cut for unknown reasons. It is  
14 not clear how or when the local and bridge  
15 capital repayment funding will happen, and we  
16 would like legislators to help us with these  
17 questions. New York State County Highway  
18 Superintendents Association urges 100 percent  
19 of the cuts to highway funding to be  
20 restored, and full funding of the '21-'22  
21 appropriations as proposed in the Executive  
22 Budget, and increasing Extreme Winter  
23 Recovery Funds to \$100 million.

24 Thank you. We look forward to working

1           with you as the budget deliberations continue  
2           to ensure appropriate levels of funding for  
3           essential road, bridge and culvert projects,  
4           and assisting in economic recovery.

5           Thank you.

6           CHAIRWOMAN WEINSTEIN: Thank you.

7           We have one question for the panel  
8           from Assemblyman Palmesano.

9           ASSEMBLYMAN PALMESANO: Yes, thank  
10          you. Can you hear me okay?

11          CHAIRWOMAN WEINSTEIN: Yes.

12          MR. WISINSKI: Yes, sir.

13          ASSEMBLYMAN PALMESANO: Thank you.

14          First, Mr. Gregor, Mr. Wisinski, I just  
15          wanted to say thank you very much for what  
16          you are doing in our local communities, what  
17          you are doing in our local communities with  
18          the resources that are afforded to you. We  
19          obviously know it was a very difficult year.  
20          But I just want you to know, for myself and  
21          colleagues in the Legislature, you and your  
22          members have our deepest respect and  
23          appreciation for the tremendous job you do in  
24          our local communities each and every day,

1       taking care of our local roads, our local  
2       bridges, our local culverts. Which is  
3       critical to economic development, which is  
4       critical to safety, and which is critical to  
5       the work the taxpayers do -- that you do for  
6       the taxpayers, to protect the taxpayers well.

7               I did have a couple of quick questions  
8       I wanted to ask you. We certainly know about  
9       the CHIPS funding and the problems there. We  
10      need to increase that base aid, which has  
11      been flat for nine years. When we're talking  
12      about \$300 million and, you know, the  
13      Governor's talking about \$300 million for  
14      infrastructure improvements, absolutely,  
15      local infrastructure should be a part of that  
16      \$300 million.

17             So I did want to ask you specifically,  
18      I remember last year there was a big delay in  
19      getting the aid runs for you and your fellow  
20      colleagues and departments, and you need  
21      those aid runs to start moving forward on  
22      projects so you know with certainty --  
23      especially with the uncertainty we were  
24      facing with the budget. And those aid runs

1        didn't come until the middle of June. How  
2        did that impact your ability to start on  
3        projects and get to work on projects and  
4        moving forward.

5                And then on top of that, if you could  
6        answer, you know, with the AIM cuts for the  
7        local municipalities, with the withholding  
8        for the CHIPS, loss of sales tax dollars, how  
9        has that impacted your budget planning?  
10       Because obviously a lot of times for towns  
11       and counties, your budgets have to be in by  
12       January.

13               So, one, how did the delay in  
14       receiving your aid runs in June impact your  
15       ability to get projects going and get them  
16       completed in time so you could use up your  
17       funding?

18               And two, with the cuts you faced with  
19       AIM for your municipalities, the loss of  
20       sales tax revenue, and then obviously the  
21       uncertainty with the withholding of CHIPS,  
22       how did that impact your budgets in planning  
23       moving forward into this year?

24               (Zoom interruption.)

1                   ASSEMBLYWOMAN GALLAGHER: Hello, I am  
2                   Assemblywoman Gallagher, and I am  
3                   representing the 50th District, which is home  
4                   to many Holocaust survivors and there --

5                   CHAIRWOMAN WEINSTEIN: I'm not sure  
6                   where that is. I don't know, if we could put  
7                   a minute on the clock for the two gentlemen  
8                   to -- whoever wants to answer.

9                   MR. WISINSKI: So yeah, I'll go ahead  
10                  and answer those questions.

11                 So the delay in funding notification  
12                 resulted in many cases in projects that were  
13                 deferred or delayed. So in some cases they  
14                 were deferred into this year, into 2021, and  
15                 not done in 2020. In other cases, other  
16                 projects may have been selected and replaced,  
17                 projects that don't take as long as to plan  
18                 or to implement.

19                 You know, we have to -- it normally  
20                 takes us some time to be able to get bids out  
21                 and get projects planned and in the queue and  
22                 ready to go. Contractor schedules, you know.  
23                 If everybody's looking for work in the last  
24                 month of the season there's only so many

1 contractors available to do the work. So the  
2 simple answer is projects just don't get  
3 done, they get deferred.

4 With regard to budget impacts,  
5 obviously all the items that you mentioned  
6 are negative impacts on our budget. And we  
7 have seen most of our county legislatures  
8 just try to -- they try to do their best to  
9 maintain infrastructure funding at the local  
10 level. But basically, you know, without  
11 knowing the revenue source from the state,  
12 they estimate on the low side and try to add  
13 whatever projects they can.

14 So any future funding or additions to  
15 what we know now certainly will help the  
16 season go along.

17 ASSEMBLYMAN PALMESANO: Okay. Thank  
18 you for what you do again. Thanks so much.

19 MR. WISINSKI: Appreciate very much  
20 the support we get from everybody,  
21 Assemblymen and Senators. Thank you.

22 CHAIRWOMAN WEINSTEIN: Thank you.  
23 Thank you, gentlemen.

24 We now move on to Panel C, the

1 New York Public Transit Association, Bill  
2 Carpenter, president; Railroads of New York,  
3 Scott Wigger, executive director; and Empire  
4 State Passengers Association, Gary Prophet,  
5 president. We'll take a moment to bring  
6 those people into the room, I believe.

7 THE MODERATOR: Mr. Carpenter, you may  
8 begin.

9 MR. CARPENTER: Thank you, chairwoman  
10 Weinstein, Chairwoman Krueger, for giving  
11 NYPTA the opportunity to testify. And thank  
12 you, Chairwoman Paulin and Chairmen Kennedy,  
13 Comrie and Magnarelli -- and all members --  
14 for your support. I'm Bill Carpenter, CEO  
15 for transit in Rochester and president of  
16 NYPTA.

17 You heard earlier from the MTA, and we  
18 fully support their priorities. I'll focus  
19 my comments on the needs of transit in  
20 downstate suburbs and upstate systems.

21 The State Budget passed last April  
22 held great promise for transit, with  
23 increases in transit operating assistance  
24 across the state. Then the world changed.



1       When COVID hit, transit systems and our  
2       employees responded quickly to the crisis,  
3       keeping essential workers connected and  
4       providing access for everyone to jobs, food  
5       and healthcare, with first a mobility safety  
6       net and later to help the economy recover.

7               Today transit faces financial impacts  
8       which could affect the communities we serve.  
9       The loss of riders and revenue was immediate  
10      and dramatic. Our costs increased to afford  
11      PPE and enhanced cleaning. Then state  
12      operating assistance payments were cut by  
13      30 percent. But despite higher costs,  
14      transit systems kept their communities  
15      connected to the jobs and services by using  
16      federal relief.

17             The Executive Budget reduces state  
18      operating aid by 16.2 percent for downstate  
19      systems and 9.3 percent for upstate systems  
20      from the levels approved last April. While  
21      federal funding will offset revenue losses  
22      for a while, they'll soon be depleted.  
23      Robust transit is a catalyst for a strong  
24      economy. Services are being reimagined to

1       better serve all essential workers and  
2       complete essential trips. Transit is  
3       committed to build back better coming out of  
4       the pandemic.

5               We understand the difficult financial  
6       system the state has, and we'll do what we  
7       can with the resources provided to us. But  
8       reductions in state aid will not provide the  
9       resources to transform transit into the  
10      mobility engine our communities need. We  
11      recommend that STOA levels be returned to the  
12      '20-'21 levels and increased as funding is  
13      identified so we can support our communities.

14             And capital investment is also vital.  
15      We appreciate the Executive Budget maintains  
16      non-MTA capital funding at last year's  
17      levels, but additional funds are needed to  
18      address the backlog of capital needs and  
19      support the transition to electric vehicles.

20             In closing, transit stayed open during  
21      the pandemic to serve essential workers, and  
22      we're ready to expand mobility options so our  
23      communities can reopen, recover and grow.  
24      Robust transit service supports the economy,

1 addresses climate change, advances social  
2 equity, and moves people from poverty to  
3 prosperity. Accelerated investment in  
4 transit will accelerate those benefits.

5 We'll continue to work with you and  
6 the Governor to meet the mobility needs of  
7 our communities. Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Is that the last person on this panel?

10 CHAIRWOMAN WEINSTEIN: No, no, we're  
11 just starting.

12 Scott Wigger, Railroads of New York.

13 MR. WIGGER: All right, good evening.  
14 Thank you to the chairs and all the members  
15 for allowing me to testify at this hearing  
16 this evening. My name's Scott Wigger. I'm  
17 the executive director for Railroads of  
18 New York, and I represent the freight rail  
19 industry here in New York State.

20 In the interests of time, I'll just  
21 summarize the written remarks we've already  
22 provided ahead of time to everybody there.

23 And just for background, so the  
24 freight rail industry in New York State, we

1       have four Class I railroads and 36 short-line  
2       and regional railroads. So we hit all  
3       corners of the state.

4               And, you know, there's been  
5       interesting times here with the COVID  
6       pandemic going on. Our members have  
7       continued to provide essential services  
8       transporting goods such as food and medical  
9       supplies to all corners of the state there.  
10      And, you know, as the state gets its economic  
11      recovery going and gets back on its feet  
12      here, we stand by ready to assist the state  
13      in all these efforts.

14             A couple of years ago we enacted  
15      ambitious climate change law, the CLCPA law  
16      there. And it's designed to cut emissions  
17      across all sectors of the economy, including  
18      the transportation sector. But when you look  
19      at the transportation sector, emissions are  
20      directly related to fuel consumption. And  
21      that's an advantage where the freight rail  
22      industry is uniquely positioned to take  
23      advantage of this, if you will, there.

24             Shifting goods from truck to rail,

1 long-haul shipments, is one of the easiest  
2 and lowest-hanging-fruits way to reduce  
3 emissions in the transportation sector.  
4 Freight railroads are four times more  
5 fuel-efficient than trucks, and they can move  
6 a ton of freight 470 miles on one gallon of  
7 fuel.

8           And in order to take advantage of  
9 this, we need to continually invest in our  
10 state's rail network here and our  
11 infrastructure. Our members are constantly  
12 investing into their network, but there is  
13 state assistance that's needed, particularly  
14 for our smaller railroads.

15           The Governor's proposal right now has  
16 \$27.5 million for a mix of passenger rail,  
17 freight rail and port projects, which we  
18 appreciate and support being in there.  
19 That's the same level of funding that's been  
20 there; this will be the sixth year in a row  
21 that would be flat for that. So, you know,  
22 we'd like to get this back up to the levels  
23 it was during the 2005 and 2010 bond act  
24 years, when it was \$50 million a year. But,

1       you know, these funds go towards very  
2       important projects all over the state.

3               But one thing we're -- we have a  
4       backlog right now in the system. The past  
5       three years' worth of allocations have still  
6       not gone out for solicitation. That is  
7       \$27.5 million times three. So we're at  
8       \$82.5 million that's been allocated and  
9       approved by the Legislature that has just not  
10      gone out to bid. And now we're looking at  
11      possibly another year of just tacking on  
12      and -- we're just missing construction  
13      seasons, and we really would like to get this  
14      funding out so we can get these projects  
15      done.

16             And just to wrap up real quick, in the  
17      TED Article VII bill, Section A, there's  
18      language -- relating to increasing penalties  
19      for commercial vehicles striking bridges --  
20      that we support. It's a dangerous kind of  
21      situation with bridge strikes and it can  
22      cause damage that costs millions of dollars.

23             So with that, I believe our time's up,  
24      so thank you.

1                   CHAIRWOMAN WEINSTEIN: Thank you.

2                   Gary Prophet now. You just need to  
3 unmute it -- yes.

4                   MR. PROPHET: Yes, hello. Thank you  
5 for having me speak. And hello to all the  
6 members and the chairs that are present, and  
7 good evening to everybody.

8                   I'm Gary Prophet, the president of the  
9 Empire State Passengers Association. We're a  
10 volunteer statewide pro-transit group across  
11 New York State with about 1500 members.

12                  First of all, I just wanted to thank  
13 everybody that was involved with the  
14 completion over the last couple of months of  
15 the downtown Buffalo Exchange Street Station,  
16 and also the Moynihan Train Hall. Those are  
17 excellent welcoming tools for Amtrak  
18 passengers coming into both Buffalo and  
19 coming into Midtown Manhattan. And they were  
20 done with a lot of work with the Legislature  
21 and of course with the Governor also.

22                  I would also like to say that the  
23 Section 209 operating funds, which is what  
24 New York State subsidizes the Amtrak service

1           with, that is actually a partnership where  
2           New York State has a say in how Amtrak  
3           upstate service operates. By upstate  
4           service, that's the service between New York  
5           and Albany, along with Albany west toward  
6           Buffalo and then north of Albany up to  
7           Plattsburgh and Montreal.

8                     There's a lot of improvement that can  
9           be done with that service. Two short-term  
10          items to be considered would be the addition  
11          of a baggage car on at least a couple of the  
12          daytime services across the state, that would  
13          allow people to take their college belongings  
14          across the state, would allow people to take  
15          their hockey equipment to some of the hockey  
16          events that are held in downtown Buffalo, and  
17          just take some of the excess luggage off of  
18          the coaches in the car.

19                    Also another thing that was done a  
20          number of years ago was cafe service was  
21          removed from the Albany to New York trains.  
22          That should also come back. That's been  
23          talked about coming back for years, and  
24          that's a great advantage that I'm sure



1       there's many people that are in this meeting  
2       today that would like to be able to still get  
3       a cup of coffee or just get a beverage on one  
4       of the trains, especially once we're past  
5       COVID.

6               And also New York State would have a  
7       lot more say in the pricing of the service,  
8       especially getting out of COVID. Because  
9       like I said, it is a partnership with Section  
10      209 where New York State and Amtrak work  
11      together to improve the service upstate.

12             As far as longer term, the coaches  
13      that are used in the Amtrak service upstate,  
14      they're all about 40 years old. The  
15      locomotives themselves are about 25-plus  
16      years old. Those are items that obviously  
17      are needed for replacement going into the  
18      near-term future. And in addition to that,  
19      with the new administration in Washington,  
20      New York State needs to update their rail  
21      plan so that in any type of a rail  
22      renaissance or Build Back Better, New York  
23      State is ready to be able to take advantage  
24      of that.

1                   And in addition, the Livingston Avenue  
2                   Bridge, which New York State has discussed  
3                   replacing, that's actually a 120-year-old  
4                   bridge that connects Rensselaer to Albany,  
5                   crossing the Hudson River to allow trains to  
6                   get to upstate New York from Albany. And  
7                   that needs to be replaced at some point in  
8                   the next few years.

9                   So thanks for all the work that's been  
10                  done with Amtrak service upstate, but we  
11                  certainly see New York State being able to  
12                  work with Amtrak in order to improve the  
13                  service in the future, since it is vitally  
14                  important going into the future to have a  
15                  much better service upstate in order to  
16                  attract more people and be more  
17                  environmentally friendly, especially in the  
18                  age of climate change.

19                 Thank you.

20                 CHAIRWOMAN WEINSTEIN: Thank you.

21                 I know we do not have any  
22                 Assemblymembers who have questions, but we do  
23                 have a number of Senators, so I'll turn it  
24                 over to Liz Krueger to call on the Senators.

1                   CHAIRWOMAN KRUEGER: Thank you so  
2 much. We actually have two Senators.

3                   Senator Shelley Mayer, if she's there  
4 and comes on. Yes, I see action happening.

5                   Shelley, are you with us?

6                   SENATOR MAYER: I am. Thank you,  
7 Madam Chair.

8                   CHAIRWOMAN KRUEGER: Great.

9                   SENATOR MAYER: I have a question for  
10 Mr. Carpenter. And thank you for being here.  
11 And obviously I think you know I have a  
12 longstanding concern about downstate suburban  
13 non-MTA transit, and particularly a proposed  
14 reduction.

15                   In Westchester the B Line bus, during  
16 COVID, one, moved all entry into the bus to  
17 the back door in order to protect the safety  
18 of the drivers, at the request of the  
19 drivers' union, which the county executive  
20 graciously agreed to do, and eliminated all  
21 fares on the bus during that time. Because  
22 basically we were talking about essential  
23 workers, many of whom were the lowest-paid,  
24 on their way.

1                   Do you know if other public transit  
2                   systems adopted this, which contributed to  
3                   additional loss beyond just anticipated loss  
4                   from downward trends?

5                   MR. CARPENTER: Thank you, Senator,  
6                   for the question.

7                   I know in Rochester, as soon as we had  
8                   community spread, we stopped collecting  
9                   fares, moved to rear-door boarding. Buffalo,  
10                  Syracuse, Albany all did that. I don't have  
11                  as much detail on the downstate systems, but  
12                  we'll make sure we get that to you.

13                  We didn't begin collecting fares until  
14                  the bus operators were safe and most of us,  
15                  including here in Rochester, put in a  
16                  contactless payment system so we didn't have  
17                  customers needing to touch a farebox that a  
18                  previous customer had also touched.

19                  So using technology and protecting the  
20                  employees, protecting the customers, that was  
21                  really our first move. But to your point,  
22                  that was -- resulted in dramatic reduction in  
23                  revenue.

24                  SENATOR MAYER: And I think it would

1           be helpful if you could identify for each of  
2           these systems at least what they did, because  
3           this adds to our argument that these losses  
4           of revenues were not simply because of COVID,  
5           but also because they made smart changes in  
6           operation to reflect the people they serve.  
7           So that would be helpful if you could get  
8           that information to me and my colleagues.

9           MR. CARPENTER: We will do that.

10          Thank you.

11          SENATOR MAYER: Thank you very much.

12          CHAIRWOMAN KRUEGER: Thank you.

13          We have Senator Cooney from Rochester.

14          SENATOR COONEY: Thank you,  
15          Madam Chair. I think my video coming on just  
16          now. There we go.

17          CHAIRWOMAN KRUEGER: There you go.

18          SENATOR COONEY: I'm directing my  
19          question to Mr. Carpenter. And it's great to  
20          see you, Bill. Thank you for hanging with us  
21          here tonight.

22          Before I ask my question, I just  
23          wanted to thank you and recognize you for  
24          your incredible work. As we heard from my

1       colleague Senator Mayer, you were describing  
2       some of the procedures you put in place over  
3       the last year. We want to thank you and  
4       recognize you for the good work.

5               And also particularly of interest to  
6       me is the work you've done around our  
7       veterans. I know that you have provided free  
8       fares for our veteran population in the  
9       greater Rochester area, and you were  
10      recognized with the Heroes in Motion Award  
11      last year. So thank you for your great work  
12      in honoring these indeed heroes for our  
13      community and our country and our state.

14             Let me get right to my question real  
15      quick. This is having to do with the STOA  
16      cuts that you mentioned earlier, specifically  
17      the 9 percent cut proposed in the Executive  
18      Budget for upstate New York.

19             One of the things I'm very interested  
20      in is how we reduce our reliance on fossil  
21      fuels and how we are taking measurable steps,  
22      real action, towards reducing our carbon  
23      footprint. And I know that you have a plan  
24      to put more electric buses in our system to

1           get to a goal of 36 percent of your fleet by  
2           2024. I'm wondering how these proposed cuts  
3           will impact your work.

4                     And if you could also comment on the  
5           capital side in terms of the depot that you  
6           are hoping to put in right behind your  
7           operation center. Thanks.

8                     MR. CARPENTER: Senator, thank you for  
9           your kind comments. Congratulations on your  
10          role in representing the City of Rochester  
11          and some of the surrounding towns.

12                    I really want to give credit to our  
13          board for their foresight in supporting our  
14          decision to stop collecting fares and also to  
15          put in place a partnership with Veterans  
16          Outreach Center so that veterans could go  
17          there, get a bus pass from us issued by them,  
18          so they get the support they need as veterans  
19          and then be able to ride our system on the  
20          entire eight-county area that we serve for  
21          free.

22                    As far as specific to the Rochester  
23          system, we have 10 electric buses. Chairman  
24          Kennedy, I appreciate you being there for

1           that event. We'll ask our board next  
2           Thursday to buy another 10 electric buses.

3           The Governor has shown a strong  
4           commitment, as seen by the second year of the  
5           \$100 million capital plan for electric buses,  
6           expanding the Volkswagen funds for electric  
7           buses. So I believe we're in good shape. We  
8           just want to have the operating aid to run  
9           them. So capital less of a problem; we need  
10          to make sure we have the operating aid to  
11          move around the community with them.

12          SENATOR COONEY: Thank you, Bill.

13          In my last 10 seconds I just want to  
14          do a shout-out to Mr. Wigger and Mr. Prophet.  
15          I really do hope we have a rail renaissance  
16          in this state, and Senator Kennedy and I are  
17          going to continue to work and push on  
18          high-speed rail across New York. Thank you.

19          CHAIRWOMAN KRUEGER: And actually  
20          Senator Kennedy had just one or two closing  
21          statements for this panel.

22          SENATOR KENNEDY: Yeah, first of all,  
23          you know, Senator Cooney -- great minds think  
24          alike; he stole my question on the STOA



1 funding. So that's good stuff there.

2 And Bill, I want to join Senator  
3 Cooney in acknowledging your leadership.  
4 It's really been sensational statewide.  
5 Particularly there in Rochester, I think  
6 you're setting a precedent for the rest of  
7 the state to follow specifically outside MTA.  
8 So thank you for your work. I look forward  
9 to working with you.

10 Mr. Prophet, thank you for your  
11 efforts. And Mr. Wigger, thank you.

12 This is specifically for Mr. Wigger,  
13 and then I'm going to get out of your way.  
14 Can you talk about, you know, what obstacles  
15 may be in the way for high-speed rail? I  
16 mean, we are very focused on making this a  
17 reality. The stars have aligned both at the  
18 federal level and at the state level to  
19 really do something extraordinary, and I  
20 think that's the challenge for us.

21 So is -- are companies, are  
22 corporations like CSX and other heavy freight  
23 rail corporations, are they ready to work in  
24 partnership with state leadership in order to

1 provide for that roadmap to allow for  
2 high-speed rail to ultimately take root here?

3 MR. WIGGER: Well, speaking now for  
4 the organization, you know, not any  
5 particular railroad -- I don't want to  
6 overstep there.

7 But, you know, the biggest hurdle, I  
8 think it's pretty -- you know, you've seen  
9 it's costs. I mean, we're talking billions  
10 of dollars. Because the simple fact is you  
11 just can't have a high-speed train on the  
12 same tracks as a freight train. Right? If  
13 you're going high-speed rail at 150 miles an  
14 hour, you've got a freight train going 40 on  
15 those same tracks, it's just not going to  
16 work.

17 So you just -- you essentially need to  
18 build a whole new set of tracks, like double  
19 tracks, if you will. So it's -- the  
20 infrastructure investment is by far the  
21 biggest hurdle, I would say.

22 SENATOR KENNEDY: And that's something  
23 that we're working to tackle at the federal  
24 level. So we'll be working with you to

1           hopefully streamline the process and get  
2           whatever obstacles out of the way as  
3           necessary.

4                   MR. WIGGER: Absolutely. And thank  
5           you for your leadership.

6                   CHAIRWOMAN WEINSTEIN: Thank you.

7                   CHAIRWOMAN KRUEGER: Thank you.

8                   CHAIRWOMAN WEINSTEIN: That concludes  
9           this panel.

10                   We have our final panel, which will be  
11          Reinvent Albany, Racheel Fauss, senior  
12          research analyst, and Rise and Resist  
13          Elevator Action Group, Jessica Murray,  
14          organizer.

15                   Rachael, if you want to begin.

16                   MS. FAUSS: Good evening. My name is  
17          Rachael Fauss, and I'm the senior research  
18          analyst for Reinvent Albany. We advocate for  
19          more transparent and accountable government,  
20          including for state authorities like the MTA  
21          and Thruway Authority.

22                   I'm just going to go through my  
23          recommendations and make some comments based  
24          on MTA testimony. I know you have the full

1           written remarks.

2                       First, we recommend that the  
3           Legislature reject the Governor's proposal to  
4           continue the budget adjustment process into  
5           FY 2022. This would be if the state does not  
6           receive the \$6 billion. This time it would  
7           be without legislative sign-off, and we think  
8           that that's something the Legislature should  
9           reject.

10                      Two, all dedicated funds received in  
11           FY '21 -- so calendar year 2020 -- should be  
12           repaid or paid to the MTA and other transit  
13           systems from withholdings.

14                      Three, the Legislature must get  
15           detailed information about exactly how much  
16           in specific dedicated taxes was raised by tax  
17           in 2020 to better understand why the MTA  
18           operating aid has been cut by 1 billion for  
19           both FY 2021 and FY 2022. I know that that  
20           was something you asked for, and I was very  
21           encouraged to hear you ask for that  
22           information, because I think it's crucial to  
23           determine exactly how much money is left for  
24           the MTA.

1           Four, all transit dedicated funds must  
2           be moved off-budget and directly remitted to  
3           the MTA and other transit systems, to prevent  
4           future raids on transit funds and further  
5           downgrades by ratings agencies. I'd just  
6           state that Kroll, one of the MTA's ratings  
7           agencies, specifically downgraded them last  
8           year due to the withholdings of state  
9           resources. That's significant because that  
10          means that that's more that riders have to  
11          pay in debt service, and that's less for  
12          operating.

13          And lastly, we recommend the  
14          Legislature hold a hearing on MTA procurement  
15          rather than accept the Article VII  
16          procurement changes, because transit agency  
17          procurement is enormous, complex and also  
18          controversial.

19          And in addition to the  
20          COVID-19-related emergency rules, I'd just  
21          like to note the Governor's Executive Order  
22          168 suspends MTA procurement laws. And that  
23          was first enacted in 2017 and it's been  
24          renewed 43 times. So proposed law changes

1           and, I think, the ongoing executive order  
2           should be reviewed together in a separate  
3           forum like a public hearing.

4                     And then I'd just like to comment -- I  
5           know Senator Comrie asked for a specific  
6           withholding number from the MTA. And I think  
7           what was significant about the MTA's response  
8           was that they basically said that they had to  
9           rebaseline their budget to account for state  
10          withholdings. And what that means is that  
11          withholding became a de facto cut for the MTA  
12          in 2022. Their budget is based on a calendar  
13          year, so they had to account for the loss of  
14          that state revenue. Even if it's going to be  
15          repaid, it's something that they have to deal  
16          with in addition to the lack of federal aid.

17                    So I think it's important to recognize  
18          these withholdings have gone so long they've  
19          become de facto cuts for these agencies. And  
20          that's exactly why the Legislature needs to  
21          find out the exact amount of these  
22          withholdings.

23                    So thank you very much for the  
24          opportunity to speak. I'm happy to answer

1 questions.

2 CHAIRWOMAN KRUEGER: Thank you.

3 MS. MURRAY: Okay, I guess I'll go  
4 ahead and start. My name is Jessica Murray,  
5 and I'm here to continue the drumbeat for  
6 full subway accessibility, which as you all  
7 know is nowhere near the level that it should  
8 be.

9 So I want to preface my remarks by  
10 saying that the MTA has really changed their  
11 tune about accessibility over the past few  
12 years. I believe that the leadership is  
13 sincere when they say that they take  
14 accessibility seriously and that they are  
15 committed to it.

16 I'm also the chair for an advisory  
17 committee for their transit accessibility for  
18 New York City Transit, and I work closely  
19 with their accessibility team to improve  
20 information design and communication.  
21 However, the Elevator Action Group is very  
22 concerned with how the agency's priorities  
23 are decided, particularly the Governor's  
24 influence over those decisions.

1                   Transit's first-ever chief  
2                   accessibility officer, Alex Eleguden, left  
3                   his job in September to work in the  
4                   Governor's office. His vacancy still hasn't  
5                   been filled, there has oddly been no  
6                   information or communication about his  
7                   position in the Executive Chamber, where we  
8                   were told he was going to advise on  
9                   disability issues.

10                  So in our written remarks we  
11                  highlighted two main issues. The first is  
12                  that the MTA has retained Paul Weiss Rifkind  
13                  & Partners to defend them against a  
14                  class-action lawsuit seeking full subway  
15                  accessibility. They lost an appeal last year  
16                  to dismiss the suit entirely, and a judge in  
17                  a different lawsuit ruled that under the ADA,  
18                  station renovations must include  
19                  accessibility no matter what the cost. And  
20                  that hasn't always happened. We don't think  
21                  that paying a white-shoe law firm to fight  
22                  this lawsuit is a worthwhile expense given  
23                  the MTA's current budget crisis. And more  
24                  importantly, other cities' transportation



1 agencies settled ADA lawsuits years ago and  
2 are better today because of those  
3 settlements.

4 And I will highlight that all but one  
5 of the accessible subway stations completed  
6 last year were key stations agreed to as a  
7 result of other settlement agreements with a  
8 deadline of 2020.

9 The second issue is that the relative  
10 spending on accessibility upgrades compared  
11 to other budget items needs to be kept in  
12 check. We fought very hard to get a  
13 commitment of 70 accessible stations in the  
14 next five-year capital plan, but we will  
15 still need 285 stations for a fully  
16 accessible system once those are complete.

17 And we understand that the budget has  
18 been decimated by this crisis, but if the MTA  
19 invests in any capital improvements this  
20 year, we want to make sure that a minimum of  
21 10 percent of spending goes towards  
22 elevators, in line with the approved capital  
23 plan.

24 So thank you all for your oversight of

1           these issues, and thank you for your time  
2           today.

3                   CHAIRWOMAN KRUEGER: Thank you.  
4                   Assemblywoman?

5                   CHAIRWOMAN WEINSTEIN: Yes, thank you.  
6                   We go to -- Assemblywoman Gallagher  
7           has a question, I believe, for Rachael.

8                   ASSEMBLYWOMAN GALLAGHER: Great, thank  
9           you so much.

10                   And I just want to thank both of you  
11           for your advocacy work, especially around the  
12           ADA class-action suit. My district has been  
13           a beneficiary of some of these new elevators,  
14           and I know that there's much more work to do,  
15           and you can count on me to be a partner for  
16           you in advocating for that.

17                   But I do have a question for Rachael,  
18           and that is you brought up the debt servicing  
19           and the MTA's sinking rating eating rates.  
20           And I'm really interested in what your  
21           recommendations are for unwinding the debt  
22           servicing.

23                   And also I would love to hear more  
24           about just repaying -- having the fund repaid

1 to MTA that they're owed. I would really  
2 like to hear more about that.

3 Thank you.

4 MS. FAUSS: Okay, thank you,  
5 Assemblymember Gallagher.

6 I think, first on the debt service,  
7 you know, I think, yeah, it's I think notable  
8 that the ratings agencies were concerned  
9 about state subsidy support. Because  
10 dedicated taxes are supposed to be  
11 100 percent for the MTA, yet with this  
12 withholding process there's an intermediary  
13 step where they're getting potentially  
14 intercepted. I mean, there's been a history  
15 of raids on transit funds in the past that  
16 we've been very concerned about, and with  
17 this withholding process there's an extra  
18 layer of opacity to make sure that, you know,  
19 once they come in in tax receipts they go  
20 directly to the MTA.

21 And I think one way to address that  
22 and help to improve MTA bond ratings would be  
23 to remit MTA dedicated taxes directly to  
24 them. They don't need to go through the

1        appropriations process. In fact a lot of MTA  
2        funding has been moved off-budget. The  
3        Payroll Mobility Tax was not initially  
4        off-budget, but it was moved off-budget about  
5        two years ago. And, you know, the Division  
6        of the Budget has even said in their own  
7        statements that it removes the unnecessary  
8        involvement of the state and it also can help  
9        to improve credit ratings.

10                So I think that's a step that can be  
11        taken by the State Legislature to improve MTA  
12        debt service.

13                I think, you know, obviously the MTA  
14        has a lot of debt to its capital program. I  
15        think seeking to find out how it can -- the  
16        capital lockbox can be -- I know previous  
17        speakers spoke about that, how the capital  
18        lockbox can be retained and make sure that  
19        capital resources are identified as also  
20        being important going forward.

21                On the withholdings of MTA funding, I  
22        think one of the things that we've been most  
23        interested in is, you know, we and 19 other  
24        groups sent a letter to the Division of the

1       Budget last December asking for a list -- or  
2       basically for more transparency of all the  
3       withholdings, asking for it by agency.

4               If the Legislature and the public does  
5       not know by agency how much money has been  
6       withheld, then you can't know the answer of  
7       how much should be repaid. That's a basic  
8       transparency issue that I think can be  
9       remedied pretty easily by just basic  
10      transparency from the executive branch on how  
11      much funding has been withheld.

12             And I'd just add a little to that.  
13      You know, the Legislature, as part of this  
14      adjustment process, was supposed to be  
15      notified of all the withholdings. We  
16      actually saw the records that you received  
17      from a FOIL request to the Assembly, and the  
18      Legislature only saw \$900 million of these  
19      withholdings, yet the Division of the Budget  
20      identified \$3.1 billion. So you only saw a  
21      quarter of the withholdings that took place.

22             I think that's something that --  
23      that's exactly why we're saying that the  
24      Legislature has to reject any kind of

1 adjustment process going forward, because  
2 otherwise --

3 CHAIRWOMAN WEINSTEIN: Thank -- thank  
4 you.

5 MS. FAUSS: -- are accountable.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 Senate, I believe you have a question?

8 CHAIRWOMAN KRUEGER: Yes, I believe  
9 Senator John Liu would like to close us down  
10 tonight.

11 SENATOR LIU: Madam Chair, I did not  
12 know that I would be closing it down.

13 But first let me thank you and Senator  
14 Kennedy and Senator Comrie and Chair  
15 Weinstein and all the other chairs for your  
16 incredible endurance. Thank you very much.

17 I actually had a question for the  
18 Riders Alliance, and I suppose they're not  
19 testifying live, but I will take a look at  
20 their testimony on the record.

21 I do want to thank Jessica for her  
22 advocacy and also Rachael, as always.  
23 Rachael keeps us all honest with the numbers.  
24 And I guess the good news is that the

1           Division of Budget did recently say  
2           explicitly that they are looking to move some  
3           of the dedicated MTA revenues out of the  
4           State Budget so that it's -- so I think his  
5           words were so it won't -- wouldn't directly  
6           affect the state, whatever that means.

7                     In any event, thank you very much for  
8           your testimony, and I'll contact the Riders  
9           Alliance directly myself. Thank you.

10                    CHAIRWOMAN KRUEGER: Thank you,  
11           Senator Liu.

12                    CHAIRWOMAN WEINSTEIN: Thank you,  
13           Senator Liu. We needed you because we needed  
14           to hit the 10-hour mark, and we just did.

15                    (Laughter.)

16                    SENATOR LIU: Well, wait a second,  
17           we're --

18                    CHAIRWOMAN WEINSTEIN: No, no. No,  
19           no. We don't want to go over. That's it,  
20           Senator.

21                    (Laughter.)

22                    CHAIRWOMAN WEINSTEIN: So I do want to  
23           thank all of the members. I want to thank  
24           also the panel, because I know it's been a

1           long day for all of you. We did have a  
2           feeling, Senator Krueger and I, when we went  
3           to Zoom and people didn't have to sit in  
4           Albany or catch a 6 o'clock train back to  
5           New York City, that we'd go a little longer  
6           than in past years. But it's been very  
7           helpful to -- nonetheless, the time has been  
8           very helpful and a lot of members' questions  
9           will help us as we move forward with the  
10          budget.

11                 So I am now going to official conclude  
12          this hearing and announce that tomorrow at  
13          9:30 we will be having the EnCon hearing --

14                 CHAIRWOMAN KRUEGER: The Environmental  
15          Conservation hearing, yup.

16                 Environmental conservation will be run  
17          by -- including -- the Senate will be doing  
18          that hearing first.

19                 So thank you all. Have a good  
20          evening. And just for everybody, anybody  
21          listening, the panel is here and you can  
22          submit testimony, any additional testimony,  
23          and it will be accepted.

24                 So thank you, and have a good evening,



1           all. And members, I'll see you tomorrow.

2                   CHAIRWOMAN KRUEGER: Yes, members,  
3           I'll see you tomorrow as well. Thank you,  
4           everybody, for your endurance. Take care.

5                   CHAIRWOMAN WEINSTEIN: That concludes  
6           this hearing.

7                   CHAIRWOMAN KRUEGER: Thank you.

8                   (Whereupon, the budget hearing concluded  
9           at 6:51 p.m.)

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