

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

2 -----

JOINT LEGISLATIVE HEARING

3 In the Matter of the
2022-2023 EXECUTIVE BUDGET
4 ON TRANSPORTATION

5 -----

6 Virtual Hearing
Conducted via Zoom

7

February 15, 2022

8 9:37 a.m.

9

PRESIDING:

10

Senator Liz Krueger

11 Chair, Senate Finance Committee

12 Assemblywoman Helene E. Weinstein

Chair, Assembly Ways & Means Committee

13

PRESENT:

14

Senator Thomas F. O'Mara

15 Senate Finance Committee (RM)

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

17

Senator Timothy M. Kennedy

18 Chair, Senate Committee on Transportation

19 Assemblyman William B. Magnarelli
Chair, Assembly Committee on Transportation

20

Senator Leroy Comrie

21 Chair, Senate Committee on Corporations,
Authorities & Commissions

22

Assemblywoman Amy Paulin

23 Chair, Assembly Committee on Corporations,
Authorities & Commissions

24

1 2022-2023 Executive Budget

Transportation

2 2-15-22

3 PRESENT: (Continued)

4 Assemblyman Jonathan G. Jacobson

5 Senator George M. Borrello

6 Assemblyman Charles D. Fall

7 Assemblywoman Emily Gallagher

8 Senator Pete Harckham

9 Assemblyman Edward C. Braunstein

10 Senator Shelley B. Mayer

11 Assemblyman Kenneth Zebrowski

12 Senator Joseph A. Griffo

13 Assemblywoman Jessica González-Rojas

14 Assemblyman Harry B. Bronson

- 15 Senator Jessica Ramos
- 16 Assemblyman Joe DeStefano
- 17 Senator Diane J. Savino
- 18 Assemblyman Steven Otis
- 19 Senator Sue Serino
- 20 Assemblywoman Jo Anne Simon
- 21 Senator Anna M. Kaplan
- 22 Assemblywoman Alicia Hyndman
- 23 Assemblyman Robert C. Carroll
- 24 Senator John C. Liu

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2 2-15-22

3 PRESENT: (Continued)

4 Assemblywoman Gina Sillitti

5 Assemblywoman Marcela Mitaynes

6 Senator Brad Hoylman

7 Assemblywoman Taylor Darling

8 Senator Roxanne Persaud

9 Assemblywoman Rebecca A. Seawright

10 Assemblyman Fred W. Thiele, Jr.

11 Senator Jeremy A. Cooney

12 Assemblyman Mark Walczyk

13 Assemblywoman Patricia Fahy

14 Assemblywoman Sandy Galef

- 15 Senator James Gaughran
- 16 Assemblyman Philip A. Palmesano
- 17 Assemblywoman Yuh-Line Niou
- 18 Senator Elijah Reichlin-Melnick
- 19 Assemblywoman Pamela J. Hunter
- 20 Assemblyman John Lemondes
- 21 Assemblywoman Monica P. Wallace
- 22 Senator Mario R. Mattera
- 23 Assemblyman Joe Angelino
- 24 Assemblywoman Stefani Zinerman

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2 2-15-22

3 PRESENT: (Continued)

4 Assemblyman Christopher S. Friend

5 Assemblywoman Karen McMahon

6 Assemblyman Karl Brabenec

7

8

9

10 LIST OF SPEAKERS

11 STATEMENT QUESTIONS

12 Janno Lieber

Chairman and CEO

13 Jai Patel

Deputy CFO

14 Metropolitan Transportation

Authority (MTA)	13	23
15		
Marie Therese Dominguez		
16 Commissioner		
NYS Department of Transportation	138	147
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Mark J.F. Schroeder		
18 Commissioner		
New York State Department		
19 of Motor Vehicles	265	272
20 Matthew J. Driscoll		
Executive Director		
21 NYS Thruway Authority	322	341
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3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Carm Basile

Executive Board Member

6 New York Public Transit

Association

7 -and-

Lisa Daglian

8 Executive Director

Permanent Citizens Advisory

9 Committee to the MTA

-and-

10 Rachael Fauss

Senior Research Analyst

11 Reinvent Albany

-and-

12 Elizabeth Adams

Senior Director for

13 Advocacy and Organizing

-and-

14 Felicia Park-Rogers

Director of Regional

15 Infrastructure Projects

Tri-State Transportation Campaign 387 406

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3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Deb Peck Kelleher

Director of Policy Analysis

6 and Operations

Alliance for Clean

7 Energy New York

-and-

8 Mo-Yain Tham

NY Senior Researcher

9 Jobs to Move America

-and-

10 Kaitlin Monaghan

Manager of Public Policy

11 and Senior Counsel

Rivian Automotive, LLC

12 -and-

Albert Gore III

13 East Coast Lead, Public Policy

& Business Development

14 Tesla

-and-

15 Justin Balik

Senior Manager of State

16 Policy for Electrification

World Resources Institute

17 -and-

Jessica Enzmann

18 Transportation Lead

ElectrifyNY

19 -and-

Mark Schienberg

20 President

Greater New York Automobile

21 Dealers Association 428 452

22

23

24

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3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Gary Prophet

President

6 Empire State Passengers

Association

7 -and-

Michael Hall

8 President

New York Aviation

9 Managers Association

-and-

10 Scott Wigger

Executive Director

11 Railroads of New York 480 491

12 John Evers, Ph.D.

President & CEO

13 American Council of Engineering

Companies of New York

14 -and-

Fred Hiffa

15 Consultant

Rebuild New York Now

16 -and-

Kendra Hems

17 President

Trucking Association of

18 New York State

-and-

19 Michael Elmendorf

President and CEO

20 Associated General Contractors

of New York State 500 514

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3 LIST OF SPEAKERS, Continued

4 STATEMENT QUESTIONS

5 Richard Benjamin

Town of Thompson

6 Highway Superintendent

President

7 New York State Association of

Town Superintendents of Highways

8 -and-

Andrew P. Avery

9 Chemung County Public Works

Commissioner

10 President

New York State County Highway

11 Superintendents Association

-and-

12 Michael Bartolotti

Putnam County Clerk

13 President

New York State Association

14 of County Clerks

-and-

15 Amy Cohen

Cofounder

16 Families for Safe Streets

-and-

17 Sara Lind

Director of Policy

18 Open Plans 531 549

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1 CHAIRWOMAN WEINSTEIN: Good morning.

2 I'm Helene Weinstein, chair of the New York

3 State Assembly Ways and Means Committee and

4 cochair of today's hearing, along with the

5 chair of the Senate Finance Committee,

6 Senator Krueger.

7 Today we begin the 11th in a series of

8 hearings conducted by the joint fiscal

9 committees of the Legislature regarding the

10 Governor's proposed budget for fiscal year

11 2022-2023. The hearings are conducted

12 pursuant to the New York State Constitution

13 and the Legislative Law. Today the joint

14 committees will hear testimony concerning the

15 Governor's budget proposal for

16 transportation.

17 I will introduce the members of the

18 Assembly majority, and then I will have

19 Senator Krueger introduce her colleagues.

20 So we have with us Assemblywoman

21 Paulin, chair of our Corporations Committee;

22 Assemblyman Magnarelli, chair of the

23 Transportation Committee; Assemblyman

24 Bronson, Assemblyman Carroll, Assemblywoman

1 Darling, Assemblyman Fall, Assemblywoman

2 Gallagher, Assemblywoman Hyndman, Assemblyman

3 Otis, Assemblywoman Simon, Assemblywoman

4 Sillitti, Assemblyman Thiele.

5 And I'm sure there will be other

6 members joining us as the hearing proceeds.

7 Senator Krueger, do you want to

8 introduce your colleagues?

9 CHAIRWOMAN KRUEGER: Sure. Thank you.

10 And good morning, everyone.

11 So I'm joined today by our

12 Transportation chair, Senator Tim Kennedy;

13 our Public Authorities chair, Senator Leroy

14 Comrie; Senator John Liu, Senator Pete

15 Harckham, Senator Roxanne Persaud,
16 Senator Anna Kaplan -- oops, just going
17 down -- Senator Diane Savino, Senator -- you
18 know, it's harder to do when you don't look
19 at the boxes. It's easier this way. Sorry.
20 Senator Jim Gaughran. Senator Jeremy Cooney.
21 I think that's it for the Democratic
22 Senators. If you don't mind, I will turn it
23 on to -- hand it over, excuse me, to today's
24 ranker in Finance, a fill-in ranker in

1 Finance, Senator Borrello, to introduce the
2 Republican members.

3 SENATOR BORRELLO: Thank you,
4 Madam Chair.

5 I'm looking on my screen here and I
6 see, in addition to myself, Senator Joe
7 Griffo. And I am looking to see if I see
8 anyone else here. If any of my other
9 Republican colleagues are around here, if you
10 could just call yourself out. I'm not as
11 good at this as Tom O'Mara is, so -- all
12 right, I think that's it. Thank you very
13 much.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Back to you, Helene.

16 CHAIRWOMAN WEINSTEIN: We also -- I

17 missed Assemblywoman Niou and

18 Assemblywoman Fahy.

19 Assemblyman Ra, would you like to

20 please introduce the members of your

21 conference who are here.

22 ASSEMBLYMAN RA: Thank you, Chair.

23 Good morning, everybody.

24 We're joined by Assemblyman Lemondes,

1 who is ranker on the Corporations Committee,
2 and Assemblymembers DeStefano and Palmesano.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 So just to review time limits, the
5 governmental witnesses that we'll be hearing
6 from first this morning -- and possibly this
7 afternoon -- will have 10 minutes to make
8 their presentation. The testimony has been
9 distributed to all members in advance.

10 Nongovernmental witnesses, who will be
11 in panels, will each have three minutes to
12 make their presentation.

13 In terms of legislators, the chairs of
14 the committees relevant to the governmental

15 witness will have 10 minutes and a second
16 round of three minutes if desired. Ranking
17 members of these committees will get
18 five minutes each, and all other members of
19 the relevant committees will get three
20 minutes each.

21 As I mentioned, all the written
22 testimony has been submitted to the
23 legislators in advance. So for witnesses,
24 you do not need to read your written

1 testimony, you can summarize it. And just
2 everybody keep an eye, as I mentioned
3 previously, on the Zoom clock. Note that
4 when the clock is down to zero, you will be
5 alerted your time is up. And please be
6 considerate and respect the time so we have a
7 chance for everybody to be heard.

8 And just a reminder to the legislators
9 that the clock time is both for questions as
10 well as your answers, as the witness's
11 answers.

12 So with that, let's get to the meat of
13 today. And I'm pleased to introduce the
14 Metropolitan Transportation Authority

15 chairman and chief executive, Janno Lieber.

16 MTA CHAIR LIEBER: Thank you. Thank

17 you, Madam Chair. And thank you to all of

18 the members and especially the chairs for

19 having us this morning: Senator Krueger,

20 Assemblymember Weinstein, Senator Kennedy,

21 Senator Comrie and Assemblymembers Paulin and

22 Magnarelli.

23 I'm Janno Lieber. As you said, I'm

24 the MTA chairman and CEO. And I'm here today

1 with our Deputy CFO Jai Patel. This is my
2 first time back with -- before the
3 Legislature since I was confirmed last month.
4 Fortunately, in those few weeks, ridership
5 has started to return now that Omicron is
6 receding. Weekday subway ridership surpassed
7 3 million riders last Tuesday and we had
8 three days in a row of over 3 million. That
9 was, you know, a high point since early
10 December. And including all the modes, we're
11 over 4 million customers a day. Good news.
12 Good news for our efforts to get
13 New York back to work and to get our economy
14 back on track. But it's also important for

15 MTA financial stability. The MTA's budget is
16 heavily reliant on farebox revenue and tolls,
17 as you all know. We need every rider we can
18 get. Dedicated taxes and government
19 subsidies also are a significant element of
20 the MTA's budget. And thankfully, we've
21 received generous aid from Congress -- thank
22 you again to Majority Leader Schumer. That
23 aid offsets the revenue hit the MTA took and
24 is still taking from COVID.

1 More help for the MTA and its riders
2 is coming from Governor Hochul's proposed
3 budget, which increases the state's
4 contribution to the operating budget by
5 \$337 million for the 2022 fiscal year alone.
6 This financial lifeline allows us to cancel,
7 once and for all, the planned fare increase
8 for 2022 that was included in the November
9 Financial Plan our board approved. That's a
10 major relief, since a fare hike would
11 obviously make no sense when we are working
12 hard to woo our customers back. It's just
13 bad business logic. And we again thank the
14 Governor for making it unnecessary.

15 But this is short-term support, and

16 we're staring down a very substantial

17 structural deficit in the outyears – actually

18 \$2 billion, more than \$2 billion in 2025.

19 The MTA's financial plan is out of balance,

20 even with state funding and federal support,

21 because expense growth -- which, you know,

22 our budget -- our expense growth, which is

23 mostly labor costs, has far outpaced revenue

24 growth. And that's been true for some years,

1 even before COVID.

2 We need to start talking about a plan

3 now, while we have time to figure it out.

4 I've already begun discussions with the

5 Governor's office and spoken with several of

6 you individually about this issue. The MTA

7 is committed to identifying cost savings and

8 working with our partners in labor to become

9 more efficient. But with COVID alone

10 increasing the structural deficit in excess

11 of a billion dollars per year, it's clear

12 we're going to need to work with Albany to

13 identify new sources of recurring revenue to

14 close that budget gap and avoid the fiscal

15 cliff.

16 Promoting public safety. This isn't

17 just about the MTA's bottom line, it's also

18 about the City and the state's economic

19 recovery. The region needs strong mass

20 transit to support its revival. That means

21 the MTA has to provide the safest, most

22 reliable and most affordable service that we

23 can in order to win back our riders.

24 First, on safety. Customers have made

1 very clear -- and we do surveys that include
2 hundreds of thousands of customers. They've
3 made it clear they're not going to return to
4 transit unless they feel safe. And right now
5 a lot of people don't, which is a huge, huge
6 problem. You've all read about the violent
7 and tragic and upsetting episodes that
8 occurred in the last few weeks, capped by the
9 tragic killing of Michelle Go, but also
10 including incidents where shopping carts have
11 been set on fire or thrown onto the tracks in
12 front of trains. Just last night someone
13 threw one of those metal police barriers onto
14 a train. These types of events cannot be

15 tolerated.

16 Governor Hochul and Mayor Adams have

17 committed to working with us to restore a

18 sense of order and safety underground and,

19 relatedly, to provide assistance to the

20 homeless and other New Yorkers who are

21 struggling with mental health issues in our

22 public space. I'm very encouraged by the

23 commitment we're seeing from the NYPD. We're

24 starting to see cops on platforms and on

1 trains, which is something I've been asking
2 for for a while. We need our police to help
3 make the subways safer by being on those
4 platforms and on subway cars, which is where
5 our riders feel vulnerable -- and also by
6 enforcing the rules of our system.

7 Apart from safety, our greatest
8 priority is improving the system, especially
9 in making it more accessible and more
10 affordable. That's where the historic
11 2020-2024 Capital Program comes in. We are
12 in a great place. Despite effectively losing
13 an entire year to the pandemic, where we had
14 to pause the majority of the capital plan --

15 actually, in 2021, the MTA had one of its
16 best years ever in terms of new commitments,
17 adding up to more than \$8 billion worth of
18 work of new projects started underway.

19 Ongoing work never stopped during the
20 pandemic. All the major projects -- East
21 Side Access, Third Track -- remained on
22 schedule. We're about to break ground on
23 Metro-North Penn Access, which is going to
24 add four new railroad stations in the

1 East Bronx, cutting commutes for those people
2 living in the East Bronx, in a transit
3 desert, by cutting their commutes by up to
4 50 minutes each way.

5 And there's also Governor Hochul's
6 Interborough Express proposal, which we are
7 starting environmental review on right away.

8 But it's not just about the
9 megaprojects. The MTA is moving aggressively
10 to expand ADA accessibility systemwide,
11 modernizing our signal system and bringing
12 our \$1 trillion-plus of assets into a state
13 of good repair.

14 On affordability, not only are we

15 freezing fares, we're launching new fare
16 pilots starting literally the end of this
17 month in order to make transit even cheaper.
18 As I said, set to launch this month, these
19 new fare promotions include our first-ever
20 fare tapping pilot for subway and bus costs
21 to customers paying with OMNY.
22 And on the commuter railroads, Long
23 Island Rail Road and Metro-North customers
24 will see a new 20-trip ticket option and

1 discounts for monthly ticket holders, plus
2 expansion of the City Ticket to include all
3 off-peak trains throughout the week, which
4 takes advantage of capacity the railroads
5 currently have and provides more options for
6 areas of the boroughs outside of Manhattan
7 that even with buses and subways do lack
8 sufficient transit access.

9 We're also looking for the city's
10 cooperation on transit affordability. You
11 may have read that yesterday the City Council
12 and the mayor announced that they're
13 increasing funding for Fair Fares, that
14 program that provides discounted MetroCards

15 to our lowest-income New Yorkers. We'd like
16 to see it fully funded; the increase only
17 takes it back -- about halfway back to the
18 original \$100 million-plus number. And we
19 just have to be on it, but right now the
20 program is wildly underutilized.

21 I am concerned that the folks in the
22 social service agencies who are providing
23 this eligibility to low-income New Yorkers
24 need to market it more aggressively. Because

1 even the people who are enrolled are only
2 using it -- only half of them are actually
3 using these discounted MetroCards, and not
4 all that frequently. The city ought to
5 expand eligibility for Fair Fares, both by
6 marketing it but also by raising the income
7 ceiling to make it affordable to New Yorkers
8 who are above the federal poverty line but
9 still qualify for Medicaid and other
10 low-income assistance programs under city and
11 state standards.

12 The Governor's proposed budget also
13 includes a number of MTA legislative
14 priorities, and we want to work for your

15 support on those as well, especially the
16 worker assault proposal, which would expand
17 the list of protected employee titles covered
18 by the existing felony assault law and
19 reclassifying so-called lesser assaults --
20 things like kicking, punching or spitting at
21 a transit worker. Those don't seem like
22 lesser assaults to me -- but to reclassify
23 those as Class A misdemeanors.

24 We also want to update our existing

1 design-build mandate after using for two
2 years under the rules that the Legislature
3 and the prior governor enacted. We're seeing
4 great results from design-build on larger
5 capital projects, but on the smaller and more
6 straightforward rehab and replacement work,
7 we are successfully using traditional
8 design-bid-build and also A+B project
9 delivery, which uses not just price but also
10 schedule as a variable.

11 We saw great savings in those --

12 THE MODERATOR: Pardon me, sir, your
13 time is up.

14 MTA CHAIR LIEBER: I'm almost done,

15 thank you.

16 What Governor Hochul has proposed will

17 help us diversify the contractors who can bid

18 on MTA projects, making these projects more

19 achievable for smaller firms, especially MWBE

20 and service-disabled veteran businesses, who

21 may not have the ability to take on design

22 risk which is associated with design-build

23 work.

24 So with that, I'm looking forward to

1 continuing to work with these committees and
2 everybody in the Legislature to bring back
3 ridership and to restore the MTA's financial
4 health. And I'm happy to take your
5 questions.

6 CHAIRWOMAN WEINSTEIN: Thank you,
7 Chair.

8 So we are going first to our
9 Corporations chair, Assemblywoman Paulin, for
10 10 minutes.

11 ASSEMBLYWOMAN PAULIN: Thank you.

12 So first I want to talk a little bit
13 about the structural operating deficit that
14 you spoke about in your testimony. The

15 operating deficit kicks in -- or it's

16 actually in there now, but we will see,

17 because of the depletion of the federal

18 money, a problem in 2025, in that range.

19 I wondered, you know, what that exact

20 amount is and -- you know, so that we can

21 begin to plan for that time period. Since

22 taxes, if we're going to implement any, and

23 dedicate revenue, could take a year or more

24 to kick in.

1 MTA CHAIR LIEBER: Thank you,
2 Chair Paulin. And thank you for your
3 leadership in general on this issue.

4 Where we are, thanks to the Governor's
5 Executive Budget, the adjustments to MMTOA
6 and the gas tax that were made in the
7 Executive Budget proposal, the exact
8 shortfall -- you know, we have a \$2 billion
9 structural deficit that's evident in 2025.

10 But the amount that we actually have to
11 fill -- that's when the federal money --
12 again, these are projections based on
13 ridership projections that we're all not
14 actually certain about. But right now we

15 would have to fill the last 500 million in
16 2025 with that borrowing from the federal
17 Municipal Lending Facility, which would be
18 deficit financing.

19 None of us wants to be in the deficit
20 financing business. But starting in 2025,
21 it's a \$500 million deficit financing hole to
22 plug right there. And then in 2026, because
23 of the federal money, the COVID relief money
24 would have been exhausted, you're facing the

1 full \$2 billion-plus hole in the budget.

2 That's the fiscal cliff.

3 ASSEMBLYWOMAN PAULIN: And that

4 assumes fare increases of 4 percent or

5 whatever the --

6 MTA CHAIR LIEBER: Yes, exactly.

7 We've now put off a fare increase in 2021 and

8 again in 2022, but the budget that we

9 presented to you, the five-year plan, is

10 assuming that -- going back to those

11 4 percent every two year increases starting

12 in '23.

13 ASSEMBLYWOMAN PAULIN: And will we

14 anticipate a greater increase in fares in

15 2023 because of the need to fill in the 2022

16 fare increase that was projected?

17 MTA CHAIR LIEBER: No.

18 ASSEMBLYWOMAN PAULIN: And without the

19 fare increase of 4 percent, what kind of

20 deficit would we anticipate in 2026 if we

21 held fares stable for the next few years?

22 MTA CHAIR LIEBER: I need to turn to

23 my colleague Jai Patel on that. I mean,

24 obviously our fare increase pattern has

1 always been -- we're just trying to catch --
2 you know, keep up with inflation in some
3 rough way. This has been a pattern of small
4 increases to keep over inflation since going
5 back to the Ravitch Commission in I think
6 2010. Obviously that has not -- because
7 we're also giving wage increases that are a
8 little higher than 2 percent a year over the
9 last, you know, period, that has widened the
10 fiscal cliff and it's part of what we need to
11 address over time.

12 But Jai, can you answer the question?

13 MTA DEPUTY CFO PATEL: Sure. Every
14 fare and toll increase we estimate is at 4

15 percent -- and it can be greater with
16 inflation, as our law dictates to us --
17 generates about \$250 million, which compounds
18 every year as ridership increases and
19 decreases. But upon each other, right, every
20 two years.

21 So if we were to skip the '23 and the
22 '25 fare increase, that would be
23 approximately an added \$500 million need to
24 the budget in 2026. And then the outyear

1 fare increases as well, we would want to make
 2 sure inflation-based compounding is accounted
 3 for.

4 ASSEMBLYWOMAN PAULIN: So it would be
 5 an extra billion dollars if you didn't
 6 increase the fares in '23, '24, '25 and '26,
 7 approximately.

8 MTA DEPUTY CFO PATEL: Approximately.
 9 We do biannual fare increases.

10 ASSEMBLYWOMAN PAULIN: No, just wanted
 11 to get an understanding.

12 The East Side Access, is it
 13 anticipated or was it anticipated -- I guess
 14 it's harder now to know what ridership is

15 going to look like. But was it anticipated

16 that the ridership in Long Island overall

17 would increase? And what do those

18 projections look like now?

19 MTA CHAIR LIEBER: So we have not --

20 the assumption was that roughly, you know,

21 30 to 40 percent initially of the Long Island

22 Rail Road commuter population would move from

23 Penn to Grand Central when East Side Access

24 opened. We have not revisited that presumed

1 split as between the two major terminals.

2 Where we are right now is the

3 projections -- again, they're all --

4 projections are projections. But the

5 projections are that Long Island Rail Road

6 would get back to somewhere between 80 and

7 85 percent of its pre-COVID ridership. So

8 the split would remain roughly the same. We

9 would assume 100,000 -- roughly 100,000

10 people would be going to East Side Access on

11 a daily basis.

12 ASSEMBLYWOMAN PAULIN: So we're

13 talking a split and not an increase in

14 ridership for East Side Access.

15 MTA CHAIR LIEBER: The projections

16 have always been that the overall ridership

17 of the railroad would follow the same

18 trajectory, it's just that it would go to

19 different terminals, correct.

20 ASSEMBLYWOMAN PAULIN: I see.

21 And is it the same assumption for

22 Metro-North at the 85 percent level, and the

23 subways?

24 MTA CHAIR LIEBER: Yes. Yes, ma'am.

1 ASSEMBLYWOMAN PAULIN: Yes. So, you
2 know, back to the operating deficit a little
3 bit, the wage growth assumed in the financial
4 plan, because of the difficulty of filling
5 positions and retaining the workforce, is
6 that -- has that been reevaluated? Is it
7 still -- are we basing our financial plan on
8 the same assumptions?

9 MTA CHAIR LIEBER: You know, we are
10 using the -- what has historically been our
11 assumption, which is 2 percent wage growth.
12 But in candor, the contracts that have been
13 agreed to in the last couple of contract
14 cycles have exceeded that amount and have

15 averaged between 2.25 and 2.5, on average,

16 percentage per year.

17 ASSEMBLYWOMAN PAULIN: Okay. Thank

18 you. And on the -- just jumping to the

19 capital plan a little bit, the capital plan

20 was based on projected ridership. And I

21 wonder if that has been -- or you anticipate

22 to reevaluate the capital plan since

23 ridership may have changed or shifted.

24 MTA CHAIR LIEBER: Yeah. I mean, more

1 than half -- you know this well, but more
2 than half of the capital plan is state of
3 good repair. It's simply to make sure that
4 the -- you know, this hundred-year-old-plus
5 system doesn't fall apart and can be
6 maintained in operation.

7 So the capacity expansion is more in
8 the new projects, as you're aware. You know,
9 system expansion projects like Penn Access,
10 like Second Avenue Subway, like Long Island
11 Rail Road Third Track.

12 But the lion's share of the program
13 continues to be state of good repair. And,
14 you know, system expansion growth is probably

15 going to hit more a few years out. At which
16 point we're hoping and expecting that
17 ridership will be back close to pre-COVID
18 levels. I hope that makes sense.

19 ASSEMBLYWOMAN PAULIN: It does. And I
20 think I'm only going to have time for one
21 more question, so I reserve the right to come
22 back later.

23 What is left of the two earlier
24 capital plans? Like what do we still have to

1 complete for I guess the plan that we just
2 finished, you know, technically, 2015 to '19.
3 And I think there even might still be
4 projects from the plan before. And I just
5 wondered what are those projects, and do we
6 have -- are we anticipating that we are going
7 to complete those?

8 MTA CHAIR LIEBER: Yeah. I mean, we
9 -- you know, we're over 90 percent awarded
10 for the '15 to '19 projects. And honestly,
11 when you get into the 90 to 95 percent,
12 usually what's remained is either projects
13 that depend on other government agencies to
14 do something to allow the project to move

15 forward. Sometimes it's real estate,

16 sometimes it's shared funding, whatever.

17 So we're in pretty solid shape on the

18 '15 to '19 program. You know, great work by

19 our workforce, even right through COVID, to

20 make sure we knocked out all of that

21 remaining work. And some of what remains in

22 '15 to '19 is Second Avenue Subway, which as

23 you know, you know, we're still waiting for

24 the feds to give the go ahead to that

1 project. Just part of what hasn't been --

2 THE MODERATOR: Pardon me, but the

3 time is up.

4 ASSEMBLYWOMAN PAULIN: Thank you.

5 CHAIRWOMAN WEINSTEIN: Before we go to

6 the Senate, we've been joined by

7 Assemblymembers Mitaynes, González-Rojas,

8 Braunstein and Walczyk.

9 CHAIRWOMAN KRUEGER: Thank you very

10 much.

11 And we've been joined by Senator Sue

12 Serino and Senator Joe Griffo, who's the

13 ranker for Transportation.

14 So just a reminder, Joe, raise your

15 hand if you want me to call on you for a

16 question.

17 And our first questioner will be

18 Senator Leroy Comrie, our chair of

19 Public Authorities.

20 SENATOR COMRIE: Good morning. Good

21 morning, Madam Chairs, good morning members.

22 Good morning, Chairman Lieber. Thank

23 you for being here this morning and answering

24 some questions.

1 I'll get right into it. Under the MTA
2 Small Business Mentoring Program, in 2019 we
3 granted a 10-year extension after an initial
4 sunset, and that from 2009. Now that the
5 MWBE program has been around for over a
6 decade and it's been a -- how has it been
7 working? What can you tell us about the
8 metrics that you're using for measuring the
9 mentoring portion of the program? And can
10 you provide us with a list of MWBEs that have
11 participated in the program, how we've gotten
12 to 30 percent and how we can continue to
13 expand that program.

14 MTA CHAIR LIEBER: So on the overall

15 MWBE program, the MTA is the number-one

16 New York State agency by a lot in terms of

17 its MWBE participation. We hit the

18 30 percent goal that was established a few

19 years ago for minority and women-owned

20 businesses. We are doing -- last year I

21 think we did close to a billion dollars worth

22 of MWBE contract awards.

23 We are 30 percent of the overall

24 New York State MWBE participation, a huge

1 success. A credit to the Legislature and the
2 Executive for getting these programs going,
3 but also to our team at MTA, both Michael
4 Garner's team at DDCR but also the folks who
5 run the project. We have --

6 SENATOR COMRIE: This opportunity for
7 increasing the discretionary bidding
8 threshold for MWBEs, do you expect that that
9 will create a higher percentage than the
10 30 percent participation now? And how do you
11 expect that that increase from 1.1 million to
12 1.5 million will be able to expand
13 participation of MWBE?

14 MTA CHAIR LIEBER: I think that what

15 we're seeing is that if you -- well, first of
16 all, the Small Business Program has been
17 really successful. We hit 70 million this
18 year. You're talking about very small
19 projects. If we can grow the projects, we
20 actually are inside the threshold for MWBE
21 small business projects. This will allow us
22 to increase the opportunities for them to act
23 as prime contractors on MTA projects.
24 And part of what we're trying to do is

1 not just give business to MWBEs, but also to
2 help mentor them so that they can function as
3 prime contractors and actually run jobs
4 themselves rather than being subcontractors.
5 So that's the reason for that proposed
6 increase.

7 SENATOR COMRIE: Thank you.

8 You also are asking for the use of
9 camera enforcement, to authorize the MTA in
10 the city to deal with traffic regulations.

11 Can you give us some details about what this
12 traffic enforcement and additional cameras
13 would be? Would these be cameras
14 specifically on buses and bus lines? Or is

15 this to put more cameras up to gain revenue?

16 MTA CHAIR LIEBER: Look, the fact

17 that -- you know, I have made one of my huge

18 priorities getting us moving towards a faster

19 bus system, especially for Queens. And, you

20 know, looking at not just you, Mr. Comrie,

21 but Mr. -- Senator Liu is on my screen as

22 well. People all over Queens know that for a

23 lot of people, mass transit is the bus

24 system, because they're not right by the rail

1 system.

2 So we have to have faster buses. The
3 way to do that, bus lanes and busways. We
4 have to do them effectively so they don't
5 disrupt normal operation. But we have to
6 have busways. And we need cars and trucks,
7 delivery trucks, not to park in the bus
8 lanes. Cameras on buses and cameras at
9 intersections, which are run by the city, are
10 the best way to do it. And we're asking the
11 Legislature to give us the authority to equip
12 buses with cameras and to use those cameras
13 and the photo evidence they collect as a
14 basis for issuing tickets.

15 And one other point. All the evidence
16 is very few people, percentagewise, get a
17 second bus-lane-violation ticket. A tiny
18 percentage get a third one. This is the way
19 we're going to get the bus lanes cleared, is
20 to have camera enforcement to issue tickets
21 and make people understand you've got to stay
22 out of the bus lane.

23 SENATOR COMRIE: Thank you.

24 Just on the busways, I know that the

1 bus redesign for Queens is coming up, and I
2 hope that we can make sure that the bus
3 redesign, as I've spoken to you before, looks
4 to send buses to the Long Island Rail Road so
5 that people can make that option happen and
6 that we can continue and expand the
7 Atlantic Ticket throughout the entire system.

8 But definitely we would need -- buses
9 directly to Long Island Rail Road stops
10 within Queens would make a marked difference
11 for people that will be commuting from an
12 area that -- especially our transportation
13 deserts in Bayside in Queens and Southeast
14 Queens and Rockaways. And I would hope that

15 finally this year we could get the Rockaway
16 Station as part of the Atlantic Ticket
17 program.

18 Could you give us an update on how
19 that could happen?

20 MTA CHAIR LIEBER: So the Queens bus
21 redesign -- which is, you know, starting
22 fresh right now -- we're going to be issuing
23 a new draft proposal that will be the kickoff
24 to 14 community district meetings and a whole

1 mess of other outreach. And we're going to
2 do it in consultation with the electeds and
3 with the community boards and everybody.

4 Part of the premise of that, the core
5 principle of that redesign is to have fast
6 connections to the rail system, right? And
7 you just made that point.

8 So this is not -- I want to emphasize,
9 this is not the final plan. We are going to
10 take your input, electeds, we're going to
11 take the communities' input, we're going to
12 make adjustments. It's the basis for
13 discussion. But we're starting fresh and
14 we're starting with the premise that it does

15 not have to be revenue-neutral, because we've
16 got to make the bus system really successful
17 in Queens especially.

18 SENATOR COMRIE: Thank you. Thank
19 you.

20 I'm going to shift to a different
21 topic, East Side Access. Has a subsidiary
22 been created for East Side Access that the
23 board voted for in 2021? And can you give us
24 a status on -- has that been created? How

1 many people are employed, if anything? And

2 what is the update on East Side Access,

3 what's the status?

4 MTA CHAIR LIEBER: Yeah, sure. the

5 East Side Access project is, you know, on

6 schedule, racing towards completion by the

7 end of this year. That subsidiary that you

8 alluded to was created, and I think that the

9 required notification was given to the

10 comptroller and the rest of the elected

11 officials in the community.

12 We have also worked out an arrangement

13 with our Long Island Rail Road unions about

14 which jobs they are going to fill so we can

15 move quickly to make sure we have the
16 training and the hiring. And that is taking
17 place in a partnership manner.

18 So I think we're headed in the right
19 direction, that there isn't -- you know, as I
20 think I may have told you, Senator, that
21 there isn't going to be some huge new
22 bureaucracy. It's going to be, you know, a
23 half a dozen to a dozen people who are
24 basically responsible for overseeing the

1 contractor, the unionized outside contractor
 2 who's going to manage some of the public
 3 concourses and the retail space and the
 4 mechanical systems. That's all that new
 5 entity is really supposed to be doing.

6 SENATOR COMRIE: Gotcha. All right, I
 7 know you've had some changes in personnel.
 8 Can you give us an update on the
 9 Transformation Office? Did you guys hire the
 10 120 consultants that were originally planned?
 11 And if so, what are they doing? And I know
 12 that, you know, we lost Phil Eng, who was a
 13 great addition to the Long Island Rail Road
 14 and did a lot to improve not just the on-time

15 but the way the construction was being done

16 there.

17 And can you give us an idea on how we

18 are standardizing construction to accelerate

19 projects? And what's the status of that?

20 MTA CHAIR LIEBER: So on the so-called

21 transformation, you know, that was -- in my

22 view was only partially successful. What it

23 did do is something pretty conventional for

24 big organizations. It consolidated the

1 overhead groups, like legal and finance and

2 HR, into a single group.

3 But as I said again and again, not

4 entirely successful in creating new

5 super-high-functioning groups in every case.

6 You know, the finance group is in great

7 shape. The legal group's in great shape.

8 The IT group is in decent shape. The HR

9 group was a disaster. I brought in a new

10 leader, a woman named Lisette Camilo, who

11 used to run DCAS, and she is retooling that

12 operation. So I declared an end to the

13 so-called transformation.

14 And, you know, I think that the one

15 thing we have to be honest about was the idea

16 that this was going to be a radical savings

17 of cost and jobs was not accurate, and we're

18 adjusting accordingly.

19 SENATOR COMRIE: Thank you. I'm out

20 of time.

21 I just wanted to remind you again to

22 look at subway guards for people that are

23 getting pushed off. I know Bobby Carroll is

24 going to bring that up in detail. And also

1 the expansion of the Freedom Ticket, the

2 Atlantic Ticket.

3 I'll come back on a second round.

4 Thank you.

5 MTA CHAIR LIEBER: You bet. Thank

6 you, sir.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Assembly.

9 CHAIRWOMAN WEINSTEIN: We have been

10 joined by Assemblywoman Wallace.

11 And we go to our Ways and Means

12 ranker, Assemblyman Ed Ra, for five minutes.

13 ASSEMBLYMAN RA: Thank you, Chair.

14 Good morning, Chairman. Just

15 wondering if you can give me a little bit of
16 information about the Elmont Long Island Rail
17 Road Station, how it's going so far in terms
18 of, you know, ridership utilizing the arena
19 and whether we are on track for next summer
20 for full access to it coming from the east.

21 MTA CHAIR LIEBER: So I think -- thank
22 you for the question, Assemblymember. We hit
23 the deadline for the opening of the one
24 platform. And, you know, that was a success

1 done in I think less than a year, built that.

2 And the other platform is on schedule.

3 I don't have the exact date at my fingertips,

4 but it's this year as well.

5 So that project has been a success.

6 I'll have to get back to you with the exact

7 ridership numbers, but I know it has been --

8 you know, it has made -- been consistent with

9 the projections that people are going to

10 events there would in fact start to use the

11 railroad rather than exclusively driving.

12 And we're happy with the outcome.

13 And we're really happy that in this

14 case we're able to demonstrate that MTA, you

15 know, the new MTA Construction and
16 Development organization can deliver projects
17 on time and on budget. That's what we did.

18 ASSEMBLYMAN RA: Excellent. Because I
19 think especially once it's successful from
20 further east, you know, we're kind of really
21 trying to change behavior amongst
22 Long Islanders. We're used to driving, you
23 know, to sporting events and all that type of
24 stuff, but hopefully it will get utilized by

1 people going to events.

2 In terms of fully open, what are the

3 plans in terms of, you know, its utilization

4 by commuters? As I'm sure you know, you

5 know, the Hempstead line, the main line, for

6 the most part the stations are in

7 incorporated villages, which makes it very

8 difficult for those living in unincorporated

9 areas like Elmont and Franklin Square to be

10 able to get parking passes for those

11 stations.

12 So what is the plan with regard to

13 that once this station is fully finished?

14 MTA CHAIR LIEBER: Okay. So I'm out

15 of my depth on the parking issue. There is
16 parking at the arena. But I'm going to
17 honestly -- I just don't want to waste time,
18 I want to get back to you on the specifics of
19 parking -- a parking plan and get into
20 dialogue with your office about that, because
21 it's not something I know a ton about.

22 ASSEMBLYMAN RA: Okay, great. I'd
23 appreciate, you know, following up and
24 speaking about that. It's definitely been an

1 issue, you know, that I've heard a lot about
2 in Franklin Square from residents, you know,
3 wanting access to someplace that they can
4 actually park their car and make their
5 commute. And I know certainly my neighbor
6 Assemblywoman Solages as well, with regard to
7 Elmont. So thank you for that.

8 Just shifting focus -- congestion
9 pricing. You know, early on -- and obviously
10 this is all pre-COVID -- the revenue
11 estimates, from what I remember, were
12 somewhere around a billion. Have those
13 numbers been revised? Do we have an idea of
14 what we think that will bring in with kind of

15 the current or new landscape in terms of
16 people utilizing, you know, their cars to
17 come in and out of New York City right now?

18 MTA CHAIR LIEBER: Well, you know, for
19 better or worse, traffic is basically at a
20 hundred percent pre-COVID levels. As, you
21 know, our -- we're getting basically a
22 hundred percent of our pre-COVID revenue out
23 of our friends at MTA Bridges and Tunnels.

24 So, you know, what that's telling us

1 is, one, that the projections about potential
2 revenues, you know, continue to make sense,
3 but two, it sort of reinforces the need for
4 congestion pricing, because the city can't
5 need the space on the street to be
6 prioritized for buses, ambulances, police
7 vehicles, paratransit and the delivery
8 vehicles that make our city function. And
9 the rationale for -- you know, both the
10 environmental rationale and the congestion
11 rationale and the financial rationale is all
12 in place relative to what we thought
13 pre-COVID.

14 ASSEMBLYMAN RA: Thank you, Chairman.

15 CHAIRWOMAN KRUEGER: Thank you.

16 CHAIRWOMAN WEINSTEIN: Senate.

17 CHAIRWOMAN KRUEGER: Back to the

18 Senate, thank you.

19 Our next questioner will be

20 Transportation Chair Tim Kennedy.

21 But Janno, some people don't like that

22 they --

23 (Zoom interruption.)

24 CHAIRWOMAN KRUEGER: Brad Hoylman,

1 mute, please. Thank you.

2 Before Tim starts, Janno, is there any
3 way for you to be closer to a camera? People
4 are complaining that they don't actually get
5 to see you.

6 MTA CHAIR LIEBER: They're working on
7 it in the -- I've got the Capitol -- the
8 executive branch IT team and -- who set it up
9 here. We're in the Capitol. And I'm told
10 they're working on it. I apologize.

11 CHAIRWOMAN KRUEGER: That's all right.
12 But I have officially pointed that out for
13 those of you who have been sending me notes
14 why can't we see him.

15 Tim Kennedy, your turn, 10 minutes.

16 SENATOR KENNEDY: Thank you,

17 Chairwoman.

18 And Chairman Lieber, good morning.

19 Great to see you again -- or not see you,

20 however your angle might be. I suppose it's

21 a good thing that people actually want to see

22 your face rather than the alternative.

23 (Laughter.)

24 SENATOR KENNEDY: You know, I'm going

1 to take over where Assemblyman Ra left off,

2 and that's just with the congestion pricing.

3 Can you just give an updated timeline on

4 that, please?

5 MTA CHAIR LIEBER: Sure. The timeline

6 is unchanged. We have the same timeline we

7 agreed to with the Federal Highway

8 Administration within USDOT about, you know,

9 six months ago, which is that the

10 environmental review is on schedule right

11 now -- which is a really complicated

12 process -- to be finished by the end of this

13 year. Fingers crossed that USDOT blesses our

14 environmental process, and at that point we

15 will begin to implement congestion pricing in
16 the first three quarters of -- to be
17 implemented in the first three quarters of
18 2023.

19 SENATOR KENNEDY: And just assuming
20 that that's going to happen, is good, is
21 there a contingency plan in place if that is
22 not approved in that timeline?

23 MTA CHAIR LIEBER: Well, it would
24 obviously impact on our ability to achieve

1 the \$15 billion in capital program, you know,
2 revenue that is needed for the -- assume for
3 the 2020 to 2024 capital program. So
4 that's -- you know, that is one of the
5 issues.

6 And the other issue is what I
7 mentioned to Assemblyman Ra before, which is
8 the urgency of dealing with the impacts of
9 congestion on New York City and air quality,
10 as well as just our ability to function as a
11 city.

12 SENATOR KENNEDY: Thank you.

13 Shifting gears to capital, two major
14 projects I want to talk about, a few -- I

15 know we've covered a number already. I want

16 to talk about Gateway. Governor Hochul

17 proposed \$2.35 billion to cover our share.

18 Can you give an update on this project and,

19 you know, where we are moving forward?

20 MTA CHAIR LIEBER: Sure. I'm pretty

21 sure what you're alluding to -- I'm not on

22 the Gateway Development Commission. You

23 know, that project is not in my chain of

24 command. But I'm pretty sure I can answer

1 the question.

2 The money that is budgeted for Gateway
3 is the New York 25 percent of the cost of the
4 new tunnel. And that was a commitment that
5 was made earlier this year -- or in 2021,
6 rather. And the feds are providing half of
7 the cost of those tunnels, and New Jersey is
8 providing the other 25 percent. So that's
9 what that goes to.

10 What I -- you know, as an MTA leader,
11 what I think of as the core element of this
12 broader focus is something that's not
13 technically included in the Gateway Program,
14 which is rehabilitation of existing Penn

15 Station. Which we all know is not the kind
16 of place, in terms of passenger experience or
17 vertical circulation or safety, that it ought
18 to be.

19 So my focus is not on the tunnels --
20 which will be done by the Gateway Development
21 Commission in some other arrangement between
22 New York, New Jersey and the feds -- but
23 rather on how do we get going with rebuilding
24 existing Penn, which is where all the

1 New Yorkers are going and are going to be
2 going for a long time.

3 SENATOR KENNEDY: Right. So let's
4 stay on that. Let's talk about Penn Access.
5 What is your timeline for that, and how many
6 riders do you expect to serve with that
7 project?

8 MTA CHAIR LIEBER: Well, you know,
9 Penn Access is the connection for the
10 East Bronx that Metro-North is going to
11 provide on the Amtrak Hell Gate Line, a line
12 that now carries 25 to 30 trains a day
13 through the Bronx, never stopping in the
14 Bronx, not providing any connections to the

15 people in the East Bronx who are the

16 neighbors.

17 Instead, we're going to improve that

18 two-track railroad into a -- for almost all

19 of its length -- a four-track railroad and to

20 have four new stations at the Bronx. And

21 we're going to run, instead of 25 trains a

22 day, like 175 trains a day, with the balance

23 being Metro-North commuter rail.

24 I said it before: Someone from

1 Co-Op City going to a job in Manhattan, if
2 they want to do that, is going to cut their
3 travel time from 80 to 90 minutes to
4 35 minutes. And they can also pursue jobs in
5 education or whatever north, in Westchester
6 or Connecticut. So a big game-changer for
7 the East Bronx. That's why we're doing Penn
8 Access. That's why it's a megaproject worthy
9 of, you know, the Legislature and the
10 Governor's investment.

11 The exact projections of ridership are
12 somewhat in flux, but the main thing is those
13 are communities of 50-plus -- there are
14 hundreds of thousands of people in those

15 East Bronx communities who don't have

16 meaningful transit access. This is what's

17 going to change that.

18 SENATOR KENNEDY: Great. Speaking of

19 game-changers, the Interborough Express. We

20 were very pleased to hear the Governor

21 announce this, and looking forward to the

22 connection of the boroughs. What's the

23 timeline for that project?

24 MTA CHAIR LIEBER: So the Governor --

1 you know, we've been studying this project a
2 little while. The Governor got really
3 excited about it because it speaks to a
4 couple of things that are focuses for her.

5 One, adapting our mass transit system
6 to where the real, you know, lines of desire
7 for where people want to travel to and from.

8 And all of a sudden when we presented it to
9 her, she focused on the fact that there are
10 more people who are going from Brooklyn and
11 Queens who are going to jobs in Brooklyn and
12 Queens than were crossing the East River to
13 go to Manhattan.

14 But it's really complicated to go

15 between Brooklyn and Queens. So she got
16 excited about the Interborough, which uses an
17 existing -- I wouldn't call it abandoned, but
18 almost abandoned rail line that runs from the
19 Brooklyn waterfront up to Jackson Heights, to
20 turn it into Brooklyn-Queens interborough
21 travel.

22 And that project is going through
23 environmental review right now so that we
24 could position it potentially as a project

1 that gets funded in the next capital program,
2 the '25 to '29 program.

3 SENATOR KENNEDY: That's exactly what
4 I was going to ask, the funding source.

5 Now, that would be included as an
6 amendment or it would be included in the
7 capital plan out of the gate?

8 MTA CHAIR LIEBER: You know,
9 Governor Hochul doesn't -- you know, is a
10 woman in a hurry, so when I explain this
11 stuff I'm not always welcomed -- but it takes
12 a couple of years to complete a federally
13 compliant environmental review. And the
14 realistic outcome is going to be included in

15 the next capital program, the '25 to '29

16 capital program.

17 So that's going to be decided on by

18 the Legislature sometime in 2024. You guys

19 will -- it will come to you at that time

20 for -- you know, we'll make a recommendation,

21 the Governor will make a recommendation and

22 then it comes to you for ultimate

23 determination with the CPRB.

24 SENATOR KENNEDY: Excellent.

1 Chairman, I know you and I have spoken
2 about this a number of times, including in
3 past hearings and everything else, and you
4 are committed to spending this capital money
5 in New York State as much as possible. So I
6 wanted to ask you about the standard for
7 considering local business and locally
8 eligible businesses for bidding preference on
9 buses and railcars.

10 It's something that, you know, we've
11 been really focused on in spending as much of
12 this capital funding in New York State to
13 create the jobs here in New York. Can you
14 talk to that, what the standard is?

15 MTA CHAIR LIEBER: So, you know, I
16 think you're aware that 90 percent, broadly
17 speaking, 90 percent of the capital program,
18 both labor and materials together, get spent
19 in the State of New York. And you've been,
20 you know, a passionate advocate for making
21 sure those numbers remained high and even
22 moved higher over time. So nobody forgets
23 about that issue, ever.
24 We've got 7300 jobs per billion

1 dollars of spending throughout the state.

2 And although the feds continue to say you

3 cannot explicitly require that, you know,

4 cars or buses be purchased in a particular

5 state, I think that in New York State we are

6 well positioned to make those subway car and

7 commuter railcar and bus purchases within the

8 state. Because Nova and New Flyer are in the

9 State of New York, and so it's -- what used

10 to be Bombardier is now Alstom in

11 Plattsburgh, and the Kawasaki facilities in

12 Yonkers and elsewhere. You know, we have the

13 railcar and the bus manufacturing

14 {inaudible}.

15 My biggest concern, honestly, Chair,
16 is that we have to move fast enough with all
17 this new money coming from Washington for
18 zero-emissions buses. I don't want New York
19 to get crowded out, so I have directed our
20 team to, you know, go, go, go in developing
21 new procurements that could nail down some of
22 the manufacturing capacity in those New York
23 State facilities, make sure that those are
24 done for MTA railcars and buses rather than

1 for, you know, some other jurisdictions,

2 however worded.

3 So we're all about trying to use up

4 that manufacturing capacity on our projects.

5 SENATOR KENNEDY: Great. And I do

6 certainly appreciate your commitment to that,

7 and you've been out in front on that.

8 One last thing. I just wanted to ask

9 for an update on capital improvements for

10 accessibility for both stations and cars.

11 THE MODERATOR: Pardon me. Your time

12 is up.

13 MTA CHAIR LIEBER: Okay. Well, I'd

14 just answer the question by saying --

15 CHAIRWOMAN KRUEGER: We're being very

16 strict about time. You'll have to continue

17 this conversation offline --

18 CHAIRWOMAN WEINSTEIN: I'm sure there

19 will be more questions along this --

20 SENATOR KENNEDY: I'll hold that for

21 later. Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Assemblywoman.

24 CHAIRWOMAN WEINSTEIN: So now we go to

1 Assemblymembers for three minutes, and we
2 start with Assemblyman Fall.

3 ASSEMBLYMAN FALL: Thank you, Madam
4 Chair.

5 Thank you, Chairman Lieber, for
6 joining us.

7 First I want to acknowledge and thank
8 all of the MTA staff for keeping our city
9 moving during this period.

10 There has been talk from the Executive
11 to address transit deserts across the state.

12 You know very well Staten Island is a
13 transportation desert, and it's clearly not a
14 priority for this Governor. My priority

15 since day one has been the bus rapid transit.

16 There was no mention of it during the State

17 of the State, although there is billions of

18 funding available from the federal

19 government.

20 When you look at the Executive Budget

21 proposal, there is a slight mention of the

22 bus rapid transit. I understand that the

23 environmental review process is underway, and

24 I want to understand why the MTA has not

1 committed funding to bus rapid transit to
2 date. And if I can't get a straight response
3 on that, will the MTA support my bill I
4 recently introduced which will eliminate
5 tolls for Staten Island residents?

6 MTA CHAIR LIEBER: Well, respectfully,
7 let me go back over -- and I think we are
8 demonstrating serious interest in that bus
9 rapid transit project in proceeding
10 aggressively within the process that is
11 always followed for major MTA capital
12 projects.

13 We restarted the EIS for the North
14 Shore BRT. So we're happy that that was able

15 to happen. It's no secret to you that during
16 the high point of COVID during 2020, all of
17 our capital projects that were going forward
18 were placed on hold because as the
19 Legislature empowered us, we all knew we
20 might have to use capital to keep the lights
21 on and keep the trains running, because we
22 didn't know what was coming from Washington.

23 So the hold on BRT was no different
24 than lots of other capital projects. But

1 we're happy we've been able to resume it.

2 The EIS is going to be completed in 2023.

3 And then, as I said about Governor Hochul's

4 Interborough Express idea, it will be in a

5 position to be considered for the next

6 capital project. That's our program -- that

7 is our normal process.

8 So it can't be -- no project is being

9 added, no matter how widely supported, to the

10 existing capital program for construction.

11 The other thing I would say to you, I

12 know I may be going --

13 ASSEMBLYMAN FALL: Mr. Chairman, I

14 apologize, I only have 30 seconds. I do want

15 to just get this last point in.

16 MTA CHAIR LIEBER: Okay.

17 ASSEMBLYMAN FALL: I just want to add

18 that Staten Islanders, you know, pay their

19 fair share. They deserve a level of relief.

20 And, you know, they're just tired of hearing

21 a study needs to be done, a study needs to be

22 done. They need to see some results at the

23 end of the day.

24 And lastly, you know, as far as

1 congestion pricing, Battery Park City and the
2 Financial District will now be included in
3 the 61st Assembly District starting
4 January 2023. I just want to know, can the
5 residents of Battery Park City get in and out
6 of their community without getting hit with
7 tolls? And has there been any thought given
8 to that matter?

9 I know the time is up and you may have
10 to respond to me offline, but thank you for
11 your time and taking my questions.

12 MTA CHAIR LIEBER: I will respond to
13 you offline. It's a fair question. Thank
14 you.

15 CHAIRWOMAN WEINSTEIN: We go to the

16 Senate.

17 CHAIRWOMAN KRUEGER: Thank you.

18 And we go to Senator John Liu.

19 SENATOR LIU: Thank you, Madam Chair.

20 Thank you, Janno, for joining us

21 today.

22 Janno, you talked about the -- I guess

23 the fiscal cliff that is anticipated in 2025

24 if we don't take actions now. That is the

1 fiscal cliff due to the fact that all the
2 federal stimulus money and assistance will
3 have dried up by then?

4 MTA CHAIR LIEBER: That's correct.

5 There was \$14.5 billion in COVID relief bill
6 money in three bills, and that we expect will
7 run out in 2025.

8 SENATOR LIU: And how much of that
9 structural deficit is due to the continued
10 low ridership, or relatively low ridership?

11 MTA CHAIR LIEBER: Much more than
12 half. There has been a growing gap between
13 our fare -- revenue increases due to fare
14 increases, 4 percent, and our labor cost

15 increases. That's increased over time. But
16 more than half of that structural deficit is
17 due to the COVID ridership impact.

18 SENATOR LIU: And by 2025 there's
19 still -- it's still -- isn't the -- didn't
20 your highly paid consultants at McKinsey
21 project that by 2025 the ridership levels
22 will be back up to about 91 percent of
23 pre-COVID?

24 MTA CHAIR LIEBER: No, that was I

1 think for the -- for the -- for the subways
2 and buses. The numbers were lower for the
3 commuter railroads. So the net net is
4 between like 85 and 90 percent overall. So
5 we're down 10 to 15 percent overall of
6 ridership across the system.

7 SENATOR LIU: So it sounds like the
8 structural deficit is more weighted towards
9 the commuter rail operations as opposed to
10 the subway system.

11 MTA CHAIR LIEBER: Yeah. I mean,
12 there's lower numbers of riders, but they pay
13 a -- you know, commuter railroads pay a
14 little more individually, individual riders.

15 So you're right in that sense.

16 But remember, the commuter railroads

17 are only 300,000-plus riders each one,

18 whereas the subway system and the bus system

19 is 7-plus million daily.

20 SENATOR LIU: Last year we talked

21 about how if the MTA kept its fares low that

22 ridership -- the increased ridership would

23 actually result in greater revenue. This has

24 been the experience of the MTA in the past

1 when we got rid of the two-fare zones and
2 when you went to MetroCard discounts. So
3 again, I encourage you to keep the fares low
4 so that the revenues can actually be greater.

5 And the other thing is that the
6 Governor's budget does have a little bit of a
7 sweetener, no fare increases through 2022. I
8 am standing with many of my colleagues to say
9 that the fare increase should be held off for
10 five years, not for one year. And again,
11 that is about raising, not depleting but
12 raising revenues for the MTA by keeping the
13 fares low.

14 MTA CHAIR LIEBER: I'm just going

15 to -- go ahead. Go ahead.

16 SENATOR LIU: I don't have a whole lot
17 of time, so I just want to say thank you for
18 addressing the bus redesign in Queens for
19 explicitly saying that more resources, more
20 money, more operating funds are necessary to
21 expand and increase the frequency and the
22 routes of bus service in Queens.

23 And finally, thank you for your
24 humanity in the tragedy that we saw with

1 Michelle Go. I really appreciate your
2 sympathies. And, you know, you've never been
3 known for being a big teddy bear, Janno, but
4 you did well. Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Assembly.

7 CHAIRWOMAN WEINSTEIN: Yes. We've
8 been joined by Assemblywoman Galef,
9 Assemblyman Jacobson, Assemblywoman Zinerman,
10 Assemblyman Angelino and Assemblyman
11 Brabenec.

12 And we go now to Assemblywoman
13 Gallagher.

14 ASSEMBLYWOMAN GALLAGHER: Hi, Janno.

15 Nice to see you.

16 MTA CHAIR LIEBER: Assemblymember

17 Gallagher, I just need to share with the

18 committee I've just been informed the IT

19 people cannot fix the camera. I apologize.

20 But, you know, I work in New York so this

21 just ain't my scene.

22 ASSEMBLYWOMAN GALLAGHER: Okay. Well,

23 I am really excited to hear this enthusiasm

24 around Brooklyn and Queens connections. As

1 you know, my district is home to the G Train,
2 and the G Train follows along a line of
3 incredible population growth in Brooklyn and
4 Queens. And we are still being served by
5 stubby little cars that were promised to be
6 extended in 2013 during the L Train shutdown
7 but then never were when our former governor
8 changed his plan around that.

9 So I'm wondering what I need to do to
10 get this G train extended. Because if we add
11 four more cars, we'll increase the capacity
12 by 160 percent in my district. And the
13 districts near my district on the G Train
14 have the ridership that you are looking for.

15 So we really need this extension.

16 So I'm interested in hearing what

17 you're thinking about with the G Train.

18 MTA CHAIR LIEBER: Okay. So I think

19 there are some platform-related issues. I'm

20 not totally conversant in it, but what I'd

21 really like to do is to follow up and get

22 into it with you.

23 One thing I would say that I think is

24 relevant for your G Train riders is that we

1 are prioritizing it to get new signals.

2 ASSEMBLYWOMAN GALLAGHER: Ah,

3 excellent.

4 MTA CHAIR LIEBER: And one of the ways

5 to get more and better service is by fixing

6 the signaling system, and that is on deck as

7 one of the next signaling projects we're

8 going to attack. But I will get into the

9 issue of cars with you; I just don't know it

10 well.

11 ASSEMBLYWOMAN GALLAGHER: Great. I

12 would do anything to get those cars -- well,

13 not anything, but anything within reason.

14 And additionally, I remember the

15 G train going much further into Queens in the

16 past, and it would be great if we could

17 restore that in the future since we're really

18 looking to connect these boroughs more

19 deeply. Thank you.

20 MTA CHAIR LIEBER: Okay, we'll look

21 into it. Thank you.

22 CHAIRWOMAN WEINSTEIN: We've joined by

23 Assemblywoman Seawright.

24 Now back to the Senate.

1 CHAIRWOMAN KRUEGER: Great. We've
2 joined by Senator Ramos, Senator Gaughran,
3 Senator Shelley Mayer. I think I've gotten
4 everybody.

5 And we go next to Senator Borrello,
6 who is today's Finance ranker. Thank you.

7 SENATOR BORRELLO: So Madam Chair, I
8 believe that means I get five minutes?

9 CHAIRWOMAN KRUEGER: Yes.

10 SENATOR BORRELLO: Okay, thank you.

11 Good morning, Commissioner. Thank you
12 for being here.

13 You know, obviously there are lots of
14 concerns about the waste, fraud and abuse

15 that the MTA experiences, and the lots of
16 wasted money. When Sarah Feinberg first
17 became president of the New York City Transit
18 authority in 2020, she stated that there was
19 no organizational chart detailing what the
20 70,000 employees of your agency do, and she
21 said that "There are people who do not work
22 here who we are paying. It's crazy." That's
23 her quote. "I absolutely believe there are a
24 lot of people wandering around and no one

1 knows who they report to."

2 So in the last two years, what steps

3 have been taken to address this waste, fraud

4 and abuse in that system.

5 MTA CHAIR LIEBER: Well, I would say

6 anytime you're talking about the productivity

7 and effectiveness of MTA workers, we've just

8 got to say right off that MTA workers at the

9 height of the pandemic and right through the

10 pandemic showed up every day, at a time when

11 we didn't know or understand how COVID was

12 transmitted and what were the consequences,

13 and before there were vaccinations. So

14 anytime you're going to talk about the MTA,

15 especially the New York City Transit team, I

16 just want to go on record that our essential

17 workers were heroic and they continue to

18 serve. But as to --

19 SENATOR BORRELLO: I agree a hundred

20 percent, sir. I agree a hundred percent.

21 There's a lot of frontline workers. I'm more

22 concerned about the no-shows, the people that

23 actually didn't show up and still get paid.

24 That's the question.

1 MTA CHAIR LIEBER: Yes. So I think we
2 have -- one of the ways that we were asked to
3 deal with this -- and this is a more
4 complicated issue -- is by having a more
5 effective and consistent timekeeping system
6 where everybody had to swipe in.

7 And that was in fact implemented, and
8 we have made some progress on the overtime
9 front. And we're continuing to keep making
10 progress on that front by using modern
11 timekeeping.

12 The Kronos system has recently had
13 some problems; we're not going to go into
14 that right now. But the main thing is that

15 we have a system which is, you know, the
16 overwhelming majority of workers are swiping
17 in, their time is being monitored, and
18 they're in operating positions where, you
19 know, whether they show up or not is closely
20 monitored.

21 So while I will go back and look at
22 what Sarah Feinberg was talking about, I'm
23 not sure that's the dominant theme of the New
24 York City Transit organization right now.

1 SENATOR BORRELLO: So let me ask you
2 straight up. So since implementing this new
3 system, have you found, have you discovered
4 that there were people getting paid that are
5 no longer on the payroll, hopefully? How
6 many of those positions have been -- how many
7 ghost positions have you eliminated?

8 MTA CHAIR LIEBER: The answer is I --
9 honestly, I don't know of any ghost
10 positions. I'm happy to look into that right
11 now and get back to you promptly on that,
12 because that has not been my experience at
13 all.

14 SENATOR BORRELLO: Yeah, I'm an

15 employer myself, sir, and I really would not
16 want to be paying someone who's actually not
17 showing up to work, and neither should the
18 MTA or, more importantly, the taxpayers and
19 farepayers of New York.

20 MTA CHAIR LIEBER: Amen.

21 SENATOR BORRELLO: So let's move on.

22 It's been widely reported that the MTA
23 construction costs have frequently been up to
24 seven times more expensive than the global

1 average. Why is that the case, and what
2 steps are the MTA taking to address these
3 out-of-control costs?

4 MTA CHAIR LIEBER: Okay, we've got a
5 minute and a half left and I'm probably going
6 to take it, because I ran this effort since I
7 got to the MTA in 2017.

8 One thing we did -- you will
9 understand this as a businessperson -- we
10 changed the contracts to eliminate ridiculous
11 incentives for contractors to impose a
12 premium on the MTA where the contractors were
13 being asked to take all kinds of risks of the
14 MTA canceling outages, canceling their access

15 to tracks and so on.

16 We did a ton of other things to create

17 a much -- you know, to eliminate change

18 orders and to make sure that change orders

19 didn't drag on and on and on. So there's a

20 ton of work going on.

21 So the bottom line is since the MTA --

22 the 2024 program came in, we've come in on

23 the design-bid-build in A plus B contracts,

24 we've come in 20 percent under engineers'

1 estimates on the design-build contracts,
2 2 percent under estimates.

3 The bigger issue of how we compare to
4 the rest of the world, I have a longer
5 conversation. But when people throw those
6 numbers around they frequently don't even,
7 you know, look at what's covered. So
8 comparing a mile of New York City transit --
9 of a subway car tunnel to a rubber wheel
10 facility where they have three cars to carry
11 a hundred people is nonsense. So if these
12 comparisons are going to go on, you have to
13 do apples-to-apples work.

14 There's a lot of work to be done to

15 manage and reduce MTA construction costs.

16 I've spent a lot of time on it. I'm

17 passionate about it. But when you look at

18 those kinds of comparisons, frequently

19 they're informed by kind of nonsensical lack

20 of effort to really compare projects based on

21 scope and technology and the conditions of

22 work. You and I can get into it if you're

23 interested.

24 SENATOR BORRELLO: Thank you. I would

1 appreciate --

2 THE MODERATOR: Pardon me, your time

3 is up.

4 CHAIRWOMAN KRUEGER: Assembly.

5 CHAIRWOMAN WEINSTEIN: We're going to

6 go to Assemblyman Carroll now for three

7 minutes.

8 ASSEMBLYMAN CARROLL: Thank you,

9 Chair Weinstein.

10 And good morning, Chair Lieber.

11 I fear that the MTA maybe be in a

12 perfect storm where increasing of fares,

13 fears about safety and lack of -- you know,

14 lack of reliable train service will chill

15 ridership for years to come. Why won't the
16 MTA commit today to re-looking at whether or
17 not -- or requesting the Legislature to allow
18 the MTA to use congestion pricing funds,
19 future congestion pricing funds to shore up
20 your operating funds so that you do not have
21 to increase fares in 2023?

22 Why won't the MTA commit today to
23 looking at track sensors, platform doors, to
24 make sure that straphangers feel safe in our

1 subway system? And will the MTA further
2 commit to bringing back subway levels to
3 pre-pandemic levels? I can't tell you how
4 many times -- I take the subway regularly --
5 that I am on an F Train platform and there is
6 not another F Train for 8, 10, 12 -- the
7 other day I had to jump in a cab because the
8 next F Train was in 22 minutes. This is
9 unacceptable.

10 Will the MTA address these three huge
11 issues? Because if you don't, I fear that we
12 will see depressed ridership for years and
13 years to come.

14 MTA CHAIR LIEBER: Okay, thank you,

15 Mr. Carroll, for the question. Let me

16 address your points one by one.

17 We're not increasing fares. And

18 thanks to the Governor, that's been not just

19 put off in 2021, but now put off to late '22.

20 Number one.

21 Number two, we're actually reducing

22 fares with the fare promotions that we've

23 enacted. Namely, that OMNY fare tapping --

24 all of a sudden, for the first time, somebody

1 doesn't have to decide if they need to buy a
2 weekly pass, they just tap their way. And
3 that every ride after 13 a week is free.
4 There are discounts on the commuter railroads
5 for New York City. Within New York City, in
6 addition -- I know you represent the city, so
7 I highlight that. So discounts, now reducing
8 fares, reliability.
9 MTA subway on-time performance has
10 been in the year or two higher than even
11 before COVID. What you're talking about is a
12 problem related to crew shortages, which
13 definitely have hit the F Line. It hits a
14 lot of what we call the B division, the

15 letter lines.

16 And we can talk about why, but we've

17 attacked it, and we have brought the level of

18 crews back with some innovative things that

19 even shortcut the fact that it takes nine

20 months to train a train operator or a

21 conductor.

22 So reliability and not increasing

23 fares.

24 But as far as taking congestion

1 pricing money and not using it for

2 state-of-good-repair and deciding to use it

3 for some of these other things that you're

4 talking about is a discussion we can have --

5 THE MODERATOR: Pardon me, your time

6 is up.

7 MTA CHAIR LIEBER: -- but there are

8 consequences and I'm not prepared to tell you

9 that we're changing the capital program to

10 eliminate state-of-good-repair.

11 But I want to be very clear, and I

12 have to be honest with you. I've said again

13 and again in public we are studying track

14 intrusion technology. And we have been

15 studying platform doors for several years --
16 in fact, did a 4,000-page study. So the idea
17 that the MTA doesn't take those technologies
18 and safety advances seriously I'm going to
19 push back on, respectfully.

20 CHAIRWOMAN KRUEGER: Thank you.

21 CHAIRWOMAN WEINSTEIN: Thank you. To
22 the Senate.

23 CHAIRWOMAN KRUEGER: Senator Diane
24 Savino.

1 SENATOR SAVINO: Thank you,

2 Senator Krueger.

3 Good to see you, Janno. I'm going to

4 be brief because the Assembly moderator is

5 wicked with that time clock.

6 I want to echo the comments of my

7 young colleague Assemblyman Charles Fall with

8 respect to the North Shore BRT. But I do

9 know that on Friday we have a meeting with

10 your staff to go over the environmental

11 impact study on the North Shore BRT. We need

12 to get that for the people of Staten Island

13 because as we talk about closing the gap in

14 the transit deserts, we live in the

15 Sahara Desert with respect to the MTA service

16 region in Staten Island.

17 I'm excited about the idea of this

18 Interborough Express, and I've said this to

19 you in the past: I'm just curious as to why

20 we can't figure out how to bring it over the

21 Verrazano Bridge to serve the people of

22 Staten Island. The bridge was designed to

23 handle a subway, it was just never added to

24 it. And it would really help an area that is

1 desperately in need of transit options.

2 That's one question.

3 And then the other thing -- that you

4 may not be able to answer today -- but we're

5 all concerned about subway safety, we're

6 concerned about the level of crime that we're

7 seeing in the subway. For several years we

8 in the Senate have passed legislation that

9 would elevate the penalties for people who

10 are what we call serial sexual perverts on

11 the subway -- they call them "subway

12 grinders" -- working with many of the people

13 who worked at the MTA, and Sarah Feinberg was

14 pivotal in helping me draft the legislation.

15 But unfortunately the Assembly would never

16 join us in this effort.

17 But two years ago we did do something

18 in the budget that would allow for the

19 banning, the MTA to petition a court to ban

20 people who were found to be serial perverts

21 in the subway. And I'm just curious if you

22 know how many times that has happened. Has

23 the MTA banned people from committing -- from

24 riding a subway because they have been

1 convicted of assaulting women and groping

2 women on the subway?

3 If you don't know that today, that's

4 fine, you can get back to me. But I don't

5 know if that law is actually as effective as

6 it should be because the penalties are still

7 not high enough, it's still only a

8 misdemeanor.

9 MTA CHAIR LIEBER: So, you know, I

10 don't know the answer today, but I support

11 what you're saying. And we would like to see

12 more aggressive enforcement of a lot of the

13 subway crimes that we're encountering.

14 But I'm mostly concerned about it not

15 criminalizing individual, you know, offenses

16 but making sure that recidivists, people who

17 attack people and who are predators in the

18 subway, whether it's by robbery, by violence

19 or by sexual misconduct, that they get --

20 that they don't come back into the system.

21 So we are focused very much on using our

22 partnership with law enforcement to attack

23 this problem of recidivists who are the --

24 you know, and frequently they have warrants

1 out on them anyway. So we're very much with
2 you.

3 On your point about the Staten
4 Island -- I know time is short -- we're happy
5 to work with you on options for
6 hypothetically extending the so-called
7 Interborough Express. The idea was to use
8 this existing underutilized rail --

9 THE MODERATOR: Pardon me, your time
10 is up.

11 MTA CHAIR LIEBER: -- especially
12 options for a ferry connection, because
13 you're right there at the Brooklyn Marine
14 Terminal, and that's an option that will be

15 studied in due course. So thank you.

16 SENATOR SAVINO: Thank you.

17 CHAIRWOMAN WEINSTEIN: We go to

18 Assemblywoman González-Rojas.

19 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank

20 you, Chairman, for being here.

21 Under an idea to flip the allocation

22 of the gas tax, which was proposed by both

23 the previous and the current New York City

24 comptrollers and embraced by many transit

1 advocates, the MTA would reap two-thirds of
2 the gas taxes collected in the 12-county MTA
3 service region, instead of the current
4 scenario where the transit agency only gets
5 one-third and the Highway and Bridge Trust
6 Fund gets two-thirds of the funds, known
7 collectively as the petroleum business gas
8 taxes.

9 If the state decides to invert the way
10 that the gas tax is allocated, it would mean
11 in 2022 that the MTA would get \$1.115 billion
12 from the fund, which would be an increase of
13 513 million this year and could further
14 project over 1 billion for 2023 to 2025.

15 So this proposal can assist in
16 providing the six-minute off-peak service
17 without fare hikes over the next five years,
18 which, as you know, coming out of this
19 pandemic the last thing our riders need is to
20 pay more.

21 So I want to ask if the Governor or
22 the MTA leadership have seriously considered
23 this proposal.

24 MTA CHAIR LIEBER: Thank you for the

1 question, Assemblymember.

2 Where we are -- I can't speak for the

3 Governor, who is proposing an Executive

4 Budget that increases funding for the MTA.

5 But what we've said is that the fiscal cliff

6 that we're all talking about, which hits in

7 2025, in excess of \$2 billion, we're asking

8 the Governor and the Legislature, who control

9 the outcome where there's funding to meet

10 that structural deficit, to consider a range

11 of different options.

12 We are agnostic about which strategies

13 you choose -- how you give the MTA money, how

14 you fill that deficit. You've just outlined

15 the case for one particular solution. But we
16 welcome the fact that people like you,
17 Assemblymember Paulin, and others are talking
18 about that we have to deal with this. But
19 we're agnostic about what strategy you
20 ultimately decide on, just as long as we
21 figure out how to fill the gap.

22 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: All
23 right, thank you. I urge you to really
24 consider this and maybe work with the

1 Governor's team.

2 The other thing I want to underscore

3 is also the Queens bus redesign. As you

4 know, the last rollout was a disaster, quite

5 honestly. There was a lot of uproar on this.

6 So I know others have asked about it, but can

7 you repeat the timeline and the timeline by

8 which we'll be able receive public comment

9 and engagement?

10 MTA CHAIR LIEBER: So we'll be

11 briefing electeds -- first of all, we're

12 starting from scratch. It's a clean slate.

13 So we understand that there were problems in

14 the first version. We're going to meet with

15 you and some other electeds in the coming
16 weeks. We're going to then roll out a draft,
17 an initial draft. It will be subject to
18 many, many, many public outreach sessions.

19 There is no timeline on the completion
20 of that public outreach and the issuance of
21 the final version. So get ready to have
22 dialogue, lots and lots of dialogue. We've
23 got to get it right this time. And you know,
24 you've heard me. I'm very focused on making

1 the bus system faster and better, especially
2 in Queens where so many people depend on it.
3 So we're going to take our time. We'll get
4 it right.

5 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank
6 you.

7 CHAIRWOMAN WEINSTEIN: Back to the
8 Senate.

9 CHAIRWOMAN KRUEGER: Thank you.
10 Senator Brad Hoylman.

11 SENATOR HOYLMAN: Thank you,
12 Madam Chair. Good to see you, Janno.

13 A couple of quick questions about
14 Penn Station redevelopment. Do we have a

15 price tag yet on that?

16 MTA CHAIR LIEBER: You know, what

17 we've said -- and it's consistent with the

18 normal status of, you know, when you're

19 throwing price tags at a project that hasn't

20 been fully designed.

21 Based on the concepts and the master

22 plan for the rehabilitation of existing Penn,

23 which is what I'm most focused on -- you

24 know, that's the Governor's priority, fix

1 existing Penn for the New Yorkers now. But
2 the price tag for that we believe is in the
3 range of \$5 billion to \$7 billion for that
4 one element. There are other elements, as
5 you know -- the proposed expansions for the
6 Gateway Project -- but I'm focused on
7 existing Penn, and there is a price tag for
8 that.

9 SENATOR HOYLMAN: Okay. So I think 5
10 to 7, with all due respect, is higher than
11 what you quoted at the last hearing we had in
12 the fall. But that's fine.

13 So what's going on in Penn Station
14 now? Is that part of the Penn Station

15 redevelopment, the current construction?

16 MTA CHAIR LIEBER: Well, what's

17 happening in Penn Station now is the MTA

18 is -- you know, we're not waiting for anybody

19 to try to make the conditions better for the

20 people who use existing Penn Station. But

21 subway riders can --

22 SENATOR HOYLMAN: But if I could just

23 interject, because I'm getting questions --

24 MTA CHAIR LIEBER: That's not the

1 whole fix of existing Penn. What we're doing

2 now is --

3 SENATOR HOYLMAN: But is that part of

4 the 5 to 7 billion that you just quoted?

5 MTA CHAIR LIEBER: No. That's already

6 funded in the budgets you've approved.

7 There's \$700 million for the new entrance and

8 for the expansion of the existing Long Island

9 Rail Road concourse.

10 The \$5 billion to \$7 billion is for

11 the idea of turning existing Penn Station

12 into a station that has both height and the

13 ability to navigate it, just like Moynihan

14 Station. Turning it into something much more

15 like Moynihan Station.

16 SENATOR HOYLMAN: Yes. Hopefully with

17 more seating, which is another area of

18 inquiry.

19 But do you have an estimation as to

20 when we will see plans for the new

21 Penn Station?

22 MTA CHAIR LIEBER: Well, again, we

23 have to -- because the station is owned by

24 Amtrak, the Governor has said this is her

1 priority. She wants to get that piece going
2 now, now, now. But we have to deal with
3 Amtrak, who owns the station. It ain't fair
4 if 50,000 riders a day -- and the New Yorkers
5 on the commuter rails and the subway are, you
6 know, 500,000 or 600,000.

7 So we're -- but Amtrak owns the
8 station, we have to work out a deal with
9 Amtrak to get that project --

10 SENATOR HOYLMAN: Any estimate -- any
11 estimate, Janno, when we might see the plan
12 get final --

13 MTA CHAIR LIEBER: We need a funding
14 strategy, and that comes back to the Governor

15 and the Legislature and others.

16 THE MODERATOR: Pardon me, your time

17 is up.

18 SENATOR HOYLMAN: Thank you very much.

19 And really appreciate your answers.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Assembly.

22 CHAIRWOMAN WEINSTEIN: Yes, we go to

23 Assemblywoman Mitaynes.

24 But beforehand, we've been joined by

1 Assemblywoman Mahon, Assemblyman Friend, and

2 Assemblyman Zebrowski.

3 Now to Marcela for three minutes.

4 ASSEMBLYWOMAN MITAYNES: Thank you.

5 Can you guys hear me?

6 MTA CHAIR LIEBER: We can.

7 ASSEMBLYWOMAN MITAYNES: Thank you so

8 much.

9 The U.S. Department of Justice, the

10 National Institute of Justice has issued

11 research showing that, one, sending an

12 individual convicted of a crime to prison

13 isn't an effective way to deter crime and,

14 two, increasing the severity of punishment

15 does little to deter crime.

16 Why is it necessary to create a new

17 felony and misdemeanor offense for harassment

18 and assault of transit officers? Are the

19 crimes not punishable under existing assault

20 and harassment laws? And given the academic

21 research showing that harsher sentences do

22 not deter crime, what possible effect could

23 these harsher sentences possibly have?

24 MTA CHAIR LIEBER: I'm not a criminal

1 justice expert, so I concede that to others
2 on this panel. But every day I look at
3 reports that our transit workers who -- you
4 know, train conductors who pull into stations
5 and stick their head out of doors or bus
6 drivers are being beaten and attacked and
7 assaulted. And we cannot ask people who are
8 putting -- you know, especially essential
9 workers who put their lives on the line
10 during the worst part of COVID and continue
11 to work so hard, to do that when the
12 penalties for physically attacking them are
13 not what they ought to be -- you know,
14 comparable to other kinds of assaults.

15 Last week, Assemblymember, I had a
16 train conductor who was attacked, as she
17 pulled into a station and stuck her head out,
18 with a tree branch. Someone, you know,
19 bashed her with a tree branch. We have
20 people coming home from, you know, trying to
21 move New Yorkers around and rescue our
22 economy -- which is, by the way, essential to
23 essential workers most of all -- who
24 cannot -- who are coming home with injuries

1 as if they've been in an MMA fight.

2 So it makes no sense to me as a

3 transportation professional -- not a criminal

4 justice professional -- that those kinds of

5 assaults should somehow be treated at a lower

6 level of seriousness than other comparable

7 physical assaults. That's my view. And we

8 hope that you will, you know, together with

9 your colleagues in the Senate, come back to

10 that issue.

11 ASSEMBLYWOMAN MITAYNES: So I think we

12 agree that these offenses should be

13 punishable. I think that we need to have a

14 further discussion of how we actually do that

15 and make it effective.

16 But while I have 40 seconds, what is

17 the authority's plan for implementing the MTA

18 bike access legislation that was just passed

19 by the Legislature, and improving bike and

20 pedestrian connectivity at stations?

21 MTA CHAIR LIEBER: Thank you. We've

22 spent \$150 million on the bike access on the

23 RFK. We've spent another 50 million on other

24 bike and pedestrian access on other

1 facilities. We're going to keep investing in

2 it.

3 I believe passionately that we have to

4 have the last mile-first mile connections

5 that bike and other personal transportation

6 provide. So we're going to do a better job.

7 Last week I rolled out the Grand Central

8 Station bike parking initiative. We're going

9 to push bike parking all around the system.

10 And we are going to work with, consistent

11 with the --

12 THE MODERATOR: Pardon me, your time

13 is up.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We go to Senator Ramos.

16 SENATOR RAMOS: It's Rah-mos. Thank

17 you.

18 CHAIRWOMAN WEINSTEIN: Rah-mos. Oh,

19 I'm sorry.

20 SENATOR RAMOS: That's okay. Good

21 morning, everybody --

22 CHAIRWOMAN WEINSTEIN: It's

23 Assemblyman Ray-mos and -- just please

24 restart the clock at 3 minutes.

1 SENATOR RAMOS: Yeah, thank you.

2 okay, great. Thank you.

3 So good morning, everybody. Good

4 morning, Janno. I want to start by

5 piggybacking a little bit on what my

6 colleague Assemblyman Bobby Carroll was

7 talking about. I'm a big believer that if we

8 drive the quality of the MTA into the ground,

9 it's not necessarily going to keep us any

10 safer.

11 Our subway needs to look nice. It

12 needs to smell nice. It needs to give us

13 pride in riding it. And this is why I've

14 been so insistent in talking to you about

15 reopening these public bathrooms. And on
16 February 7th we saw that the MTA website
17 actually put up, very briefly, a page and
18 then quickly took it down; it listed a bunch
19 of supposed open and available restrooms.

20 And I'm wondering if you could
21 elaborate on what the thinking was there.
22 Are you doing anything to actually make this
23 a reality?

24 MTA CHAIR LIEBER: I don't know what

1 happened with the website or not. That's not
2 a thing I'm familiar with.

3 But the bathrooms are -- remain
4 closed, as I think you and I have discussed,
5 for the reason that we do not have enough
6 cleaners right now. We do not have enough
7 cleaners to clean the stations, and adding
8 another scope of cleaning, especially in a
9 COVID-intensive cleaning environment, is
10 not -- it's just not accomplishable right
11 now.

12 But the other thing that's going on --
13 and I'm sure you and I don't entirely look at
14 this the same way -- is that our station

15 personnel -- I went out to the end of the

16 E and J Line a week or two ago and walked

17 around with the station manager at night.

18 And it's an end-of-line station with the E

19 and the J, and they're terrified of us

20 reopening the bathrooms because their people

21 can't -- won't go into them to clean because

22 of the --

23 SENATOR RAMOS: I understand that

24 concern -- sorry, I'm going to cut you off in

1 the interests of my time.

2 MTA CHAIR LIEBER: Okay.

3 SENATOR RAMOS: So I understand those

4 concerns, but those are all solvable concerns

5 if we actually prioritized the quality of the

6 situation. Happy to discuss more of that

7 with you.

8 I want to follow up on one more thing

9 from your confirmation hearing, where I asked

10 you and you indicated that you would revisit

11 the laws surrounding using passenger

12 facilities charges, that you would clarify

13 and confirm that this money can be used to

14 extended existing lines to create access to

15 LaGuardia Airport.

16 Have you been able to reconfirm what

17 your predecessors have been able to

18 communicate to me that this can be done?

19 MTA CHAIR LIEBER: I'm pretty sure --

20 I'm pretty sure that if we sent this to you,

21 it may not have gotten through -- that since

22 that dialogue and my confirmation hearing,

23 that the PFC can -- will support the portion

24 that provides for airport access.

1 And we've shared that information, I'm
2 told, with your office. So I'm happy to go
3 over it again, but I think if you check with
4 your team you may find that we've responded
5 to that inquiry.

6 SENATOR RAMOS: All right, that's
7 good. Thank you.

8 I just want to comment that I
9 know you're -- you seem very far away, and
10 that seems very impersonal to me. I would
11 want to be able to see your face and your
12 gestures and your expressions. Thank you
13 very much.

14 MTA CHAIR LIEBER: And I think earlier

15 on we explained that the IT department of

16 the --

17 SENATOR RAMOS: I know. I heard it.

18 MTA CHAIR LIEBER: -- Governor's

19 office has not been able to fix that.

20 CHAIRWOMAN WEINSTEIN: We go to the

21 Assembly. Assemblywoman Simon I believe is

22 in a committee meeting, so we'll come back to

23 her. And we go to Assemblywoman Zinerman.

24 (Pause.)

1 CHAIRWOMAN WEINSTEIN: Assemblywoman

2 Zinerman, are you here? She's not.

3 How about Assemblyman Jacobson?

4 Jonathan, go ahead.

5 ASSEMBLYMAN JACOBSON: All righty.

6 Thank you, Madam Chair.

7 Thank you for your testimony. I

8 represent Beacon, Newburgh, also

9 Poughkeepsie, so I have just a few questions.

10 Has the doomsday clock been turned off

11 for Metro-North going up the Hudson and also

12 on the West Side?

13 MTA CHAIR LIEBER: I apologize, I

14 don't understand the question.

15 ASSEMBLYMAN JACOBSON: In other words,

16 there were -- last year there were threats --

17 not threats, but there was indications that

18 maybe service was going to be severely cut

19 and eliminated on the West Side and severely

20 cut on the East Side of the river. Are we --

21 are we away from that now?

22 MTA CHAIR LIEBER: If you're talking

23 about West of Hudson service, is that --

24 Port Jervis and Pascack Valley Lines, sir?

1 Are you -- are you?

2 ASSEMBLYMAN JACOBSON: All right, I

3 know there's --

4 MTA CHAIR LIEBER: Let me just say

5 there's no cuts in the financial plan right

6 now. So I just want to be clear, there are

7 no cuts in the financial plan. We worked out

8 a deal with New Jersey that they would resume

9 full service on the West of Hudson lines, and

10 we're going to keep pushing to make sure that

11 that's delivered by New Jersey.

12 ASSEMBLYMAN JACOBSON: That's good to

13 hear.

14 I know there's been increased

15 ridership from Beacon and also in
16 Poughkeepsie, but we're still on the limited
17 schedule. So -- and it's good that the rates
18 have not gone up recently. Is there any
19 plans to increase the schedule towards what
20 we used to have?

21 MTA CHAIR LIEBER: Yes. We are making
22 adjustments to add some trains. I think it's
23 going to go into effect in March, mindful of
24 that issue of -- you know, the train service,

1 the schedule that we have now is based on the
2 fact that we have to serve every station in
3 the system at a certain level of frequency.
4 We're going to be adding a few more express
5 trains to try to cut some of the travel
6 times.

7 ASSEMBLYMAN JACOBSON: Well, that's
8 good to hear. It's like what comes first,
9 the chicken or the egg. If people can make
10 better plans and the rates stay the same,
11 then you'll get increased ridership and
12 increased revenue.

13 That's all I have. Thank you very
14 much.

15 MTA CHAIR LIEBER: We are -- just to
16 remind you in terms of we're not only keeping
17 the fares the same, we're actually cutting
18 them. So there's a new 20-ticket option
19 which is reduced-price for people who are
20 more hybrid commuters. And there's a
21 10 percent cut on monthly tickets as well.

22 ASSEMBLYMAN JACOBSON: Well, that's
23 good, because it is expensive. I mean, when
24 you go for a one-shot deal, it's very, very

1 expensive and -- thank you.

2 CHAIRWOMAN WEINSTEIN: Back to the

3 Senate.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Senator Jim Gaughran.

6 SENATOR GAUGHRAN: Thank you,

7 Madam Chair.

8 And Mr. Chairman, good to see you.

9 Senator Anna Kaplan and myself and

10 some colleagues recently held a meeting with

11 some Long Island business leaders, and there

12 is a looming crisis about garbage and

13 construction debris and recycled materials,

14 particularly out in Suffolk County, because

15 one of the last remaining landfills is
16 closing. And just putting all these
17 materials and a massive amount of trucks that
18 go on our Long Island Expressway and then
19 over our bridges is going to create a
20 nightmare.

21 So I know there is still freight
22 capabilities for the system. I'm just
23 wondering if you have, you know, looked at
24 that problem and what we're going to do

1 moving forward. Because I know we're a
2 commuter rail system, but this is the only
3 option in town. And if we can get some of
4 this stuff off the roads, it probably would
5 make more sense.

6 MTA CHAIR LIEBER: I appreciate the
7 question. And there's no question that, you
8 know, rail transportation for freight can be,
9 you know, much more environmentally efficient
10 than putting all those trucks on the road
11 with the pollution and traffic consequences.

12 So I don't know the issue well, but
13 I'm happy to get into it. We obviously have
14 grown the capacity of the railroad as a

15 result of the Third Track Program and

16 East Side Access and otherwise. So maybe

17 there is a place for freight in that. I know

18 it's sometimes controversial as well. But

19 I'm happy to get into a discussion with you

20 and your team about it.

21 SENATOR GAUGHRAN: Sure. So perhaps

22 maybe we could even set up a meeting with

23 some of these leaders. And maybe it even

24 might be a revenue enhancement for the

1 system. So I'll follow up with you. Thank

2 you very much.

3 That's all, Madam Chair.

4 CHAIRWOMAN KRUEGER: Thank you very

5 much.

6 Back to the Assembly.

7 CHAIRWOMAN WEINSTEIN: So we go now to

8 Assemblywoman Zinerman.

9 ASSEMBLYWOMAN ZINERMAN: I'm here.

10 CHAIRWOMAN WEINSTEIN: Okay, there you

11 are.

12 ASSEMBLYWOMAN ZINERMAN: All righty.

13 Good morning, all. Thank you, Madam Chair.

14 Commissioner Janno, thank you for your

15 testimony today.

16 I have two questions for you this

17 morning. As we all know, by 2030 there will

18 be over 72 million Americans age 65 and older

19 and about 11 million over the age of 85. In

20 addition, New York City's population of

21 people living with disabilities is about

22 11 percent. So only 114 of the current MTA

23 stations are considered accessible, out of

24 472. And in my district, which is considered

1 a NORC, a naturally occurring retirement
 2 community, we only have three stations.
 3 Can you discuss your plans to
 4 prioritize accessibility and the proposed
 5 improvements in your Fast Forward plan? That
 6 would be question number one.
 7 And then if I could talk to you about
 8 workforce development, as the chair of the
 9 Subcommittee on Emerging Workforce. We all
 10 work to ensure that New Yorkers develop the
 11 right skills and experiences and credentials
 12 to find stable jobs at living wages with
 13 benefits. And I certainly consider the MTA a
 14 partner in that work.

15 Can you just provide us with a status
16 report on your current internships with
17 New York City high schools, where they're
18 located, what are the outcomes? And do you
19 have plans to expand those programs into
20 BIPOC communities?

21 MTA CHAIR LIEBER: So on the second
22 question, I don't have a ton of information
23 to give you. All I could tell you is
24 honestly I have kind of prioritized, with our

1 HR team, making sure that we're doing more in
2 high schools. We historically have this
3 close relationship with the New York City
4 Transit Tech High School, but I think you're
5 right and we do need to do more. And it's an
6 area for us to grow.

7 And again, there's a lot of job
8 opportunities, and we should be drawing from
9 all kinds of schools. So it's a follow-up
10 discussion.

11 The first question was to do with ADA
12 investments. We are -- the 2020 to 2024
13 capital program, Assemblymember Zinerman, has
14 over \$5 billion set aside for just that

15 purpose. And we are doing elevator and ADA
16 projects at a faster rate than ever before in
17 MTA history. We finished 14 of them just
18 during COVID. And we have, you know, in the
19 last month or two started another 26
20 stations. And we are doing a
21 first-in-the-nation public/private
22 partnership to build another eight-plus ADA
23 stations.

24 So this is an area that we are making

1 a huge priority, for all the reasons that you
2 just outlined -- you know, the demographics
3 of the population aging and the fact that
4 New York City's subway system at least does
5 not have adequate accessibility right now.
6 The bus system is fully accessible, but we
7 have to do more in the subway system.

8 So I'm with you, and I think everybody
9 at the MTA supports what you've just said.

10 ASSEMBLYWOMAN ZINERMAN: I definitely
11 want to work with you and your team on
12 acceleration, and especially as we talk about
13 implementing more bike accessibility as well
14 and how that impacts the elderly in the city.

15 Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 To the Senate.

18 CHAIRWOMAN KRUEGER: I believe we have

19 no Senate hands, so why doesn't the Assembly

20 keep rolling.

21 CHAIRWOMAN WEINSTEIN: Okay,

22 appropriate for the transportation system, we

23 are going to next roll with Assemblywoman

24 Niou.

1 ASSEMBLYWOMAN NIOU: Thank you so
2 much, Chair Helene and also Chair Krueger.
3 I just -- I wanted to kind of echo a
4 little bit about my concerns as well as my
5 colleagues have already stated about, you
6 know, when can we -- you know, funding-wise,
7 when can we get some platform barriers up?
8 As you know, Michelle Go was murdered in our
9 train station.
10 And also I want to echo the safety
11 concerns I have, you know, and that
12 Senator Ramos had about our public bathrooms
13 not being open. I think it's really crucial
14 that we do that.

15 And as a disabled New Yorker I wanted
16 to echo what Assemblymember Zinerman had just
17 said about ADA accessibility. We need all of
18 our stations to be accessible. And this has
19 been a very long wait for New Yorkers, and
20 the ADA laws had passed a long time ago and
21 we are very overdue for this change. And
22 every single time we've been asking, it's
23 always been about, you know, the
24 grandfathering-in of stations and how, you

1 know, if we change this one thing in the
2 station then we have to change everything.

3 So I just wanted to give the rest of
4 my time for you to answer those three
5 points -- platform barriers, public
6 restrooms, and ADA accessibility. Thank you.

7 MTA CHAIR LIEBER: Okay. I'll go in
8 reverse order.

9 On ADA, you know, there -- I don't
10 know what your experience has been,
11 Assemblymember, but we're not -- you know,
12 obviously putting in ADA elevators in
13 hundred-year-old stations is engineering
14 complicated, but we're not offering up

15 excuses. We're actually attacking it at a

16 pace that has never been seen before.

17 We did more -- we finished more

18 stations during COVID than in the five years

19 between 2012 and 2017. Right? So we're

20 going 100 miles an hour consistently. The

21 capital program set aside 5 billion for ADA

22 accessibility projects, and we're going to

23 go, go, go. And we're -- I think we're on

24 the same page on that. It can't happen too

1 fast.

2 On the safety issue, platform barriers

3 are a technology that's been successfully

4 deployed elsewhere. Our goal is to figure

5 out if they can be implemented here and at

6 what pace. We have the reality -- nobody

7 likes to talk about the engineering study

8 showed that -- and there was 4,000 pages of

9 study long before the, God forbid,

10 Michelle Go accident -- not accident, I want

11 to say murder. And what it showed is there

12 are real engineering issues -- a lot of the

13 outdoor platforms can't support the

14 additional weight, there are ADA

15 accessibility issues, and so on.

16 Nevertheless, I have asked a group

17 that I chartered, which is the Track Trespass

18 Working Group, to figure out where do we

19 pilot platform doors and where do we

20 introduce new interdiction technology to make

21 sure we know about people getting on the

22 tracks as quickly as possible.

23 So we are going to be trying to come

24 out with some pilots along those lines in the

1 next couple of months. And it's an expensive
2 undertaking, but we're going to work with you
3 and the Governor to try to figure out how
4 quickly we could deploy some of these
5 technologies and where.

6 ASSEMBLYWOMAN NIOU: Thank you. I do
7 want to remind everyone that our station is
8 just as old as Japan's, our train lines are
9 just as old as Japan's, but it doesn't look
10 like it or feel like it.

11 CHAIRWOMAN WEINSTEIN: I think there's
12 a road trip in our future.

13 Assemblywoman Seawright, are you here?

14 There you are, Rebecca.

15 Just for people listening, there
16 are -- and for the MTA -- we're having
17 committee meetings at the same time -- at
18 least in the Assembly, I know -- so members
19 are leaving and coming back. So that's why
20 we sometimes are skipping people.

21 So now to Assemblywoman Seawright.

22 ASSEMBLYWOMAN SEAWRIGHT: Thank you,

23 Chair Weinstein.

24 Many residents in my district utilize

1 the Roosevelt Island tram as their primary
2 way of commuting to and from Manhattan. The
3 tram's two terminals have yet to have their
4 OMNY installed. So what is the timeline that
5 the MTA will have contactless fare pay
6 available for riders?

7 And additionally, I have many senior
8 citizens that are eligible for the
9 reduced-rate-ridership MetroCard. Will the
10 same discount-rate program be available for
11 OMNY? And if so, when and how would it be
12 implemented?

13 MTA CHAIR LIEBER: So I think you
14 know, on the issue of the tram, which is -- I

15 rode many years and I know it's an important

16 feature of the Roosevelt Island community --

17 the Roosevelt Island Operating Corporation

18 operates that, not the MTA.

19 But I'm happy to -- we'll make sure

20 that there's a plan to get it OMNY-equipped.

21 I don't know why it hasn't been yet. But

22 it's not part of our system. That may be the

23 explanation, but it's a fair point, and we'll

24 make sure it gets done.

1 ASSEMBLYWOMAN SEAWRIGHT: What about
2 for the senior citizens' reduced rate?

3 MTA CHAIR LIEBER: Yeah. Yeah. So
4 one of the -- this is a good news/bad news
5 story. We are introducing OMNY as quickly as
6 we can, even when not every aspect of it has
7 been worked out, because we want to get
8 New Yorkers accustomed to it and start the
9 transition.

10 One of the things that we're still in
11 the process of doing is getting the software
12 accommodations so all those reduced-fare
13 transactions can be accommodated in OMNY.
14 We're going to be having that effectuated --

15 we're piloting it right now, and we're going

16 to hope to broadly launch it in the next

17 three to six months.

18 So the answer is yes, OMNY will be

19 coming for these reduced-fare disabled and

20 senior customers. And we're in the process

21 of building it out with the contractor to

22 make sure we have special software for that.

23 ASSEMBLYWOMAN SEAWRIGHT: It looks

24 like I have a minute left, so I'll be quick.

1 I've heard from constituents that are
2 still concerned about platform safety. Has
3 there been a study done about possibly
4 putting barriers up that could be implemented
5 to prevent falling or being thrown onto the
6 subway?

7 MTA CHAIR LIEBER: Yeah. Long before
8 this horrible incident with Michelle Go a
9 couple of months ago, the MTA did -- this is
10 before my time -- in the last couple of years
11 did a 4,000-page study of what it would take
12 to install platform doors in every station in
13 the system. And it found some serious
14 engineering challenges.

15 Nevertheless, with respect to the
16 number that could accommodate it, we're going
17 to find some and work with the Governor and
18 other members of our team to figure out the
19 funding and try to actually pilot platform
20 doors in some of the stations where we can
21 accommodate it where there are not, you know,
22 these engineering barriers to it.

23 So we are moving forward. We're also
24 moving on other technologies that could keep

1 people off the tracks, because that is a huge
 2 number right now of people voluntarily
 3 getting on the tracks and in the tunnels, and
 4 it's a problem.

5 THE MODERATOR: I'm sorry, your time
 6 has elapsed.

7 ASSEMBLYWOMAN SEAWRIGHT: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We're going to go to Assemblyman
 10 Palmesano.

11 ASSEMBLYMAN PALMESANO: Yes, thank
 12 you, Mr. Chairman, for being here.

13 I kind of wanted my question to kind
 14 of spin off of what Chairman Kennedy said

15 earlier about making that connection with the
16 upstate/downstate bridge with our
17 manufacturing. And you had mentioned a
18 number of the companies -- you mentioned
19 Kawasaki, you mentioned Bombardier, now
20 Alstom. And Alstom happens to be in my
21 region and my district where I was born and
22 raised, in Hornell, which is obviously
23 manufacturing the high-speed Amtrak railcars.
24 We are known nationally for -- as a

1 Center of Excellence for our rail
2 manufacturing. But, you know, as with any
3 industry, as you were talking about, it's
4 important to have that pipeline to feed those
5 projects and those contracts. I know we have
6 a number of old, you know, railcars, I mean,
7 with Long Island and the city. Can you kind
8 of talk about some of the major projects that
9 are in the pipeline for the MTA that might
10 help to feed that pipeline and possibly,
11 hopefully, some of these companies in our
12 upstate area to continue that
13 upstate/downstate bridge?
14 MTA CHAIR LIEBER: Look, you know, our

15 capital program touches every part of the
16 state. You know, you mentioned a couple of
17 manufacturing facilities we use. But we
18 use -- I will provide to you, and I'm asking
19 staff to make a note of it, a list of all
20 those upstate companies. There are a lot of
21 them. And it's not just railcars, it's bus
22 manufacturers, it's all kinds of materials
23 and systems.

24 Look, I was planning to go to Hornell

1 actually a couple of weeks ago to take a look
2 at some of those facilities. But, you know,
3 the weather intervened and even though
4 Senator Kennedy tried to stop the weather,
5 that got in the way of that visit.

6 So I'm going to be up there, I'm going
7 to be looking around to learn more about that
8 facility. I have a daughter at the
9 University of Rochester. I'm definitely
10 coming, and I definitely want to make sure
11 that we build that bridge, as you stated, to
12 manufacturing all over the state.

13 ASSEMBLYMAN PALMESANO: Yeah, they're
14 doing a tremendous job there obviously with

15 the high-speed rail for Amtrak. I mean, it's
16 got national notoriety. And then obviously
17 the work they've done on the subway systems
18 for the mass transit in the city and other
19 mass transits around the country.

20 But -- and I understand it's not just
21 mass transit, not just the rail, the buses.
22 I have a company, Penn Yan, that does the
23 same thing on downstate contracts on a number
24 of issues. So it's definitely something --

1 MTA CHAIR LIEBER: Well, I hope you'll

2 join us when I'm upstate, whenever it

3 happens --

4 ASSEMBLYMAN PALMESANO: Yeah, I'll be

5 happy to do that.

6 MTA CHAIR LIEBER: -- because there's

7 a ton of stuff to see and talk about. So

8 we'll get together on that.

9 ASSEMBLYMAN PALMESANO: That would be

10 great, because we have a gem there for sure.

11 Thank you so much. Appreciate your time.

12 Oh, real quick, though, as far as any

13 of those projects in the pipeline that might

14 impact these businesses that -- whether it's

15 a --

16 MTA CHAIR LIEBER: We have -- we

17 have -- right now we have very big car

18 acquisition issues we're trying to work

19 through in --

20 THE MODERATOR: Sorry, your time is

21 up.

22 MTA CHAIR LIEBER: -- and we want

23 to -- you know, railcar and bus procurements

24 are top of the list.

1 ASSEMBLYMAN PALMESANO: Okay, thank

2 you, sir.

3 CHAIRWOMAN WEINSTEIN: Senator

4 Krueger, I see you do have some Senators.

5 CHAIRWOMAN KRUEGER: I do. I was just

6 writing you a note saying suddenly we have

7 some more Senators.

8 So let me allow Tom O'Mara in for

9 three minutes, because he's just joined us.

10 And then we have our chair, who wants his

11 second round.

12 Hi, Senator O'Mara.

13 SENATOR O'MARA: Good morning. Sorry

14 I was late, but I got here in time.

15 Good morning, Mr. Lieber. Good to see
16 you. I just wanted to follow up on some of
17 Assemblyman Palmesano's questions regarding
18 the upstate manufacturing of railcars.
19 Certainly it's a major industry across
20 the Southern Tier and in other parts of the
21 New York State. So I'm just wondering -- and
22 when you do visit, please let me know, I'd
23 like to get together with you and see some of
24 those facilities both in Hornell and in

1 Elmira, where they're not doing so much MTA

2 work as they are others I think right now.

3 But still, it's very important.

4 What if any advantages to -- does it

5 factor in to be a New York State manufacturer

6 of your railcars when you're letting

7 contracts out?

8 MTA CHAIR LIEBER: Well, I mean, the

9 complexity is that the federal government

10 actually bars -- prohibits us from

11 advantaging, you know, businesses in one

12 state versus the other.

13 But nevertheless, New York is rich in

14 this railcar manufacturing and bus

15 manufacturing category. And honestly there
16 aren't that many car manufacturers other than
17 China at this point. So we're very much
18 inclined to use Kawasaki in New York and
19 Bombardier-Alstom in New York State. You
20 know, on top of everything else, it just --
21 those are two of the leading companies.
22 There's also Nova and New Flyer in the bus
23 category.
24 So I would say although the feds

1 prohibit it, we don't really need the
2 advantage, you know, to create some
3 artificial advantage. They're right here for
4 us.

5 SENATOR O'MARA: Well, great. I'm
6 glad that we're very competitive here,
7 because there's a lot of jobs relying on an
8 industry.

9 And as you probably know, Alstom in
10 Hornell really is the bedrock of that
11 community for the past decade or more. And
12 they're building a new facility; they're
13 actually going to be doing the shells
14 themselves, which I believe nowhere else in

15 the USA do they actually do the shells or

16 whatever it's technically called.

17 But I appreciate that, and I look

18 forward to seeing you up in the Southern

19 Tier. Thank you.

20 MTA CHAIR LIEBER: Absolutely. Thank

21 you, sir.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Back to the Assembly.

24 CHAIRWOMAN WEINSTEIN: So I believe

1 it's to me, for 10 minutes on the clock.

2 Okay. So Chairman, I have a couple of

3 questions. How much revenue is currently

4 being lost to fare evasion?

5 MTA CHAIR LIEBER: I'm going to look

6 to my colleague Jai Patel for that, because I

7 don't know the exact -- it's roughly

8 \$300 million. Jai?

9 MTA DEPUTY CFO PATEL: Between both

10 our subways and bus fare evasion rates, we

11 estimate about 150 for each annually that we

12 lose to fare evasion.

13 MTA CHAIR LIEBER: But I have to

14 comment, Chair, that fare evasion has gone up

15 during COVID. There's no question that --

16 you know, we had a very confusing fare

17 payment period with the bus system in

18 particular where we were -- you know, we

19 closed down the front door to protect the

20 drivers, and then everybody got on the back.

21 They didn't pay for a while. Now there's

22 OMNY.

23 So people are just -- the whole fare

24 payment system has slightly broken down on

1 the buses, in my view. So we're losing a lot
2 of money.

3 Fare evasion is fundamentally unfair.

4 You know, when I do a fare hearing, this gets
5 me agitated. People stand up and say, I
6 can't afford an extra quarter. And then they
7 say "And it really burns me that three people
8 go in the gate next to me for free."

9 And we're at the risk right now of
10 demoralizing the riders who want to pay and
11 want to comply because they're seeing so much
12 fare evasion. And it's not a -- I'm not
13 interested in criminalizing anything. I just
14 want to create a system where compliance is

15 the norm and, you know, we have a system that
16 produces the revenue so people can have a
17 system that runs well.

18 CHAIRWOMAN WEINSTEIN: Thank you. Let
19 me move on to a different topic.

20 How much money does the MTA plan to
21 spend to address stormwater and flooding
22 issues? And when will capital plan
23 amendments be proposed to address these
24 issues?

1 MTA CHAIR LIEBER: And I apologize, on
2 the -- what I didn't mention in my last
3 answer is that for people who have problems
4 economically paying the fare, there is a
5 program, it's called Fair Fares. The mayor
6 and the City Council just increased the
7 funding yesterday. So people ought to get
8 enrolled. Let poverty not be a reason for
9 fare evasion, that's our motto.

10 The other question that you just
11 raised was -- I'm sorry, I'm so sorry.

12 Stormwater --

13 CHAIRWOMAN WEINSTEIN: Regarding
14 stormwater and flooding --

15 MTA CHAIR LIEBER: Coming out of
16 Hurricane -- what Hurricane Ida taught us is
17 that, one, the MTA system is very resilient
18 because it was able to accept all that water
19 and we were running rush-hour service, you
20 know, three hours later in the morning. And
21 the only lines that didn't run in the subway
22 were ones where literally the city sewer
23 system couldn't take the water that we were
24 pumping out. So the subway itself is

1 incredibly resilient.

2 We are looking at fixes that are like

3 raising the stair a notch so you keep water

4 from flowing down stairs. You know, raising

5 up breaks and vents and so on, dealing with

6 those small things. Those things can be

7 done.

8 We've spent billions to protect

9 coastally, against coastal surge. And that's

10 been very successful, those investments. And

11 it's important because saltwater kills

12 electrical systems and concrete and steel.

13 Freshwater doesn't have the same permanent

14 damaging effect.

15 That said, we learned about storm --

16 about flash flooding, and we have now formed

17 a task force with the city of all the

18 agencies that control this -- especially DEP,

19 which controls the drainage at the street

20 level -- to look at every -- we looked at

21 150 stations, and we're divvying up among the

22 agencies who has to make the fix based on

23 what the condition is. A lot of it is DEP,

24 where the drainage system at the street level

1 has to work better -- if the curb has
2 disappeared because there's been too much
3 asphalt put in, whatever. You know, the DEP
4 in many cases has to invest.
5 The final point, which is the big
6 investment that needs to be made in the era
7 of climate change is for the stormwater
8 system at the city to grow its capacity,
9 because it cannot take 3.5 inches an hour
10 without flooding the rest of the world, which
11 is what Ida proved. Everything about mass
12 transit is about this antidote to global
13 climate change. So we are the antidote, and
14 we hope that we won't have other conditions

15 harm the subway system.

16 But I think we're in decent shape to

17 address it.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 And just to expand -- to go back to an

20 area that's been raised by a number of my

21 colleagues in terms of ADA accessibility, I'd

22 just like to know what's been done -- let me

23 ask just a couple of questions together --

24 what's been done to improve Access-A-Ride?

1 What's the status of the E-Hail program, and
2 how long has the pilot been in place and when
3 can we expect to see an expansion? And how
4 does this interrelate to the newly launched
5 DFTA My Ride program that I believe just got
6 off the ground? I'm not sure if it's
7 actually running. I know they were taking
8 applications, and my district is one of the
9 ones where people qualified for eligibility.

10 MTA CHAIR LIEBER: Okay. So number
11 one, we've got a brand-new leader of
12 Paratransit coming into the MTA, his name is
13 Chris Pangilinan. He's a transit expert, but
14 he's also worked in the private sector

15 running policy for Uber.

16 So a very sophisticated guy vis-a-vis

17 how do you run a system that is dependent on,

18 you know, responding to rider requests for

19 service. Right? So -- and he happens to be

20 a long-time disability advocate as well. So

21 we're proud of that, and we're looking

22 forward to having him. He's joining at the

23 end of the month.

24 Access-A-Ride. The principal thing

1 that sometimes gets lost is that we are now
2 providing 70 percent of our paratransit rides
3 through these for-hire vehicles -- the taxis,
4 green cabs, black cars. It's not the
5 blue-and-white vans for 70 percent of our
6 rides.

7 That is an important step forward,
8 because that allows us to be frankly, you
9 know, shorter travel and less meandering, you
10 know, having to stop in multiple locations
11 and so on. That's good news.

12 We've also increased the number of
13 broker companies that are providing us with
14 these for-hire vehicles. And that helps us

15 to muscle through what has otherwise in the

16 rest of the country been a terrible driver

17 shortage in paratransit and cabs in general.

18 So that's all for the good.

19 We do have to improve reliability of

20 service, there's no question. Part of that

21 is congestion pricing. Because right now

22 it's the traffic that is killing our ability

23 to deliver paratransit rides, you know, on

24 time, actually, because drivers get caught up

1 in traffic. Congestion pricing, which will
2 prioritize paratransit rides, is a big key to
3 the solution, and we hope we're going to get
4 there. The --

5 CHAIRWOMAN WEINSTEIN: Just if I can
6 interrupt.

7 MTA CHAIR LIEBER: Please.

8 CHAIRWOMAN WEINSTEIN: In my district,
9 congestion isn't the problem that my seniors
10 are experiencing.

11 But can you comment how the DFTA
12 My Ride program is just based on
13 eligibility -- age eligibility, so it doesn't
14 really include the Access-A-Ride people. But

15 it is targeted to these transit deserts. And

16 I'm wondering if you were working with

17 New York City DOT and Aging to see how

18 successful that program is. And it's

19 something that we had talked about in the

20 past, about a call for car service,

21 effectively, for people in transit deserts.

22 MTA CHAIR LIEBER: Honestly, I don't

23 know the program, so I'm going to have to get

24 educated. It sounds like it's a city

1 initiative, a DOT initiative. And we'll have
2 to get back to you on how we're interacting
3 with it. I just don't know it, I'm sorry.

4 CHAIRWOMAN WEINSTEIN: Okay. Thank
5 you. Just -- it was brought up earlier by
6 one of my colleagues, the interborough plan
7 on the Bay Ridge line. And a number of
8 Brooklyn colleagues did meet with MTA last
9 week virtually.

10 And I would just say that one of our
11 concerns -- we were happy to finally have
12 that meeting to talk about that track,
13 because a lot of us have had issues of
14 dumping along the track, lack of fencing, and

15 a dispute between MTA and DOT as to who
16 controls the underpasses in terms of
17 lighting.

18 So if there could just be follow-up on
19 those conversations that we had last week.

20 And I know there's concerns about whether
21 eminent domain would be used to expand the
22 track in order to accommodate additional
23 tracks. So with that, I look forward to
24 continuing to have follow-up on that and on

1 the Access-A-Ride and My Ride.

2 MTA CHAIR LIEBER: Okay, we will

3 follow up. My team is listening, and we will

4 follow up.

5 CHAIRWOMAN WEINSTEIN: Great.

6 So I'm going to turn it back to the

7 Senate.

8 CHAIRWOMAN KRUEGER: Thank you. And

9 we're going to turn it back to Chair Leroy

10 Comrie for three minutes.

11 SENATOR COMRIE: Thank you.

12 Janno, can you give us an update on

13 how much you've been able to glean back from

14 the capital program for the 2015-2019 and

15 2020-2024? How much has been committed and

16 how much cash has been disbursed and what

17 remaining projects still need to be completed

18 in the '15 to '19 capital plan?

19 MTA CHAIR LIEBER: Senator, I think

20 that we've committed 90 percent of it. Of

21 the remaining 10 percent, a big significant

22 chunk is Second Avenue subway money, which is

23 now, you know, obviously waiting to be

24 deployed when the federal government

1 belatedly, hopefully, gives us the go-ahead
2 on the federal grant that will be, you know,
3 at least half of the Second Avenue Subway
4 cost.

5 So I think we're in pretty solid shape
6 in terms of getting all that '15 to '19 money
7 out. I'd just remind all of us that the '15
8 to '19 problem wasn't funded until mid-'16.
9 So we're at 90-plus percent about halfway --
10 you know, about five and a half years out.

11 SENATOR COMRIE: Thank you.

12 And then can you give us an update on
13 your borrowing? You borrowed 2.9 million
14 from the Federal Reserve in 2020, and you

15 plan to issue long-term bonds. What is the
16 status of this borrowing twice over for
17 operating costs on the operating and capital
18 budget?

19 MTA CHAIR LIEBER: So it's a really
20 important question.

21 So we took advantage of the Municipal
22 Lending Facility, that 3.9 billion, because
23 it was about to run out and go out of
24 business. And we wanted to make sure --

1 before we knew what we were going to get from
2 Washington, the COVID relief money, we wanted
3 to make sure we had that additional backstop.

4 So we banked it, and we're going to
5 bond it out so it has permanent financing.

6 But we don't want to spend it, and here's
7 why. None of us want to go into the deficit
8 financing business. That's what got New York
9 City into the financial crisis. It will
10 crowd out our ability to invest in capital.

11 So our hope is that with your
12 leadership and the Legislature and the
13 Governor's leadership, that we'll have a
14 solution to the fiscal cliff and we can repay

15 that borrowed money so we don't use it on
16 deficit financing. That was the, you know,
17 direction of some of the dialogue I had with
18 Chair Paulin at the beginning of this
19 hearing.

20 SENATOR COMRIE: Okay. And just can
21 you give us the status on the open data
22 legislation that was signed? Can you give us
23 an update on the progress on that?

24 MTA CHAIR LIEBER: Yeah, absolutely.

1 We've selected somebody to be the data
2 coordinator; that's Sarah Meyer, our chief
3 customer officer. We have already published
4 22 new data sets and we've submitted another
5 seven-plus to the New York State ITS, which
6 runs the open data process. And we're on
7 track to publish our program plan, the data
8 catalog, the schedule and everything, by
9 mid-April for the act. And we've also
10 convened a panel of experts to advise us on
11 it.

12 So we're going to comply, and
13 hopefully this will be something that you
14 don't have to worry about, that your

15 constituents and the advocates and everybody

16 can just use, because we're in the open data

17 business.

18 THE MODERATOR: Pardon me, your time

19 is up.

20 SENATOR COMRIE: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Back to you, Helene.

23 CHAIRWOMAN WEINSTEIN: Yes. And we go

24 for a second round, three minutes, to our

1 chair, Assemblywoman Paulin.

2 ASSEMBLYWOMAN PAULIN: Thank you.

3 I have two questions. The first is on

4 the design-build proposal in the Executive

5 Budget. The change would be from 25 to

6 400 million as to the requirement for

7 design-build.

8 The engineers were pretty adamant that

9 there should be no outside limit because

10 design-build should be accommodated per each

11 of the projects and evaluated at the time.

12 So I wondered why 400 was picked,

13 because I noticed on the list that needed an

14 exemption, there was one project that was

15 over that.

16 MTA CHAIR LIEBER: So thank you.

17 Look, we're trying to -- it's a little

18 bit of a Goldilocks approach, honestly. The

19 broad findings of the last couple of years

20 have been design-build works really well for

21 big projects. It is -- it's advantageous for

22 smaller projects, especially rehab, things

23 that are already --

24 ASSEMBLYWOMAN PAULIN: So you're --

1 sorry to cut you off, but I have another
2 question.

3 So the feeling is 400 will do your job
4 for you? I mean, that's the -- that's why
5 you picked it?

6 MTA CHAIR LIEBER: At this point -- at
7 this point we're -- that is the consensus,
8 basically, of our team. But I wouldn't rule
9 out continuing to adjust it over time in
10 tandem with the Legislature. But we're
11 trying to figure out the right, as I said,
12 Goldilocks solution -- just right -- and to
13 let those smaller projects.

14 The important thing is --

15 ASSEMBLYWOMAN PAULIN: So you know

16 what, Janno, I have another question, I'm

17 sorry.

18 MTA CHAIR LIEBER: Go ahead.

19 ASSEMBLYWOMAN PAULIN: Okay. So

20 congestion pricing. There's a timetable

21 established in the statute. Sixty days after

22 the law, the MOU had to be signed with the

23 city. I'm assuming that took place. I just

24 wondered if there was any problem with that

1 or that did it take place.

2 And the second is the toll, which

3 would need to be established 30 days prior to

4 implementation. And if it's September or,

5 you know, 2023 third quarter, that would mean

6 August.

7 So where are we on the toll and the

8 mobility whatever, the mobility review board

9 that needs to be established to deal with the

10 possible exemptions or whatever?

11 MTA CHAIR LIEBER: Okay. So the

12 initial draft of the environmental assessment

13 document is being looked at by the feds right

14 now. It includes some general options for

15 tolling. The ultimate decisions on tolling,
16 discounts and exemptions included, will be
17 made by the TMRB. That group is going to be
18 empaneled by our board in the spring,
19 probably contemporaneous with the draft
20 environmental document being issued to the
21 public for comment, review and discussion.

22 So that --

23 ASSEMBLYWOMAN PAULIN: And the MOU
24 with the city is done?

1 MTA CHAIR LIEBER: You know, I don't
 2 know that exact document. The answer is we
 3 have been working in tandem with the city DOT
 4 on every step throughout the environmental
 5 review process, I don't know that there's any
 6 issue, but I'll check on the MOU. I'm not
 7 familiar with that --

8 THE MODERATOR: Pardon me, your time
 9 is up.

10 CHAIRWOMAN WEINSTEIN: Perfect timing.
 11 So thank you, we have no further member
 12 questions.

13 Thank you, Janno, for being here. We
 14 look forward to some of the responses that

15 there wasn't time for us to hear. If those
16 could be sent to both Chair Krueger and
17 myself so we can distribute to all of the
18 members as well as the individual member who
19 may have asked that question. And we look
20 forward to continuing to work together with
21 you and your staff.

22 And we're going to move on now to the
23 New York State Department of Transportation.

24 MTA CHAIR LIEBER: If you would

1 indulge me, Chair, just in saying, one, I
2 apologize for the wacky video. That's -- you
3 know, we certainly wouldn't have wanted it
4 that way, and I apologize for that too.

5 I just want to thank the committee,
6 everybody participating in helping us to get
7 focused on this issue of our financial future
8 and our ability to deliver great service for
9 New Yorkers as we come back. So I just do
10 want to express my appreciation for this,
11 especially among the chairs. It's been a
12 great partnership. So really appreciate it,
13 thank you.

14 CHAIRWOMAN WEINSTEIN: Thank you for

15 that.

16 CHAIRWOMAN KRUEGER: Thank you for

17 your work.

18 CHAIRWOMAN WEINSTEIN: Is the DOT

19 commissioner here, Ashley or --

20 DOT COMMISSIONER DOMINGUEZ: Good

21 morning. I am indeed.

22 CHAIRWOMAN WEINSTEIN: Oh, okay.

23 Okay, hold on one moment. So let me formally

24 introduce you.

1 So our next witness is the New York

2 State Department of Transportation,

3 represented by the commissioner, Marie

4 Therese Dominguez.

5 And I just -- Commissioner, I just

6 wanted to remind you that your testimony has

7 been distributed to all of the members.

8 There's 10 minutes; feel free to summarize,

9 and then there will be questions from the

10 Assemblymembers and Senators who are with us

11 today.

12 So the floor is yours, and just keep

13 an eye on the clock.

14 DOT COMMISSIONER DOMINGUEZ: All

15 right, good morning. Thank you all very

16 much.

17 Chairs Krueger, Weinstein, Kennedy,

18 Magnarelli and distinguished members of the

19 Legislature, on behalf of the Department of

20 Transportation, thank you very much for the

21 opportunity to discuss Governor Hochul's

22 2022-'23 Executive Budget.

23 In early January, Governor Hochul

24 detailed a bold new agenda for investing and

1 building a better and more inclusive New York
2 through historic investments in our people,
3 our communities and our economy. The
4 Department of Transportation has and will
5 continue to play a pivotal and critical role
6 in helping to realize this vision. This
7 includes investing in revitalizing and
8 reconnecting communities, facilitating
9 regional economic development and
10 competitiveness through safe and reliable
11 transportation systems, and supporting
12 New York State's position as a national
13 leader in advancing climate action.
14 Frederick Law Olmsted, who's

15 considered to be the father of landscape
16 architecture, is renowned for designing an
17 integrated network of majestic public parks
18 statewide but also nationwide, from
19 Central Park in Manhattan to the grounds of
20 the United States Capitol. Historic Delaware
21 Park in Western New York is also included
22 amongst his marvels.
23 The Humboldt Parkway in Buffalo was
24 recognized to be among the grandest parkways

1 designed by Olmsted in New York State.

2 Tragically, however, the replacement of the

3 tree-lined Humboldt Parkway with the

4 Kensington Expressway scarred the region,

5 severed adjoining neighborhoods and

6 demolished family homes and local businesses.

7 It also limited social and economic

8 opportunities for those left behind.

9 I wish I could say that this was an

10 isolated occurrence, but sadly it is not.

11 This same fate has played out across New York

12 State, from Buffalo and Brookhaven.

13 Under the Governor's leadership,

14 New York will begin the process of repairing

15 the devastation to communities as a result of
16 transportation mistakes that were made
17 decades ago. The new five-year capital plan
18 for the department includes nearly \$3 billion
19 to right these wrongs.

20 Instead of propagating loud, polluting
21 highways, the Executive Budget directly
22 invests in these community revitalization
23 projects that will prioritize community
24 cohesiveness, enhance pedestrian and bicycle

1 safety and mobility and mitigate the impacts
2 of highways in terms of our air quality as
3 well as harmful carbon emissions. It will
4 also facilitate development and provide new
5 green spaces designed to tie together
6 neighborhoods and small businesses.

7 Examples of community reconnection
8 projects included in this year's budget are
9 restoring the Humboldt Parkway in the City of
10 Buffalo; constructing the new Community Grid
11 in the City of Syracuse; raising the
12 Inner Loop in the City of Rochester; and
13 beginning the process of covering portions of
14 the Cross-Bronx Expressway in the City of

15 New York.

16 The Governor recognizes that investing

17 in local infrastructure helps to sustain and

18 grow communities. In addition to these

19 larger projects, the new capital plan will

20 invest in revitalizing communities in every

21 region across New York State.

22 Despite significant and sustained

23 investments in our state and locally owned

24 infrastructure, New York's renewal and

1 modernization needs continue to outpace the
2 work that has been done. These needs have
3 been exacerbated by the immediate and
4 long-term impacts of climate change. The
5 increased intensity and frequency of extreme
6 weather events has resulted in record-setting
7 rain and flooding.

8 Moving forward, New York must take a
9 more aggressive stance to mitigate the
10 impacts of climate change and prioritize
11 investments in the resiliency and hardening
12 of our state and local roads and bridges as
13 well as our public transportation systems,
14 passenger and freight rail systems, ports,

15 airports and all of our infrastructure.

16 To address these priorities, and with

17 the passage of the new five-year federal

18 surface transportation bill, Governor Hochul

19 is advancing a new, historic \$32.8 billion

20 five-year capital plan for the New York State

21 Department of Transportation. The new

22 capital plan is fully aligned with federal

23 funding commitments included in the recently

24 passed bipartisan Infrastructure Law.

1 This unprecedented level of investment
2 provides DOT with resources necessary to
3 renew, modernize and continue to drive
4 economic development in local communities.
5 The new capital plan represents a
6 generational opportunity to fundamentally
7 enhance safety, improve reliability, and
8 promote climate-smart policies, all while
9 advancing mobility alternatives.
10 One of the cornerstones of the new
11 capital plan is the record level of
12 investments directed towards local roads and
13 bridges, especially in smaller municipalities
14 throughout New York. Under the proposed

15 capital plan, direct support for local roads
16 and bridges increases by \$550 million over
17 last year's Executive Budget recommendation.
18 In parallel, the budget provides resources
19 necessary for the department to maintain and
20 renew state-owned assets. Under the proposed
21 plan, every region of the state will realize
22 benefits.

23 The New York State Department of
24 Transportation has played a prominent role in

1 developing recommendations in support of
2 New York's nation-leading Climate Leadership
3 and Community Protection Act. As noted in
4 the recently released Climate Action
5 Council's Scoping Plan, transportation
6 systems have served as a catalyst for
7 economic growth, productivity, and land use
8 and development patterns. Transportation
9 investments have significantly influenced
10 where economic growth comes about, as well as
11 the rate at which it occurs and the design
12 and density of the built environment.
13 The challenge, therefore, that we face
14 today is how do we balance continued growth

15 while facilitating transportation and
16 mitigating harmful greenhouse gas emissions.
17 One of the more impactful supporting
18 strategies for achieving these important
19 goals, whether it be in energy efficiency,
20 housing, land use or greenhouse gas reduction
21 initiatives, is through enhancing the
22 availability, accessibility, reliability and
23 affordability of public transportation
24 services, especially in unserved and

1 underserved communities.

2 The Executive Budget recommendation
3 for this fiscal year recommends \$7.4 billion
4 in direct and state-authorized revenues to
5 support enhanced public transportation
6 services across our state, including more
7 than \$749 million for systems other than the
8 MTA -- an increase of \$158 million, or nearly
9 27 percent. In addition, the budget proposal
10 includes almost \$700 million over the plan
11 period to support capital requirements of
12 systems other than the MTA, which is an
13 increase of \$245 million, or nearly
14 54 percent.

15 These capital funds will be directed
16 towards making public transportation easier
17 to use. They'll facilitate use of public
18 transportation, which in turn supports the
19 goal of reducing vehicle miles traveled.

20 In addition to these strategic
21 investments in public transportation, the
22 budget increases investments in freight rail
23 and seaports, with almost \$450 million to be
24 allocated over the plan period, as a means of

1 reducing the projected growth in movement of
2 goods by truck.

3 The challenge of achieving the Climate

4 Act requirements should be approached

5 strategically and with an eye toward

6 recognizing the opportunity and delicate

7 balance of facilitating transportation's role

8 in economic growth with the need to address

9 adverse community and environmental as well

10 as human health impacts.

11 In closing, Governor Hochul's

12 Executive Budget and new capital plan

13 embraces the work and really addresses both

14 the challenges and the opportunities before

15 New York State. These fiscal commitments
16 build upon Governor Hochul's extraordinary
17 efforts to reconnect communities severed by
18 interstates and other high-speed highways.

19 It really helps to strengthen the state's
20 infrastructure and enhance its reliability,
21 and it invests in nation-leading efforts to
22 confront climate change.

23 Transportation is an integral part of
24 everyday life in New York, and by taking the

1 steps outlined in the Governor's budget, New
2 York State DOT is ensuring a better New York
3 for all of our future generations. Thank
4 you, and I would be happy to take your
5 questions.

6 CHAIRWOMAN WEINSTEIN: Thank you,
7 Commissioner.

8 We go to our Transportation chair in
9 the Assembly, Assemblyman Magnarelli.

10 ASSEMBLYMAN MAGNARELLI: Thank you.

11 And thank you, Commissioner, for being
12 here today, and I look forward to our
13 questioning period here. Again, thank you
14 for being here.

15 Let me start out by saying the

16 Executive proposal of a few new five-year DOT

17 capital plan of \$32.8 billion, with its

18 increase of 5.3 billion, a 19.2 percent

19 increase, it's great to see. Okay? But I'd

20 like to know, how was the proposed road and

21 bridge capital plan developed? What factors

22 did you consider in determining the right

23 level of investment? How did this plan come

24 about?

1 And I think what I'm going to get at,
2 as my questioning goes on, is I really don't
3 know exactly what we're talking about in
4 terms of this plan, and somewhere along the
5 line I think -- I would hope you're going to
6 tell us.

7 DOT COMMISSIONER DOMINGUEZ: Good
8 morning, Mr. Chairman.

9 So as we've had the chance to talk
10 through, fundamentally what we look at is the
11 age and condition of our roadways and all of
12 our assets, whether they're bridges or roads.
13 And what DOT undertakes is a very informed
14 asset management system. We look at, again,

15 age, condition, use. And these are all
16 requirements that not only do we have to
17 conform with but they're also dictated by the
18 U.S. Department of Transportation and the
19 Federal Highway Administration.

20 So we look at all of that. We look at
21 where the needs are, we look at some of
22 the -- making sure that fundamentally we're
23 taking care of those assets that need to be
24 addressed first. But, one, let me assure you

1 that our assets are indeed fundamentally

2 safe.

3 But then we take all of this

4 information, we analyze the data and we put

5 that together in terms of the larger look at

6 what the opportunities are for investment.

7 And we match that up with, again, some of

8 these criteria that we're talking about in

9 terms of making sure that we're enhancing

10 resiliency and reliability of our

11 transportation systems writ large. And

12 that's what you see come forth, the projects

13 that are ultimately shared with the

14 Legislature.

15 ASSEMBLYMAN MAGNARELLI: That is the

16 issue that I have at the moment, which is

17 that I don't know what the projects are.

18 Has the DOT set any regional targets

19 to improve road and bridge conditions over

20 the next five years? What are those regional

21 targets? And do these targets help determine

22 the level and regional allocation of funding

23 in the proposed capital plan?

24 I'm trying to figure out, what are we

1 spending the money on?

2 DOT COMMISSIONER DOMINGUEZ: So we're

3 in the process of doing that right now.

4 ASSEMBLYMAN MAGNARELLI: And where?

5 DOT COMMISSIONER DOMINGUEZ: Right.

6 We're in the process of literally working

7 through with all of our regions right now,

8 collecting all that information and analyzing

9 it. And we hope that in the next few weeks

10 here we'll be in a position to share that,

11 the bulk, if you will, with the Legislature.

12 ASSEMBLYMAN MAGNARELLI: Hopefully

13 prior to the budget?

14 DOT COMMISSIONER DOMINGUEZ: Yes.

15 ASSEMBLYMAN MAGNARELLI: Okay. The

16 capital plan increases total funding to

17 municipalities for the various local capital

18 programs by over 50 percent above the

19 previous five years -- that's great -- while

20 funding for contracted projects on state

21 highways and bridges remains relatively flat.

22 Will DOT be able to improve conditions

23 on the state roads and bridges with this

24 level of funding?

1 DOT COMMISSIONER DOMINGUEZ:

2 Absolutely. I mean, fundamentally this level

3 of investment is historic. And what we're

4 looking at while -- you know, fundamentally,

5 we live in the Northeast, our roads get a lot

6 of wear and tear given our weather

7 conditions. And this level of investment

8 over the next five years will indeed yield

9 improvements in our road conditions as well

10 as our bridge conditions.

11 ASSEMBLYMAN MAGNARELLI: So as we

12 talked about just a few minutes ago, so at

13 some point in time in the next few weeks

14 we'll have a project list available telling

15 us where the projects are going to be in the

16 plan, where they're located, how much they'll

17 cost? I can look forward to that, right?

18 DOT COMMISSIONER DOMINGUEZ: It's the

19 traditional process that we've undertaken,

20 sir. So the book, as it's known as, will be

21 ready in the coming weeks.

22 ASSEMBLYMAN MAGNARELLI: Can you also

23 break down for us in the capital plan the

24 4 billion that's going to be spent on the

1 megaprojects that you've alluded to earlier?

2 Can you provide a breakdown of how the

3 \$4 billion is allocated among those different

4 projects?

5 DOT COMMISSIONER DOMINGUEZ: Yes.

6 ASSEMBLYMAN MAGNARELLI: Okay. A big

7 question in my mind -- and I get asked all

8 the time, okay -- is how will the Pave Our

9 Potholes program differ from other local

10 capital programs such as CHIPS and local

11 PAVE-NY? And what is the formula that will

12 be used to determine the allocation of funds?

13 What types of projects will be eligible?

14 Can you tell us something about this

15 new project?

16 DOT COMMISSIONER DOMINGUEZ: So one

17 thing I think that is something to kind of

18 think about in terms of the roads and

19 bridges, one of the things that I think is

20 important about this budget proposal --

21 because it really does get to, you know,

22 fundamentally the elements of our

23 infrastructure that need the most attention,

24 which is our bridges and our roads -- when

1 we're looking at this, the other thing that
2 the Governor included was paving our
3 potholes, and she called it Operation Pave
4 Our Potholes.

5 And what it is is an additional
6 \$500 million annually to look at critical
7 needs and addressing those first. So the
8 criteria is still being developed. We'll
9 look to the Executive and the Legislature to
10 continue to discuss exactly how that criteria
11 will come about. But given where we're --
12 you know, some of the programs that we have,
13 we've got some, you know, I think some good
14 opportunities to move this forward. The

15 bottom line is that it's an additional level
16 of investment in a critical area, and that is
17 our roadways.

18 ASSEMBLYMAN MAGNARELLI: Well, I
19 understand that. I'm just trying to
20 understand, will this go to the
21 municipalities, such as CHIPS and like that?
22 Would there be some kind of a formula? Would
23 you have to apply for these funds for certain
24 projects? I mean, when you're talking about

1 roadways with potholes, it's kind of like

2 very general maintenance just to kind of fix

3 the road so you don't break an axle.

4 But, you know, the bottom -- I live in

5 Syracuse. I know of what I speak, okay?

6 The -- you know, how -- what you're saying to

7 me is you haven't really figured out how this

8 money is going to be divvied out yet.

9 DOT COMMISSIONER DOMINGUEZ: Well, I

10 would say that as part of the budget

11 negotiation process, we'll look at some of

12 the traditional ways that we've looked at how

13 to do this. But, you know, the bottom line

14 is is that the department will implement what

15 the Legislature and the Executive negotiate.

16 But obviously there's opportunity, whether

17 that be formula funding -- right now it's a

18 line item, and we can move from there so

19 that --

20 (Overtalk.)

21 ASSEMBLYMAN MAGNARELLI: I'm happy to

22 see it. I'm happy to see it. I think we're

23 all happy to see it. It's -- you know, when

24 you say potholes in upstate New York, we know

1 what you mean.

2 Just moving on a little bit here -- I

3 know I'll run out of time during the middle

4 of it -- but the -- let's talk about other

5 modes of transportation. The proposed

6 capital plan allocates 4 percent of funding

7 combined to non-MTA transit, rail, aviation,

8 virtually unchanged from the previous five

9 years. Of the proposed \$32.8 billion plan,

10 what share is dedicated to rail and mass

11 transit?

12 DOT COMMISSIONER DOMINGUEZ: So right

13 now we're looking at -- we have

14 approximately, let's see -- for public

15 transportation operating assistance for all
16 systems, it's about 7.3 billion in new direct
17 state assistance for state authorized
18 dedicated revenues for public transportation
19 systems statewide. That's about an
20 18.5 percent increase, or about a
21 \$1.2 billion increase.

22 For assistance other than MTA, it's
23 about \$749 million for operating assistance,
24 which is an increase of about 1.75 billion or

1 26, almost 27 percent over last year's

2 enacted levels. So that's for transit.

3 For freight rail, it provides

4 450 million to support passenger and freight

5 rail development, which is about a 28 percent

6 increase over the prior year. And for

7 airports, it's an increase of 60 million, or

8 66.7 percent over the prior year plan.

9 ASSEMBLYMAN MAGNARELLI: And are any

10 of these -- how are the requirements of the

11 Climate Leadership and Community Protection

12 Act being --

13 THE MODERATOR: Pardon me, your time

14 is up.

15 ASSEMBLYMAN MAGNARELLI: Okay. I will

16 be back. Thank you, Commissioner.

17 DOT COMMISSIONER DOMINGUEZ: Okay.

18 Thank you.

19 CHAIRWOMAN KRUEGER: Thank you. And

20 I'm now going to move us to Senator Tim

21 Kennedy, chair of Transportation for the

22 Senate.

23 SENATOR KENNEDY: Thank you,

24 Chairwoman.

1 Good afternoon now, Commissioner

2 Dominguez. Great to see you, as always.

3 DOT COMMISSIONER DOMINGUEZ: Good to

4 see you.

5 SENATOR KENNEDY: First of all, thank

6 you for your testimony. Thank you for your

7 leadership.

8 I want to start by recognizing the

9 Governor's visionary plan here that she has

10 unveiled -- a historic level of funding, but

11 also how that money will be spent. I want to

12 get down to that a little bit. I was very

13 excited to hear out of the gate in your

14 testimony today your discussion about

15 reuniting a community that I represent right
16 in the heart of the City of Buffalo that was
17 devastated by an injustice decades ago, and
18 that is the reunification of the East Side of
19 Buffalo through the restoration of the
20 33 Expressway into a community space that our
21 community has been fighting for for many
22 years. So thank you for your leadership on
23 that and, again, to the Governor.

24 And I know that injustice is

1 replicated across the entire state, as you
2 mentioned, as well as across our nation. So
3 we have to do our part here in New York.
4 This DOT capital plan addressing that is
5 important to the people across the state but
6 especially the people that I represent.

7 I was pleased to hear you talk about
8 the needs assessment based from my colleague
9 in the Assembly, his questions. I want to
10 talk about the employees that you're going to
11 be hiring to get this work moving, the
12 300-plus full-time employees that I believe
13 will be a game-changer. Can you talk about
14 that and why it's important that as we get

15 this funding moving, that we're hiring up?

16 DOT COMMISSIONER DOMINGUEZ: Sure.

17 As you know, the Department of

18 Transportation takes a lot of pride in the

19 level of expertise that we have internal to

20 our organization. And certainly every state

21 agency has been challenged over the last

22 couple of years, given the state's financial

23 condition. So the fact that the hiring

24 freeze has been lifted and that we have the

1 opportunity to hire and staff up is really
2 transformative. It's one of the first things
3 that Governor Hochul did.

4 And so in doing so, we have the
5 opportunity to help enhance and bring on
6 additional talent amongst our ranks. So
7 whether that's CDL drivers or engineers,
8 they're all part of the -- you know, our snow
9 plow operators to our engineering and design
10 experts, our policy experts, they're all part
11 of the team at DOT that we're looking to
12 literally further enhance.

13 And so we've requested that in the
14 budget and, you know, are busy right now

15 trying to recruit and bring people in. We've
16 had a little bit of success, but we hope to
17 have more moving forward.

18 SENATOR KENNEDY: Thank you.

19 You mentioned again in your testimony
20 climate resiliency. How does the capital
21 plan that's being put forward address climate
22 change and resiliency issues? Specifically,
23 if you could.

24 DOT COMMISSIONER DOMINGUEZ: So

1 specifically what we're looking at is making
2 sure that -- we've done a few things. One,
3 first and foremost, we've enhanced our
4 engineering standards so that every single
5 project that we look at, regardless if it's
6 literally a road paving or reconstruction or
7 full-scale reconstruction or a bridge
8 replacement, whatever that is, those
9 engineering standards are recognizing the
10 best in terms of everything from flood levels
11 to sustained materials. You know, what can
12 we do to make sure that we're building in
13 resiliency and -- into everything that we do.
14 An example that we just did was down

15 in the Hudson Valley, we did Esopus Creek --

16 it had been completely washed out, the

17 roadway, under Hurricane Irene, and we worked

18 with the Army Corps of Engineers and

19 everybody else. The bottom line is is that

20 not only did we build back better, but we

21 built back with enough resiliency to truly

22 maintain the infrastructure for years to

23 come. So that, you know, fundamentally, fire

24 and rescue and everybody in the Catskills are

1 not cut off if we have that kind of extreme

2 weather again.

3 So it's engineering standards all the

4 way to literally how we view all of our work.

5 SENATOR KENNEDY: Does that include

6 incorporating it into your long-term needs

7 assessment?

8 DOT COMMISSIONER DOMINGUEZ: Yes.

9 SENATOR KENNEDY: Okay, great. I want

10 to switch to the BRIDGE NY program. Again, a

11 billion dollars by Governor Hochul committed

12 to this important program, 200 million per

13 year.

14 Can you talk about the qualifications

15 of those dollars and if those qualifications

16 are changing in any way?

17 DOT COMMISSIONER DOMINGUEZ: So for

18 the BRIDGE program we're looking at not only,

19 you know, making sure that we've increased

20 the level -- it's going to \$200 million

21 annually in competitive funding, and it will

22 remain that --

23 (Overtalk.)

24 SENATOR KENNEDY: And is this still

1 going to be done every two years? Is this a
2 two-year application?

3 DOT COMMISSIONER DOMINGUEZ: What we

4 are doing is we're actually kind of looking

5 right now to see how we can better make sure

6 that the funds get -- I'll be more direct --

7 get out there as quickly as possible. So

8 we're kind of looking at that right now to

9 make sure. We've got a very aggressive

10 program on the budget with the BRIDGE

11 program, and we do have a good solid process.

12 But we're taking an internal look to see what

13 more efficiencies could we garner to make

14 sure that we get that money out faster.

15 SENATOR KENNEDY: Good. Good. And
16 given the money on the table and given some
17 of the applications that were denied in
18 December, is it possible to reopen the
19 application program as soon as possible?
20 What is your timeline in that regard?

21 DOT COMMISSIONER DOMINGUEZ: So that's
22 exactly what we're trying to look at to see
23 like what the program could do. So that's
24 one possibility.

1 There's some others that we could look
2 at. We want to make sure that we give
3 everybody equal access to the dollars,
4 because there's a lot of great need and
5 there's also a lot of great projects that can
6 be executed.

7 SENATOR KENNEDY: Okay, I want to
8 switch gears again. In early 2020 the
9 Legislature passed a historic package of
10 limousine safety bills that, as you know,
11 became law, whether it was additional drug
12 and alcohol testing, hotline, website
13 reporting safety issues, limousine task
14 force, seat belt requirements -- I could go

15 on and on.

16 What is the DOT doing and what have

17 you done to implement these laws? And can

18 you report any initial feedback?

19 DOT COMMISSIONER DOMINGUEZ: Sure. I

20 will tell you first and foremost that, you

21 know, we have gone about with our partners at

22 DMV and State Police in implementing all of

23 the legislative requirements that have been

24 passed by the Legislature. There was a

1 significant number of bills.

2 One of them decreed the task force on

3 limousine safety. We launched the task force

4 earlier this month. We got some really good

5 feedback from the task force members, some

6 very solid areas for the task force to really

7 dig into. And so we're very excited about

8 that.

9 I think fundamentally, you know, the

10 bottom line is that we have taken this not

11 only extremely seriously but, you know,

12 New York really has the most aggressive laws

13 on the books right now in terms of governing

14 commercial vehicles. And the bottom line is

15 is that we've taken our implementation of all
16 of these requirements very seriously and the
17 new -- you know, everything from passenger
18 protections to, you know, strengthening our
19 enforcement provisions, we've gone about it
20 methodically and have put everything into
21 place.

22 SENATOR KENNEDY: I think it was
23 telling, I believe the laws that we created
24 here in New York informed the laws that were

1 passed down in Washington, D.C. So a feather
2 in all of our caps, especially those families
3 that lost loved ones in those terrible
4 crashes.

5 DOT COMMISSIONER DOMINGUEZ:

6 Absolutely.

7 SENATOR KENNEDY: I want to talk about
8 the right-of-way fee waiver proposal. Can
9 you speak to that a bit?

10 DOT COMMISSIONER DOMINGUEZ: So I

11 think fundamentally, you know, we're all -- I

12 think we could all agree that access to

13 broadband is something that we all want to

14 see. And obviously the Governor put forward

15 a very aggressive proposal in the budget to

16 make sure that that happens for all

17 New Yorkers.

18 And so what we're doing here at the

19 Department of Transportation is we've been

20 working with the fiber companies to make sure

21 that we can do that as efficiently and as

22 expeditiously as possible, recognizing that

23 if you're -- you know, so some of the fiber

24 companies are looking for access to the

1 state's right-of-way. We not only want to
2 make sure that they have that to provide this
3 level of service, but they do so in a safe
4 manner.

5 And so part of what we've done is make
6 sure that not only are we trying to make our
7 systems a little bit more efficient here,
8 we've really done an overhaul in providing
9 information to the fiber companies so that
10 they can apply for these permits to access
11 our right-of-way.

12 But I just want to say really quickly,
13 the bottom line is is that if you're a
14 company and you're applying for a grant

15 through this program, you know, all of the
16 fees are waived. So if you're going
17 specifically through the ConnectALL program,
18 the fees are waived. But if you --
19 regardless if you're trying to access --

20 THE MODERATOR: Pardon me, your time
21 is up.

22 SENATOR KENNEDY: I yield my time,

23 Madam Chair.

24 (Laughter.)

1 CHAIRWOMAN WEINSTEIN: Or non-time,
2 okay.

3 We go to Assemblyman Ra, our ranker
4 for five minutes.

5 ASSEMBLYMAN RA: Thank you, Chair.

6 Good afternoon, Commissioner. Good to
7 see you.

8 Just a quick question regarding, you
9 know, the questioning from Chair Magnarelli.

10 And obviously there is, you know, an
11 assessment that has been done of roads and
12 all of that. But when is the last time the
13 department, you know, made a publicly
14 available report regarding our condition of

15 our roads?

16 DOT COMMISSIONER DOMINGUEZ: All of

17 our reports have been published, sir. So

18 everything -- any and all required

19 legislative reports as well as State DOT

20 reports that we generate, whether it's on our

21 behalf or on behalf of the Legislature,

22 they're all out there. They've all been

23 provided to leadership in the Assembly and

24 the Senate.

1 ASSEMBLYMAN RA: Okay, great. And I'm
2 aware there's a number of new reports that
3 are coming, you know, over this next year
4 from that piece of legislation last year. So
5 thank you.

6 I wanted to shift back to actually
7 what the previous -- what the Senator was
8 talking about with regard to the permitting
9 fee and right-of-way and all of that. I've
10 heard some complaints from the industry as
11 they're trying to roll these things out that
12 the new process, it's taking six or seven
13 months as opposed to, you know, prior they
14 may have been able to get something done in

15 two months.

16 So I'm just, you know, wondering what
17 the department is doing to try to expedite
18 this permit process so that people can build
19 out this infrastructure that we all know we
20 need.

21 COMMISSIONER ROSADO: So like I was
22 trying to say before with Senator Kennedy's
23 related question, the bottom line is is that
24 we want to make sure that we achieve the goal

1 here of making sure that we provide access to
2 everybody to make sure that they get, you
3 know, broadband.

4 The permitting process that DOT looks
5 at is really one that is fundamentally rooted
6 in safety. We've had providers go out into
7 our right-of-way and illegally accessing the
8 right-of-way without a permit, and their
9 employees have been killed. You know, not
10 just once but multiple times.

11 So we need to really make sure -- the
12 reason that we want to make sure, as you well
13 know, that you've got to know what's in the
14 ground before you dig. And the permitting

15 process allows us to do that.

16 So the department continues to work

17 with the fiber-optic companies to make sure

18 that we have every opportunity to make sure

19 that we're streamlining and, you know, making

20 the permitting process as efficient as

21 possible. You know, we're certainly

22 implementing what the Legislature asked us to

23 do in previous legislation. And we're just

24 trying to make sure that that safety

1 framework is in place so that no one else is
 2 killed when doing this, and achieve the goal
 3 of fiber optics for all.

4 ASSEMBLYMAN RA: Thank you.

5 So with regard to the fee, is the
 6 fee -- that I know can cost as much as \$2,000
 7 per mile -- is that, you know, inhibiting the
 8 installation of the fiber-optic cables? And,
 9 you know, I mean, we have a proposal that
 10 would exempt certain projects. So is that a
 11 recognition that this fee may be inhibiting
 12 installing fiber-optic cables?

13 DOT COMMISSIONER DOMINGUEZ: So as --

14 I don't know the details, but I can tell you

15 that any provider who receives, as I said
16 before, a grant through the state's
17 Broadband Program to assist really in
18 developing fiber-optic availability for
19 underserved communities, they're not going to
20 be charged a fee for any lines that are
21 installed under that program.

22 So the degree to which the Legislature
23 takes up anything other than that -- you
24 know, I just want to be really clear that's

1 what that -- that fee is waived right now
 2 under the grant program. And those really
 3 are getting at some of the most underserved
 4 communities in the state.

5 ASSEMBLYMAN RA: Sure, and I
 6 understand that. But really my question is
 7 should we be looking in a more broad scope at
 8 this fee? And is this, you know, inhibiting
 9 private investment by telecommunications
 10 companies?

11 DOT COMMISSIONER DOMINGUEZ: I would
 12 leave that to my colleagues at ESD and others
 13 that are looking at this more broadly in
 14 terms of accessibility.

15 ASSEMBLYMAN RA: Okay, great. Well,

16 we do get the opportunity to talk to ESD

17 tomorrow, so I will do that.

18 Thank you very much, Commissioner.

19 CHAIRWOMAN WEINSTEIN: Thank you. We

20 go to the Senate.

21 CHAIRWOMAN KRUEGER: Thank you. And

22 we go to -- how embarrassing, I don't have my

23 list in front of me. One second.

24 CHAIRWOMAN WEINSTEIN: I believe

1 Senator Kaplan is next.

2 CHAIRWOMAN KRUEGER: You are

3 absolutely right. Thank you very much,

4 Chairwoman.

5 SENATOR KAPLAN: Good afternoon,

6 Commissioner. Thank you for your testimony.

7 I'm sorry to report that the

8 conditions of the roads in Long Island right

9 now are disastrous. Last year's budget

10 included record-breaking funding for the

11 roads, both on local level and on state

12 level. But here we are again, the worst

13 pothole season in recent history. What is it

14 going to take to fix this situation? And is

15 this budget doing enough to make sure

16 Long Islanders have smooth roads that they

17 deserve?

18 DOT COMMISSIONER DOMINGUEZ: So I very

19 much appreciate your question, Senator. I

20 think that the bottom line is is that yes,

21 we're hoping that this level of -- record

22 level of investment that's been put forth

23 does improve the road conditions statewide.

24 I will tell you that just kind of

1 fundamentally, as I referred to in a previous
2 answer, you know, we live in the Northeast.
3 I've been down in Long Island and across the
4 state, I've been everywhere in the state this
5 winter, and with the freeze-and-thaw cycle
6 that we're seeing -- I mean it's lovely to
7 have the sun out right now, but it's really
8 not helping our roadways because we go from a
9 really nice day, the water seeps into our
10 roadways, it freezes, and it just enhances
11 the work that has to be done, fundamentally.

12 SENATOR KAPLAN: I would love to have
13 some sort of a plan telling us what roads
14 you're really targeting first and if there's

15 a plan that we can work with and at least get
16 back to our constituents and tell them a
17 timeline.

18 DOT COMMISSIONER DOMINGUEZ:

19 Absolutely.

20 SENATOR KAPLAN: I --

21 DOT COMMISSIONER DOMINGUEZ: I will

22 tell you that we have a very -- okay.

23 SENATOR KAPLAN: Thank you. I'll

24 follow up with your office.

1 Just piggybacking on Assemblyman Ra's
2 question, last year I had legislation that
3 the Governor signed asking for bridge
4 conditions and also highway pavements. The
5 report is supposed to be submitted to the
6 Legislature. I just want to know, do we have
7 your assurance that DOT is planning to comply
8 with the June 1st timeline as required?

9 DOT COMMISSIONER DOMINGUEZ: Yes.

10 SENATOR KAPLAN: Thank you.

11 My next question is in my district I
12 can tell you -- no, I'll ask this question
13 first. How does DOT identify problem areas
14 of roads containing potholes? How quickly

15 after a pothole is identified is it fixed?

16 And how are they fixed? How often are these

17 fixes temporary or permanent fixes?

18 DOT COMMISSIONER DOMINGUEZ: So it's a

19 very detailed question and a very -- there's

20 a detailed answer that goes with it. But the

21 bottom line is that we monitor the road

22 conditions continuously. So we literally

23 have eyes on the roads, we use technology,

24 LiDAR and other technology to actually assess

1 the condition of the --

2 THE MODERATOR: Pardon me, your time

3 is up.

4 SENATOR KAPLAN: You could finish just

5 answering.

6 DOT COMMISSIONER DOMINGUEZ: And then

7 we go --

8 CHAIRWOMAN WEINSTEIN: If you could

9 send the detailed answer in writing so we can

10 share that with all of our colleagues on the

11 committee and send that to myself --

12 CHAIRWOMAN KRUEGER: And to me.

13 CHAIRWOMAN WEINSTEIN: -- and Senator

14 Krueger.

15 CHAIRWOMAN KRUEGER: Because I'm going

16 to bet that Senator Kaplan is probably not

17 the only one with potholes on her roads.

18 CHAIRWOMAN WEINSTEIN: I was about to

19 ask the same question later. So --

20 (Overtalk.)

21 SENATOR KAPLAN: I have a lot of them.

22 Thank you.

23 CHAIRWOMAN WEINSTEIN: We go to

24 Assemblyman Jacobson. Are you there,

1 Jonathan? I know a lot of -- yes, he's here.

2 A number of members have left to go to

3 committees, but we'll catch up with them.

4 ASSEMBLYMAN JACOBSON: Thank you,

5 Madam Chair. Thank you, Commissioner.

6 I only have three minutes, so we've

7 got to be fast here.

8 Where are we on Route 17? This

9 project started before I'd been elected, and

10 I'm hoping that it gets done while I'm

11 elected and alive. So where are we now? And

12 where are we with the -- I heard the report's

13 done. Where are we with the Environmental

14 Impact Statement?

15 DOT COMMISSIONER DOMINGUEZ: So the
16 linkage study was completed last fall. And
17 the Governor put forward in the State of the
18 State that this project is indeed going to
19 progress. And the next step of it is to go
20 into the Environmental Impact Statement
21 phase, which we hope to start here in the
22 coming months.

23 ASSEMBLYMAN JACOBSON: I don't know
24 why we -- I don't know why this came as a

1 surprise that you're doing an Environmental
2 Impact Statement. It should have been
3 started as soon as the last report. How long
4 is this going to take, the Environmental
5 Impact Statement?

6 DOT COMMISSIONER DOMINGUEZ: We're
7 estimating about three years, given the
8 complexity of the --

9 ASSEMBLYMAN JACOBSON: That's
10 ridiculous. Are you going to be able to
11 still use the federal money from the
12 infrastructure bill?

13 DOT COMMISSIONER DOMINGUEZ: Indeed we
14 will.

15 ASSEMBLYMAN JACOBSON: Well, three

16 years is just unacceptable. I mean, it's

17 just absurd.

18 Now, I represent Beacon-Newburgh-

19 Poughkeepsie. One of the most heavily

20 traveled intersections in the history of the

21 planet is Interstate 84 and the Thruway. It

22 is a disaster between there and the

23 Newburgh-Beacon Bridge. I mean, you can't --

24 and the ramps are terrible too. Is this

1 going to be a priority this year to get it
2 done, that stretch between that exit and the
3 bridge?

4 DOT COMMISSIONER DOMINGUEZ: We are
5 definitely -- based on our conversation,
6 we're definitely looking to see like -- I
7 know that you've raised this before. And
8 we've been working with our colleagues at the
9 Thruway to see what level of investment
10 they're looking at as well.

11 ASSEMBLYMAN JACOBSON: Well, that's
12 fine, but -- listen, I'll tell you what. Why
13 don't you drive it for a while. Okay? You
14 go off the ramps and you tell me if it's

15 fine. If you had to do it every day, your
16 teeth would not be in your head and neither
17 would your front axle.

18 Now, the roads and bridges in the
19 Hudson Valley, over 60 percent are considered
20 unsafe. Why is it we're not getting our fair
21 share? And if we are, why isn't anything --
22 why isn't it better?

23 DOT COMMISSIONER DOMINGUEZ:
24 Assemblymember, I have to make one really

1 important clarification. The roads and
2 bridges are indeed safe. The New York State
3 Department of Transportation, we have one of
4 the most aggressive bridge programs in the
5 country. We inspect bridges --

6 ASSEMBLYMAN JACOBSON: Forty percent
7 of the roads and bridges are considered
8 unsafe.

9 DOT COMMISSIONER DOMINGUEZ: No, it's
10 a condition rating I think you're referring
11 to. It's not a safety rating per se.

12 If something is unsafe, it's closed
13 immediately and we address it immediately.

14 So I have to make that distinction.

15 ASSEMBLYMAN JACOBSON: What would you

16 call it?

17 Well, my time's up. Thank you.

18 CHAIRWOMAN WEINSTEIN: Back to the

19 Senate.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Leroy Comrie.

22 SENATOR COMRIE: Thank you,

23 Madam Chair.

24 Good afternoon. I wanted to know,

1 Commissioner, have you been able to give us
 2 an update on the Kew Gardens Interchange and
 3 where that is, and also where we are on a
 4 study to reset the -- widen the Cross Island
 5 Parkway?

6 DOT COMMISSIONER DOMINGUEZ: So good
 7 afternoon, Senator.

8 We are making -- we are on time for
 9 looking at wrapping up our work here on the
 10 Kew Gardens this year. We've done -- as you
 11 know, it's been a -- it's been a very large
 12 undertaking by the department, very complex.
 13 But as you know, some of the stock conditions
 14 were alleviated last fall so traffic is

15 indeed moving in some of those fundamental
16 improvements that we've been able to make at
17 that very significant interchange with the
18 deck, Jackie Robinson and the Van Wyck.
19 They're yielding some of the benefits that we
20 intended, so --

21 SENATOR COMRIE: It's an impressive
22 project. Is it being -- is it being
23 documented in any way, shape or form?
24 Because it is a pretty impressive project in

1 that it hasn't stopped traffic while it's

2 ongoing and changing. Is it being

3 documented?

4 DOT COMMISSIONER DOMINGUEZ: We're

5 flying drones fairly regularly, one, as part

6 of our inspection process. But, two, it's

7 interesting to see the amount of work that

8 gets done in such a short period of time. So

9 yes.

10 SENATOR COMRIE: Okay. Cross Island

11 Parkway, do you have an update on the scoping

12 plan for that and when that can be widened?

13 And then also MWBE goals. Is the

14 department meeting its own MWBE goal of

15 30 percent?

16 DOT COMMISSIONER DOMINGUEZ: We are --

17 we -- I can tell you that we've done, on the

18 MWBE goals, we're looking to -- at every

19 opportunity. We've got WorkSmartNY, we're

20 really reaching out aggressively. We've

21 improved our MWBE goals over the last few

22 years. We've gone -- we've broken our

23 20 percent threshold last year, and this year

24 we're striving to do even better.

1 SENATOR COMRIE: Thank you.

2 And finally, Cross Island Parkway.

3 Tell me you're going to start it next year.

4 DOT COMMISSIONER DOMINGUEZ:

5 (Laughing.) We -- as we discussed, we're

6 looking at it to see where the opportunities

7 are, and we'll go from there and make sure

8 that we communicate with you.

9 SENATOR COMRIE: All right. Thank

10 you, Commissioner. Appreciate your feedback.

11 And I'm going to be short and early this

12 time. Thank you. Thank you, Madam Chair.

13 DOT COMMISSIONER DOMINGUEZ: Thank

14 you, Senator.

15 CHAIRWOMAN KRUEGER: Thank you,

16 Senator Comrie.

17 Back to the Assembly. And I'm just

18 looking. I think -- Helene, are you there?

19 I think she's on a phone call.

20 So let me see if I'm making a mistake

21 by choosing Assemblywoman Simon. Let's go

22 for it, Assemblywoman. Jo Anne, are you

23 there?

24 ASSEMBLYWOMAN SIMON: I am. I've got

1 a committee meeting on the other computer,
2 but so far so good.

3 CHAIRWOMAN KRUEGER: Okay.

4 ASSEMBLYWOMAN SIMON: So thank you,
5 Commissioner, for your testimony.

6 I have two questions. Mostly I'm
7 concerned about the BQE and the triple
8 cantilever. I've encouraged the state to
9 work with the city to repair and reimagine
10 the roadway. And my bill to get illegally
11 overweight trucks off the BQE is now law, but
12 we need to roll it out ASAP. And we need
13 collaboration at all levels of government to
14 do that, and community involvement to plan

15 for an environmentally sound future for the

16 BQE.

17 So first, what is the state doing to

18 work with the city on this project? And then

19 my second question is connected to that; it's

20 about funding.

21 The state withholds a share of federal

22 funding formula funds for high-priority

23 projects. And the City DOT estimates that

24 given the influx of increased funds and past

1 practice, the state will potentially get
2 about 1.5 billion to set aside over the next
3 five years for this pot of projects. And
4 City DOT has historically gotten very limited
5 access to those funds, so I wanted to know
6 whether the state would consider at least
7 \$300 million of those funds for this BQE
8 project, because the triple cantilever is so
9 precarious.

10 DOT COMMISSIONER DOMINGUEZ: So let me
11 start, first and foremost, with the
12 legislation I think that you referenced in
13 terms of -- so bottom line is is that we've
14 been working very closely with the city for a

15 number of years both in terms of the

16 engineering and some of the operating

17 components to make sure that the BQE in its

18 current condition, one, the greatest need is

19 being addressed right now, and some of the

20 maintenance issues on the BQE are now

21 actually construction and the rehabilitation

22 work that needs to get done is being done.

23 And we've been working closely with the city

24 to make sure that all of that happens.

1 You know, the triple cantilever
2 portion of the BQE is actually owned by the
3 city. So what we're doing is obviously
4 partnering with them directly in terms of,
5 you know, advice and, as I said, engineering
6 expertise. But I think that the weight and
7 motion legislation is something -- we didn't
8 have a direct role in it, but we've certainly
9 had the opportunity to help the city
10 implement it in terms of traffic management
11 and sharing some of the messaging that needs
12 to happen for motorists as they're
13 approaching the intersection and the triple
14 cantilever. And we also worked with the city

15 to make sure that they got all the permits
16 that they needed to make sure that anything
17 that's going on on the roadways is done so
18 safely. We value that relationship with the
19 city and making sure that motorists are safe
20 no matter what's going on.

21 With regard to the city --

22 THE MODERATOR: Pardon me, your time

23 is up.

24 DOT COMMISSIONER DOMINGUEZ: I'm

1 sorry.

2 (Overtalk.)

3 ASSEMBLYWOMAN SIMON: Can I get a

4 response to that to follow up?

5 CHAIRWOMAN WEINSTEIN: We're going to

6 send it to the Senate, thank you.

7 Oh, you'll get a response in writing

8 that will be shared.

9 CHAIRWOMAN KRUEGER: Thank you.

10 And I apologize, Assembly, I was

11 reading off an earlier list. I shouldn't

12 have cut over several other Assemblymembers

13 to go to Assemblymember Simon first. Oops.

14 But I'm sure you will get back into order

15 immediately.

16 And our next Senator is Senator

17 Mattera.

18 SENATOR MATTERA: Hi, good afternoon,

19 everybody. And thank you, Senator Krueger.

20 And thank you, Commissioner.

21 Commissioner, I met you at the snowstorm, and

22 I thank you so much for protecting our

23 families. I saw you over there on the

24 expressway at the DOT, and you did a great

1 job, and all the workers, they really were

2 there for our families.

3 But Commissioner, me being in the

4 construction field, you know, for a long

5 time, you know, even if you went out east end

6 of the expressway, you know, we have concrete

7 on the Long Island expressway that's been

8 there for years. What is -- you know, I'm

9 the type of person that every five years

10 where we're going and paving where -- nothing

11 but a disaster. When are we going to finally

12 put good money into good and you know what,

13 use good materials and do the job right the

14 first time instead of constantly doing this

15 every five years?

16 You know, is there -- can you please

17 explain to me -- I know costwise, but this

18 isn't working.

19 DOT COMMISSIONER DOMINGUEZ: So I

20 think that what we're trying to get at is

21 that this level of investment that we're

22 putting forward right now is the most

23 significant that we've seen. It literally

24 like -- it doubles everything that we've ever

1 done before. And so that's why this proposal
2 is so significant.

3 I totally appreciate what you're
4 saying about the LIE. It is a critical
5 roadway. We have many critical roadways in
6 the State of New York. That said,
7 literally -- specifically for the LIE, we're
8 going to be out there this spring. We've got
9 about an \$80 million investment that we're
10 leveraging on some of the most critical spots
11 on the LIE. We announced that last fall.
12 And as soon as the weather clears up here
13 we'll be out there.

14 And in the meantime, we're doing all

15 we can to leverage these hopefully incoming
16 funds with this five-year capital plan to
17 further address those road conditions.

18 SENATOR MATTERA: All right, so you
19 still didn't answer me. So we're not going
20 to go concrete. We're not going to actually
21 do better materials and try to get this so it
22 will last a lot longer.

23 DOT COMMISSIONER DOMINGUEZ: The way
24 that we look at it is literally depending on

1 each portion of the roadway, like what
2 actually needs to be done, because we want to
3 make sure that we're preserving what we can.
4 And where we have to do full reconstruction,
5 we will, and we'll determine what the best
6 materials are to do that. I realize that
7 you've got concrete out there --

8 SENATOR MATTERA: I've only got 36
9 seconds. Just quick about the CHIPS money.

10 Please, local roads -- we have all these
11 Prime trucks and all using our local roads.
12 We need more money for CHIPS so this way they
13 could do their job. Because the roadways are
14 being used way, way too much for all these

15 deliveries for all these drop-shipping

16 companies. So please, we need more money

17 going into our CHIPS fund.

18 I know we have too --

19 DOT COMMISSIONER DOMINGUEZ: So you'll

20 be happy to know that this budget proposal

21 not only maintains the \$100 million that was

22 there, but it is now \$538.1 million is the

23 proposal in annual local highway and --

24 THE MODERATOR: Pardon me, your time

1 is up.

2 SENATOR MATTERA: Good. Make sure

3 they come to Long Island, please. We need

4 Long Island money. Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Assembly.

7 CHAIRWOMAN WEINSTEIN: We go to

8 Assemblywoman Gallagher.

9 ASSEMBLYWOMAN GALLAGHER: Hi,

10 Commissioner. And thank you, Chairs.

11 I have a very serious question. So

12 U.S. traffic deaths have hit an all-time

13 high. They're surging across the country as

14 reckless driving has hit a crisis point.

15 Transportation Secretary Pete Buttigieg
16 called for the need to build out alternative
17 modes of travel to cars, under the
18 infrastructure bill, because every other mode
19 of transportation is safer.

20 Over the last 10 years in New York
21 State over 10,873 people have died in traffic
22 crashes, and motor vehicle crashes are also
23 costly, costing about \$18 billion overall
24 every year.

1 So I'm wondering what is your plan to
2 address New York's crisis of traffic violence
3 and increase investment statewide. This is
4 particularly of interest in my district,
5 where we have a very high rate of traffic
6 fatalities of pedestrians, cyclists and
7 motorists.

8 DOT COMMISSIONER DOMINGUEZ: So I
9 really appreciate the question, and I will
10 tell you that we have seen an increase in
11 fatalities across the state. We saw that
12 certainly under COVID.

13 There's a lot of different factors,
14 and one of the things that we're working

15 closely with USDOT on is they're doing a lot
16 of research to understand what's actually
17 going on. Right? What are people doing?
18 I can fundamentally just anecdotally
19 say people are distracted. Right? COVID
20 didn't help. And fundamentally, you know,
21 we've got a lot of distracted drivers out
22 there. We see it in our work zones. You
23 know, we're out there trying to maintain and
24 put the roadways in good condition, and

1 unfortunately we've had our own employees
2 killed, and our contractors, because people
3 are distracted.

4 So you should know that, one, we do
5 everything we possibly can to make sure that
6 our work zones are safe. We've got a
7 proposal out there right now under -- the
8 Governor has the SLOW Act, which would
9 enhance safety in the work zones. There's
10 very, very specific recommendations in the
11 SLOW Act that would further enhance safety
12 for workers in the work zones.

13 The other thing is is that every
14 project that we have we look at every mode of

15 transportation and what the alternatives are.

16 So we're looking to further build off of --

17 we're not just building roads, we're looking

18 at shared-use paths, what else can we do

19 under the enhanced bike and walker safety,

20 whether that's signage designations for SUPs,

21 whatever that is. We also have our Highway

22 Safety Improvement Program.

23 But just know we've got a huge focus

24 on it.

1 ASSEMBLYWOMAN GALLAGHER: Yeah, I know

2 that many streets are not Complete Streets

3 with well-lit crosswalks, with wide enough

4 sidewalks and with other forms of safe

5 passage.

6 So I'd really like to see that

7 prioritized in the state. I don't feel like

8 that is always a priority with the focus

9 on --

10 THE MODERATOR: Pardon me, your time

11 is up.

12 ASSEMBLYWOMAN GALLAGHER: Thank you.

13 DOT COMMISSIONER DOMINGUEZ: I just

14 want to assure you, Assemblymember, that

15 indeed it is. We look for every opportunity

16 to do that, and we've done it statewide.

17 ASSEMBLYWOMAN GALLAGHER: Great.

18 Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Our next Senator is Senator Diane

21 Savino.

22 SENATOR SAVINO: Thank you. For some

23 reason my video won't come on. It says the

24 host has stopped it. So I'll just be brief.

1 Wait, there it goes. Now they're open again.

2 There you go.

3 Hello, Commissioner. Briefly, I just

4 want to say thank you to you and your staff,

5 particularly George Paralemos, for helping us

6 resolve that very complicated problem in

7 Staten Island and finally getting the people

8 there the sidewalk. You know, it was a very

9 long, complicated history dating back to the

10 building of the Bayonne Bridge, and I just

11 want to say that your staff was amazing,

12 working with the city to solve that problem.

13 So very happy about that.

14 DOT COMMISSIONER DOMINGUEZ: I

15 appreciate that.

16 SENATOR SAVINO: I do want to echo the

17 concerns that were raised by Assemblywoman

18 Jo Anne Simon with respect to the BQE and the

19 triple cantilever and its effect on the

20 Gowanus. You know, the previous

21 administration in City Hall, their answer to

22 it was to narrow the three lanes down to two

23 lanes, and it is literally crippling the

24 region. What could be a 30-minute drive in

1 the middle of bad traffic in the morning is
2 now an hour and a half. And it is having an
3 effect on the entire region -- back across
4 the Verrazano Bridge, down the expressway and
5 into New Jersey.

6 And so that leads me to the other
7 concern I have. Is there someplace,
8 somewhere in the DOT budget that we can find
9 a way to finally complete the Staten Island
10 Expressway's HOV lane? Because it's like the
11 road to nowhere now; it just stops in the
12 middle of the expressway. And if we want to
13 get people out of their own cars and into
14 carpooling and utilizing the HOV lane, it

15 doesn't make sense that it just stops.

16 And it's also a problem for the MTA.

17 Their buses just -- you know, they have to

18 merge over, and it's just -- what can we do

19 to finally complete that HOV lane?

20 DOT COMMISSIONER DOMINGUEZ:

21 (Laughing.) I think that --

22 SENATOR SAVINO: A real quandary,

23 right?

24 DOT COMMISSIONER DOMINGUEZ: --

1 fundamentally, you know, that -- I know. We
2 literally -- you know that we did some work
3 in the last couple of years here to look at
4 making some of the ramps a little more
5 accessible and trying to enhance some of the
6 traffic there.

7 Fundamentally it is a very large
8 project. You know, it's something that we've
9 talked about for a long time. It is one of
10 those, you know, megaprojects that we have
11 the capability of doing. I think that the
12 bottom line is we just need to look at all of
13 the opportunities and figure out what the
14 balance of traffic and ridership and

15 everything is going into the future and see

16 where those dollars can best be leveraged.

17 So whether that's with the Gowanus and

18 adding a lane or, you know, enhancing

19 additional public transportation -- those are

20 some of the debates that I think are well

21 worth having with regard to how we apply

22 those dollars.

23 SENATOR SAVINO: Well, I think we need

24 to look at that. Because again, if we want

1 to get people out of their cars on the
 2 expressway coming in from Jersey, we need to
 3 keep them in the HOV lane, and the only way
 4 to do that is the lane has to run the entire
 5 length going over the outer bridge or out of
 6 the -- going over the Goethals Bridge and
 7 onto the New Jersey Turnpike. Otherwise, you
 8 know, we just disincentivize people from
 9 utilizing it.

10 (Overtalk.)

11 THE MODERATOR: Pardon me, your time
 12 is up.

13 DOT COMMISSIONER DOMINGUEZ: I
 14 certainly understand that this has been a

15 priority for Staten Island. So thank you.

16 SENATOR SAVINO: Thank you.

17 CHAIRWOMAN WEINSTEIN: We go to

18 Assemblywoman Darling. Taylor is there, I

19 believe.

20 ASSEMBLYWOMAN DARLING: Oh, okay. Hi,

21 I'm here. I think they stopped my video.

22 CHAIRWOMAN WEINSTEIN: No problem.

23 But we can hear you, so you can -- ah, there

24 you go.

1 ASSEMBLYWOMAN DARLING: Perfect. Hi,
2 everyone. Thank you so much to our chairs,
3 our Senate chair, our Assembly chair. And
4 hello, Commissioner.

5 I am coming to you -- I didn't plan on
6 speaking today, but I'm coming to you because
7 I was informed to speak to you today as a
8 member of the Transportation Committee. We
9 are seriously in crisis in the Village of
10 Hempstead. Our school bus situation is
11 really reaching this point where we need an
12 answer, we need the regulation to come down.
13 I know the Child Safety Zone has been
14 expanded as of last year.

15 We have a community with -- some parts
16 of the community have high criminal activity.
17 It's definitely not really a walkable
18 community. We are a suburban community. We
19 have seen an increase in children being hit
20 by cars. We just had a 13-year-old being hit
21 leaving school the other day because none of
22 the children qualify currently for trans --
23 transpor -- excuse me. Sorry, there's a
24 baby. None of the children qualify for

1 transportation currently.

2 And this is something that we

3 absolutely need as soon as possible. I know

4 there are two other districts that are

5 definitely in dire need as well. This is an

6 issue that definitely impacts tardiness,

7 absenteeism. And I really feel like it just

8 really says something when all the other

9 children, all the other school districts have

10 buses.

11 And no, I don't believe that they are

12 reimbursable by student aid. This is

13 something that the community decided to fund

14 at some point in the past. But Hempstead

15 really cannot afford that. And they have
16 this crisis, like a war zone these children
17 have to travel through, right by the Southern
18 State Highway. I mean, I've witnessed
19 children being pushed into traffic, I've
20 witnessed children walking to school in, I
21 don't know, 10 degree weather with hoodies.
22 This is really something that I am pretty
23 shocked is still going on and that the state
24 has not addressed seriously up until now.

1 So I really want this to be a
2 situation where with this new expansion that,
3 one, we find out whether or not Hempstead
4 qualifies -- I mean, from where I sit it
5 does -- and, two, just what you plan to do
6 and when you plan to pretty much release the
7 regulations of what school districts, you
8 know, we have to step in and provide
9 transportation for.

10 I'm asking for a 1.5-mile change from
11 the 3-mile state limitation. I think that
12 that would be a very good start. And like I
13 said, the district currently cannot afford
14 that \$6 million up front. So this is an

15 important piece to making sure we can get
16 that funding and that it is reimbursable by
17 state aid.

18 DOT COMMISSIONER DOMINGUEZ:

19 Assemblymember, I am not familiar with this
20 project. But I'd be happy to look into it
21 and get back to you.

22 ASSEMBLYWOMAN DARLING: Okay,
23 wonderful. Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 To the Senate.

2 CHAIRWOMAN KRUEGER: Thank you.

3 And to Senator Ramos.

4 SENATOR RAMOS: All right, thank you,

5 Chair Krueger. Hello, Commissioner.

6 I actually want to build on what my

7 colleague Emily Gallagher was talking about

8 in terms of how big and how dangerous cars

9 have become. I agree with you that people

10 are distracted, but unfortunately this is

11 not -- this is an issue that's been plaguing

12 communities before the pandemic. People

13 don't yield to pedestrians. And we're having

14 special trouble, in my district, along

15 Northern Boulevard. I've been sounding the
16 alarm now since I've been elected, and
17 nothing seems to be done. It's technically a
18 state highway; at least it's numbered that
19 way. But really it's a neighborhood -- it's
20 a boulevard that runs through our
21 neighborhood, and where we've actually lost
22 12 children over the course of the last few
23 years.

24 As a mom, when I cross the street

1 holding my kids' hands, I always have to look
2 over my shoulder to make sure no one's, you
3 know, turning on to us.

4 So I want to know what's being done,
5 because enough with studies. We know -- we
6 know what the issues are. How are we fixing
7 them? What are your proposed solutions as
8 the person leading the DOT?

9 And additionally, I would like to know
10 how it is that we are promoting alternatives
11 to cars such as e-bikes, e-scooters, what
12 have you, and how we're even protecting all
13 of these different vehicles from each other
14 with climate goals in mind.

15 DOT COMMISSIONER DOMINGUEZ:

16 Absolutely. So I think they go very well

17 hand-in-glove in terms of the larger

18 pedestrian safety component as well as

19 achieving our larger climate goals. Because

20 the bottom line is is that everything that

21 New York State DOT looks to do, we want to

22 make sure that we're looking at enhancing

23 every mode of transportation.

24 And fundamentally, with regard to

1 pedestrian safety, we --

2 SENATOR RAMOS: Okay, but what --

3 Commissioner, what does that mean? What does

4 enhance every mode of transportation --

5 (Overtalk.)

6 DOT COMMISSIONER DOMINGUEZ: So if

7 we're looking at a -- I'm happy to look into

8 the Northern Boulevard project for you, first

9 and foremost, and make sure that -- I'm not

10 familiar with it but I will look into it and

11 see exactly what you're -- if 12 children

12 have been killed, that's pretty significant.

13 I'd be happy to look into it and get back to

14 you.

15 But I want you to know what I mean by
16 that is that we don't look at a project just
17 as like a roadway project, right? What we
18 look at is if we're going to go in and do
19 work and if there's a history of accidents or
20 anything else, we do an analysis to make sure
21 that we understand what can we do beyond just
22 reconstructing a road. How do we make sure
23 that we put signage, curb cuts, ADA
24 accessibility, bike lanes -- everything into

1 a particular roadway if it's able to
2 accommodate, to make sure that not only are
3 we making the road safe for motorists but
4 fundamentally we're making it safe for bike
5 users, pedestrians, wheelchair accessibility,
6 anybody that needs access to those. And
7 that's what I mean to --

8 SENATOR RAMOS: In these last few
9 seconds, commissioner, I want to invite you
10 to my --

11 THE MODERATOR: Pardon me, your time
12 is up.

13 SENATOR RAMOS: Northern Boulevard
14 runs west to east across Queens. You have to

15 be familiar with it --

16 DOT COMMISSIONER DOMINGUEZ: I am.

17 SENATOR RAMOS: It's most important.

18 So I really want you to come out so you can

19 see what we're talking about. I would like

20 more specific answers.

21 CHAIRWOMAN KRUEGER: Thank you. Thank

22 you. Assembly.

23 CHAIRWOMAN WEINSTEIN: We go to

24 Assemblywoman Paulin. (Pause.)

1 Amy, are you available? (Pause.)

2 Why don't we go to Assemblyman

3 Walczyk, then, and we'll come back to

4 Assemblywoman Paulin.

5 ASSEMBLYMAN WALCZYK: Always ready,

6 Madam Chair.

7 Commissioner, how are you?

8 DOT COMMISSIONER DOMINGUEZ: Hello,

9 Assemblymember Walczyk. How are you?

10 ASSEMBLYMAN WALCZYK: Good. I just

11 want to mostly thank you for all of the hard

12 work you have done and the employees in your

13 department have done. An incredible safety

14 record that I think really just speaks

15 volumes to your leadership in the Department
16 of Transportation. Your regional leadership
17 has been excellent. Your selections for
18 leadership have been really great. So I just
19 want to tip my hat to you and then all of
20 those workers on the ground that have been
21 continuously doing difficult and sometimes
22 very dangerous jobs and have done so with a
23 really tremendous safety record that keeps us
24 New Yorkers moving every single day. So hats

1 off to you, and thank you.

2 DOT COMMISSIONER DOMINGUEZ: Thank

3 you. I'll pass it on.

4 ASSEMBLYMAN WALCZYK: I also want to

5 thank you for the consistent cooperation on

6 the Brownville issue that we talked about.

7 And I would just give you at last two

8 minutes of my time. If you could, for the

9 members of these committees as we go into

10 this budget yeah -- high-profile projects

11 aside, can you give us some perspective on

12 your five-year capital plan? What should our

13 municipalities really be considering as they

14 look to the future for transportation funding

15 and what that looks like over the next five

16 years?

17 DOT COMMISSIONER DOMINGUEZ: So thank

18 you for the question and for the time.

19 I mean, fundamentally, direct support

20 for local roads and bridges under this budget

21 proposal increases by about \$200 million per

22 year over previously enacted levels. And

23 that's more than \$550 million a year over

24 last year's proposal.

1 So what that means is is that local
2 communities have and local aid is available
3 at record levels. And, you know, DOT works
4 very closely with communities across the
5 state. You know, whether you're in Queens or
6 you're in Watertown, the bottom line is is
7 that we want to make sure that everybody's
8 got access and capability to deliver on these
9 critical road and bridge projects.

10 And so it's -- the Governor is not
11 only putting forward a generational
12 opportunity but the department is also
13 looking to make sure that there's not just
14 support but availability in every region of

15 the state to make all of this happen.

16 ASSEMBLYMAN WALCZYK: Thanks very

17 much, Commissioner. Good to see you.

18 Thank you, Madam Chair.

19 DOT COMMISSIONER DOMINGUEZ: Thank

20 you.

21 CHAIRWOMAN WEINSTEIN: And let's go

22 back to the Senate. You still have some --

23 CHAIRWOMAN KRUEGER: Yes, we do, we

24 have a list.

1 Is Senator Gaughran here with us?

2 Senator Gaughran? He may have had to go off

3 to a committee meeting.

4 So I am jumping to Senator

5 Reichlin-Melnick.

6 SENATOR REICHLIN-MELNICK: Thank you

7 so much, Chair Krueger. And thank you,

8 Commissioner, for joining us.

9 So I -- I actually know some of my

10 colleagues have focused on, you know, we need

11 action now on a lot of our roads -- and we

12 do. I actually want to talk about the roads

13 that we need studies for. Because one of the

14 things that I hear most frequently from some

15 of the local officials in my area is that
16 there are major projects that are needed on
17 some of our state highways, particularly
18 Route 9A in Westchester and Routes 303, 304
19 and 306 in Rockland County, where they're not
20 even in the queue because the study to
21 identify the work that needs to be done and
22 the costs that it would take haven't been
23 done yet.

24 So I have talked to some of my

1 colleagues and would really love to see the
2 DOT find a way to set aside a dedicated
3 stream of money to try to get -- like bang
4 out some of these studies so we can actually
5 get these on the plans, you know, figure out
6 what we need to spend, and start moving
7 towards funding them. But we need to know
8 what we need to spend first.

9 So I'm interested in your thoughts on
10 that.

11 DOT COMMISSIONER DOMINGUEZ: So, happy
12 to work with you and happy to sit down and
13 kind of go through some of the methodology
14 that we use. As I referenced earlier, we

15 have a larger asset management set of
16 criteria that we look at, and assess all of
17 the roadways and the conditions and where we
18 need to leverage investment based on need.

19 But as you said, the regions across
20 the board, whether it's the Hudson Valley or
21 the North Country or, you know, Long Island,
22 we look at all of that and that's how we
23 determine where the study money goes and then
24 how do we develop those into actual projects.

1 So happy to review that with you some
2 more and make sure that we have a good, clear
3 understanding of what those projects are that
4 you'd like to advance.

5 SENATOR REICHLIN-MELNICK: I
6 appreciate that. And I think, again, just to
7 note, the cost of these studies obviously is
8 a fraction of the cost of the projects, and I
9 understand finding the money to pay for the
10 projects becomes much more challenging.

11 But when we can't even get the study
12 done to know what the project would cost and
13 to start getting it onto the list for future
14 capital investment, I think -- more than

15 anything else, that's what I hear from some
16 of my mayors and supervisors. They
17 understand it's going to be a long time
18 before the project is completed. But to
19 recognize that it can't even get into the
20 queue until the study's done, and that might
21 take years to even look at it, that's the
22 frustrating part.

23 DOT COMMISSIONER DOMINGUEZ:

24 Understand.

1 SENATOR REICHLIN-MELNICK: So I
2 appreciate you taking the time, and thank you
3 so much for joining us today.

4 DOT COMMISSIONER DOMINGUEZ: Thank
5 you, Senator.

6 CHAIRWOMAN KRUEGER: Thank you.
7 Assembly.

8 CHAIRWOMAN WEINSTEIN: We go to
9 Assemblywoman Paulin.

10 ASSEMBLYWOMAN PAULIN: Thank you,
11 Helene.

12 I have one question. And I think,
13 Commissioner, I've asked you informally, so I
14 know that hopefully you're prepared -- you

15 know, you're prepared to talk about it.

16 But the -- you know, as far as the

17 Lower Hudson Transit Link, I know that the

18 proposal includes \$11 million for the

19 operating costs of Phase 1. And I wonder,

20 you know, if there's -- what the plan is for

21 Phase 2 and how much Phase 2 ultimately would

22 cost, knowing that there's \$13 million

23 sitting there waiting to be spent.

24 DOT COMMISSIONER DOMINGUEZ: So I

1 think that -- it's good to see you again,
2 Assemblymember Paulin, and it was great to
3 talk to you about some of the good service I
4 think that the Hudson Transit Link
5 is indeed -- now that it's fully operational
6 and in place, you know, I do think it's
7 providing a good deal of service,
8 high-quality service to the area.

9 As we talked about, the service really
10 is in response to some of the unmet needs in
11 that portion of the state. And we're happy
12 to provide that reliable east-west service
13 across the Hudson Valley there.

14 You know, we're still looking at

15 assessing all the ridership numbers. And

16 obviously COVID didn't really help us. So as

17 we look at kind of, you know, really making

18 sure that we've got the data and everything

19 in place to understand how the service is --

20 because it's fairly new -- is actually

21 operating, that's what we're still at.

22 We're still in the formulative stage

23 of looking at all that to determine if and

24 when any additional -- you know, we've talked

1 about passenger growth and what the
2 opportunity might be to go from there. But
3 right now that's where we're at. We're still
4 looking at assessing ridership and how we can
5 actually help increase it, to be quite frank,
6 because we do know that it does provide a
7 good service. We want to make sure that it's
8 in use and available so that if we look at
9 anything moving forward, we've got the
10 numbers to back it up.

11 ASSEMBLYWOMAN PAULIN: All right,
12 thank you very much. That's it for me.

13 DOT COMMISSIONER DOMINGUEZ: Thank
14 you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Our next Senator is Senator Jeremy

17 Cooney.

18 SENATOR COONEY: Thank you, Chair.

19 And good to see you again,

20 Commissioner. As you know, I represent the

21 great City of Rochester, and I would like to

22 speak with you about high-speed rail, our

23 favorite topic every year.

24 And as you know, Senator Kennedy, the

1 chair of our Transportation Committee, has
2 been doing a great job at continuing to push
3 forward this conversation, and I'm proud to
4 join him in Western New York.

5 But years ago my former boss and great
6 friend Congresswoman Louise Slaughter talked
7 about high-speed rail as an opportunity for
8 upstate New York to better connect with
9 downstate. And I think now, with Toronto and
10 New York City as economic hubs at either end
11 of the state, this is a great opportunity to
12 lift that Thruway corridor and all the cities
13 along it up in terms of economic development.

14 With the new influx of federal dollars

15 and the hope and promise that we have from
16 our friends in Washington, is this an
17 opportunity for us to really advance this
18 conversation about what high-speed passenger
19 rail could do for cities like Rochester and
20 all across upstate New York?

21 DOT COMMISSIONER DOMINGUEZ: So it's
22 always great to see you, Senator, and I love
23 your advocacy on rail.

24 I think that the bottom line is is

1 that we are -- we've been at a Tier 1 EIS for
2 high-speed rail, looking at what the
3 alternatives might be for upstate for a
4 little while now.

5 That said, we are making progress with
6 the Federal Rail Administration. And it's
7 back in their hands right now, assessing the
8 comments that we got and what those
9 opportunities are.

10 But I think that, you know, there are
11 some alternatives. I think that it is
12 difficult, quite frankly, to have actual
13 high-speed rail, anything above 125 miles an
14 hour upstate. It requires a huge investment.

15 But that said, you know, what's been
16 articulated coming out of the bipartisan
17 infrastructure law is that we do have a lot
18 of opportunity going forward with rail. And
19 the question is is, you know, how could we
20 look at -- now that we've got a Tier 1 EIS
21 pending with FRA, how could that be advanced.

22 Obviously it's -- I want to be clear
23 it's not 225 miles an hour that we're looking
24 at, it's really what are some of those

1 alternatives that could be done, recognizing
2 that it is a quite significant investment
3 that would have to be leveraged between
4 Albany and Buffalo to get anywhere near that.

5 SENATOR COONEY: Well, I appreciate
6 that, Commissioner. And I think it's well
7 worth that level of investment. At least now
8 in our history it could be absolutely
9 transformational to not only Rochester and
10 Buffalo, but all of the cities which I work
11 with as part of the Cities 2 Committee in the
12 Senate.

13 So thank you for your work on it, and
14 I look forward to advancing this conversation

15 with you. Appreciate it.

16 DOT COMMISSIONER DOMINGUEZ: Thank

17 you, Senator.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly? Let me just see if I can

20 find the newer list.

21 CHAIRWOMAN WEINSTEIN: We go to

22 Assembly -- do you have anybody else?

23 CHAIRWOMAN KRUEGER: I have more, but

24 you I think have --

1 CHAIRWOMAN WEINSTEIN: Yeah, we do
2 have more also. So, Assemblyman -- I see
3 that Assemblyman Brabenec has come back from
4 his committee meeting. Karl? Yes.

5 ASSEMBLYMAN BRABENEC: Hello. Thank
6 you, Madam Chair. And thank you,
7 Commissioner, for being with us today.

8 I just have a very quick question
9 concerning the Interstate 86-Route 17
10 expansion project. And I know this project
11 has kind of been going back and forth for
12 many, many decades, and we'd really like to
13 see this thing move forward. We think it
14 would be great for the community. We know

15 there have been delays with environmental
16 studies and things of that nature. But we'd
17 like to see it start this year because the
18 more we prolong it, the more it's going to
19 cost.

20 But definitely do you have any updates
21 on that? Can you give us even a firm date on
22 when you would anticipate that starting?

23 DOT COMMISSIONER DOMINGUEZ: So the
24 great news is is that Governor Hochul put

1 forward the Route 17/86 project in the State
2 of the State and in the budget proposal. And
3 so we can build off the environmental linkage
4 study that's been completed and get into the
5 EIS process here.

6 It's a very complicated area, as you
7 well know. Lots of environmental challenges,
8 I'll say, with a number of wetlands and other
9 things. But that said, we're going to go at
10 it and look to get this done. I think it's a
11 big investment in this area.

12 ASSEMBLYMAN BRABENEC: Absolutely.

13 You wouldn't happen to have any
14 anticipated firm dates in mind or anything?

15 DOT COMMISSIONER DOMINGUEZ: We're

16 looking to get the EIS started as soon as

17 possible. But as soon as you guys pass the

18 budget, we're -- we'll be ready to spend it.

19 ASSEMBLYMAN BRABENEC: All right,

20 great.

21 And one last thing is as with many

22 other communities, a lot of the state roads

23 in my district are just getting pummeled with

24 craters and potholes and I'm getting a lot of

1 complaints at the office. I just wanted to
2 see if you could put forward to the regional
3 director, Lance, who's been fantastic -- but
4 just definitely maybe communicate with him,
5 see if we can get some of this stuff fixed
6 over there for the residents.

7 DOT COMMISSIONER DOMINGUEZ: Okay. I
8 will tell you that the Governor added into
9 this budget a new program. In addition to
10 the significant record levels of funding for
11 roads and bridges and CHIPS and everything,
12 she also added Operation Pave Our Potholes.
13 So it's about \$100 million annually in new
14 funding. So just know that that's going --

15 we're looking to leverage that as well.

16 ASSEMBLYMAN BRABENEC: All right.

17 Thank you, Commissioner.

18 CHAIRWOMAN WEINSTEIN: Back to the

19 Senate.

20 CHAIRWOMAN KRUEGER: Thank you. We're

21 up to Senator O'Mara, ranker, for five

22 minutes.

23 SENATOR O'MARA: Thank you, Senator.

24 Commissioner, good afternoon --

1 DOT COMMISSIONER DOMINGUEZ: Good

2 afternoon.

3 SENATOR O'MARA: -- at this point. A

4 couple of quick questions for you.

5 I wonder if you could help me clarify

6 my math, that shows me that we're getting a

7 record \$4.6 billion additional funding from

8 the federal government, yet over the

9 five-year plan, the total spending only

10 increases by \$2 billion. Can you tell me if

11 my math is wrong? Or why is the state not

12 keeping up with the level -- the level of

13 spending?

14 DOT COMMISSIONER DOMINGUEZ: Actually,

15 the state is keeping up with the level of
16 spending. What we've looked at -- I don't
17 know about the math, but I will tell you that
18 going back for the last five -- previous
19 five-year capital plan, this far exceeds it.

20 The last two years, as you well know,
21 the federal government was not in a position
22 to actually firmly commit, by any stretch of
23 the imagination, to federal stable funding.
24 And as a result of that, for purposes of our

1 transportation infrastructure budget, the
2 state stepped up and contributed
3 significantly to make sure that the
4 Department of Transportation advanced our
5 record level of investment across the entire
6 State of New York.

7 So when we look at all of that and we
8 factor it all in, we really are in not just a
9 steady state, but advancing our investment in
10 our core projects here.

11 SENATOR O'MARA: But what is the level
12 of increase to the state funds that's going
13 into the five-year capital plan?

14 DOT COMMISSIONER DOMINGUEZ: The --

15 what we're looking at in terms of -- it's an
16 increase of 9.5 billion, or about 40 percent,
17 almost 41 percent, over a five-year period.

18 SENATOR O'MARA: Okay. Thank you for
19 that.

20 I know you testified earlier that you
21 still don't have the details on how the
22 pothole fund is going to be distributed. Do
23 we expect that to come within the 30-day
24 amendments?

1 DOT COMMISSIONER DOMINGUEZ: Yes.

2 SENATOR O'MARA: Okay --

3 DOT COMMISSIONER DOMINGUEZ: Let me

4 just say -- let me just say, for the record,

5 it's not mine to do. It really is something

6 that -- you know, it's a proposal that's been

7 put forward. It's a line item. And the

8 question is really how does the Legislature

9 and the Executive want to negotiate exactly

10 how that -- how those dollars will be spent.

11 So I just -- I want to clarify that,

12 that it's not the department's -- we'll

13 implement and execute on whatever you all

14 decide.

15 SENATOR O'MARA: So it may not
16 necessarily just follow the CHIPS formula,
17 then? It may not be evenly distributed?

18 DOT COMMISSIONER DOMINGUEZ: It
19 literally is up to however the criteria that
20 you develop comes about.

21 SENATOR O'MARA: Okay. One more
22 question on the broadband state highway tax.
23 I have a project within my district in
24 Yates County where Yates County received I

1 believe the first ever USDA grant in the
2 nation for a municipality to build out rural
3 broadband.

4 And they're going to be hit with this
5 tax. And my understanding is because of
6 that, they're redrawing their maps to avoid
7 state highways and thereby also likely the
8 residences that live along our rural state
9 routes. How do we justify that to
10 Yates County, who's undertaking a project
11 like this?

12 DOT COMMISSIONER DOMINGUEZ: So the
13 Department of Transportation is actually
14 implementing the requirements that the

15 Legislature put forward with regard to the

16 fiber optic installation and state

17 right-of-way.

18 So I just want to be clear that, you

19 know, our goal and what has been put forward

20 is that we're trying to make sure that we

21 enhance every opportunity possible to make

22 sure that all New Yorkers, rural or urban,

23 have access to broadband. And with regard to

24 how that's actually done, again, the

1 parameters for that have been set forth in
2 legislation.

3 SENATOR O'MARA: Okay. Well, I'll
4 just use my last 20 seconds to just say to
5 you and to the majorities that baked up this
6 highway tax, it's time to get rid of it.
7 It's probably one of the most
8 counterproductive things I've seen in my time
9 in the State Legislature, when an overarching
10 goal of ours is to build out rural broadband
11 yet we're going to tax probably the most
12 efficient routes to get to that.

13 THE MODERATOR: Pardon me, your time
14 is up.

15 SENATOR O'MARA: Thank you.

16 CHAIRWOMAN KRUEGER: Assembly.

17 CHAIRWOMAN WEINSTEIN: We go to

18 Assemblywoman Fahy.

19 ASSEMBLYWOMAN FAHY: Hi. Sorry.

20 Thank you, it took a second.

21 Hello, Commissioner, and thank you to

22 both of our chairs.

23 A couple of things, Commissioner, and

24 thank you for reaching out in advance. But I

1 want to reiterate a couple of things, and I
2 have two quick questions {inaudible}.

3 One, I want to reiterate that I missed
4 some of this because I had multiple committee
5 meetings today, but I do want to reiterate
6 some of what we talked about yesterday, and
7 that is I have many aging baby boomers as
8 well as we're trying to attract and keep more
9 millennials in my district and in the Capital
10 Region too. {Zoom audio issues.} I thank
11 you for your work and ask that we push as
12 hard as possible on doing this from a safety
13 point of view as well as -- as well as an
14 economic development -- so I think we can't

15 {Zoom audio breaking up}.

16 DOT COMMISSIONER DOMINGUEZ:

17 Assemblymember Fahy, I'm really -- I'm very

18 sorry, I can't hear you.

19 ASSEMBLYWOMAN FAHY: -- pedestrian and

20 bike lanes and other multimodal paths.

21 We spoke yesterday about Wadsworth,

22 which we are incredibly excited about. I

23 want to work with you and multiple

24 agencies -- okay, I apologize. I'm sorry,

1 I'm speaking -- I'm not in my office, I'm

2 in -- I'm with my son. Is that better,

3 Commissioner?

4 DOT COMMISSIONER DOMINGUEZ: Yes.

5 Yes, thank you. Better.

6 ASSEMBLYWOMAN FAHY: So just very

7 quickly, so I would like to talk to you more

8 about Harriman Campus and how we redo or undo

9 some of the economic development mistakes of

10 decades ago.

11 Then 787, very, very interested in

12 reclaiming the waterfront, as so many urban

13 areas and other areas around this country are

14 doing. I think there's some creative

15 opportunities without necessarily impeding

16 traffic much. But we do need at least a

17 million or \$1.5 million to look at multiple

18 {inaudible} along Albany's waterfront -- Land

19 Ridge {ph} or Cap Park, as I've mentioned, as

20 well as even canals off 787 or off the

21 Hudson River, I should say. So to be

22 continued on that, but definitely working

23 on -- interested in a capital grant.

24 And then I guess I'm down to one

1 question now, because I know I'm going to run

2 out of time. Child safety regs. I

3 understand that was brought up earlier today.

4 That's a chapter -- {audio breaking up} it's

5 623. I mentioned it yesterday. And this is

6 called School Busing for Children -- high

7 crime areas or a lot of vacant land.

8 Do you have a sense of when those regs

9 might be issued? This is a law that was

10 signed into law last year. We spent many

11 years on it, Commissioner, and it's something

12 SED must implement, but they need the DOT

13 regs.

14 And again, sorry for my time. That

15 might be a -- I hope it's a quick question.

16 DOT COMMISSIONER DOMINGUEZ: So as I

17 said before, I'll be happy to get back to

18 you --

19 THE MODERATOR: Pardon me, but your

20 time is up.

21 ASSEMBLYWOMAN FAHY: Can you just

22 finish that sentence, just "happy to get back

23 to you" --

24 (Unintelligible overtalk.)

1 DOT COMMISSIONER DOMINGUEZ: Yes.

2 ASSEMBLYWOMAN FAHY: Thank you. And

3 thank you, both chairs. Thank you.

4 CHAIRWOMAN KRUEGER: Okay. Sorry

5 about all that. I think we're up to John

6 Liu. Yes indeed. There you are, John Liu.

7 Hello.

8 SENATOR LIU: Thank you, Madam Chair.

9 And thank you, Commissioner, for

10 joining us.

11 Commissioner, in your testimony you

12 talked about the work that your agency is

13 doing to enhance public safety. And a number

14 of my colleagues have asked you about

15 movement, both private as well as commercial

16 vehicles, on state roadways.

17 My question has to do with these

18 vehicles, particularly commercial vehicles

19 when they are actually not moving but

20 actually parked. And we've got these

21 enormous numbers of tractor trailers that are

22 parked on residential streets in residential

23 neighborhoods, parked overnight, parked for

24 weeks at a time, and they really don't belong

1 there.

2 My question is I know it's illegal for

3 them to park on these residential streets,

4 but does the State DOT have anything to do

5 with this? And potentially, you know, what

6 can be done about licensing or getting them

7 State DOT permits or revoking such permits?

8 What if anything can State DOT do to help

9 curb this very dangerous and illegal practice

10 of large tractor trailers parking in

11 residential communities on residential

12 streets?

13 DOT COMMISSIONER DOMINGUEZ: I would

14 be happy to look into it. I am -- and if

15 there's some specific examples that you'd
16 like to look -- for us to take a look at. I
17 realize that, you know, this happens in more
18 rural areas. But if you're talking about an
19 urban environment, I'd also like to
20 understand that as well.

21 SENATOR LIU: Absolutely. I mean,
22 we've got -- again, they're residential
23 streets, particularly in my district, which
24 to some of my Manhattan colleagues, like my

1 honorable chairperson, they may seem rural.

2 But out in Queens Village and Whitestone --

3 (Laughter.)

4 SENATOR LIU: -- they are actually

5 city, urban and residential.

6 CHAIRWOMAN KRUEGER: Don't drag me

7 into this, John Liu. Don't drag me in.

8 SENATOR LIU: I'm sorry, Madam Chair.

9 I couldn't resist.

10 But, you know, it is a big problem.

11 And I'd like the State DOT to see what can be

12 done by your agency to perhaps some of these

13 permits. Because they do get ticketed by the

14 local precincts, but it just becomes a cost

15 of doing business to just go ahead and pay

16 these fines.

17 Can State DOT do anything with regard

18 to the licensing of these trucks as DOT -- as

19 DOT vehicles?

20 DOT COMMISSIONER DOMINGUEZ: So I will

21 tell you that the licensing of trucks writ

22 large is handled by the Federal Motor Carrier

23 Safety Administration, and how they're

24 registered and how they actually operate and

1 the requirements are all done at the federal
2 level.

3 The question about use of a street,
4 whether it's a state street or a city street,
5 and kind of how they're actually accessing
6 this street, you know, we can look at that.

7 But the licensing requirements and literally
8 the parameters that tractor trailers in
9 particular are subject to all come from the
10 federal government.

11 THE MODERATOR: Pardon me, but your
12 time is up.

13 SENATOR LIU: Well, thank you so much.

14 And thank you, Madam Chair.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Hello,

18 Commissioner. And this is also an issue in

19 my rural community of Brooklyn.

20 And I think as the Senator knows,

21 we've actually raised the amount of the

22 tickets for these cars that are parking on

23 the street. And part of the issue is the PD

24 doesn't even have the heavy-duty tow trucks

1 to be able to pull the trucks off of the

2 streets.

3 We won't count that as an Assembly --

4 CHAIRWOMAN KRUEGER: No, go on to your

5 next person.

6 CHAIRWOMAN WEINSTEIN: We'll go to

7 Assemblyman Palmesano.

8 ASSEMBLYMAN PALMESANO: Good

9 afternoon, Commissioner. Good to see you

10 again.

11 A few quick comments; you don't need

12 to respond actually because we talked about

13 it.

14 I just want to say right off the bat,

15 geared towards my colleagues, we should

16 definitely eliminate and get rid of that

17 fiber optic tax fee on a DOT right-of-way.

18 We should all be supporting an

19 increase in the CHIPS base aid. And that

20 pothole program should definitely be done and

21 implemented through the CHIPS formula so it's

22 spread out across all our communities.

23 Commissioner, my question really plays

24 around -- given the DOT's own pavement

1 condition reports show an unprecedented
2 decline in the conditions which are
3 conditions worsening in just about every
4 region of the state, and given the fact that
5 the Comptroller came out with a report in
6 January talking about the last time the DOT
7 did a needs-based assessment in 2007 which
8 showed that local roads would need about
9 \$32 billion over 15 years to restore and help
10 with repavements and improvements, and given
11 the fact that DOT came out with their TAMP,
12 Transportation Asset Management Plan, showing
13 for bridges alone the plan would project the
14 agency would have to triple its current

15 expenditures through 2028 to bring them up to

16 a state of good repair -- and for just the

17 national highway system pavements, they

18 calculate expenditures would have to be

19 increased by 2.5 times over the next

20 10 years -- given our state of decline along

21 the infrastructure that we're seeing, given

22 the fact that there hasn't been a really

23 thorough needs-based assessment by DOT for

24 our local infrastructure, and given this

1 report that shows the tremendous need there
2 is, wouldn't it be a wise idea to increase
3 our investment in our five-year capital plan
4 to meet these outstanding needs, to meet the
5 conditions that we have?

6 I mean, we're happy that there's a
7 five-year DOT capital plan, but from my
8 perspective and a number of my colleagues, it
9 does not go far enough to meet the needs that
10 we have out there, particularly in our local
11 infrastructure and in our state
12 infrastructure system.

13 And shouldn't we also look for the DOT
14 to also do a capital needs assessment on the

15 local highway system again?

16 DOT COMMISSIONER DOMINGUEZ: So a few

17 things, Assemblyman.

18 First and foremost, I just want to

19 reiterate again that this Executive Budget

20 really does provide \$6.1 billion in direct

21 state aid to local governments for highways

22 and bridges. That goes for repair,

23 rehabilitation and fundamentally for

24 modernization. It's an increase of

1 \$550 million over last year's

2 Executive Budget. That's 86 percent, which

3 is pretty significant.

4 And as we look at the Comptroller's

5 report, the department's pavement condition,

6 you know, data collection process, we do

7 collect all the condition information from

8 locally owned, federal -- and this is really

9 important. We collect the information from

10 federal aid --

11 THE MODERATOR: I'm sorry, but your

12 time has expired.

13 DOT COMMISSIONER DOMINGUEZ: So --

14 yeah.

15 CHAIRWOMAN KRUEGER: We're going to

16 ask you to do a follow-up, probably in

17 writing, to all of us, and we will share it

18 with all the committee members.

19 DOT COMMISSIONER DOMINGUEZ: I'd be

20 happy to do so.

21 CHAIRWOMAN WEINSTEIN: All right, now

22 to the Senate.

23 CHAIRWOMAN KRUEGER: Thank you.

24 And we are on to Senator Jim Gaughran,

1 who I think has returned from committee

2 meetings. Hi, Jim.

3 SENATOR GAUGHRAN: Oh, how are you

4 again, Madam Chair.

5 So Commissioner, I just really have a

6 question to ask you and also see if you could

7 follow up on an issue that we're having in my

8 district.

9 We've had a problem with, you know,

10 the great work that's being done on our state

11 roads. And one road in my district in the

12 Town of Huntington, Route 110, it has had an

13 impact on fire and ambulance services, and

14 we've had difficulty in getting DOT

15 representatives to actually even meet with
16 and talk to fire departments about some of
17 the issues that they've been confronting.

18 Specifically, there have been medians,
19 you know, traffic calming efforts that have
20 been put in, you know, either without
21 consulting with the fire departments and
22 ambulance companies or, in effect, you know,
23 ignoring their wishes. And I have seen
24 videos where ambulances are bumping over

1 these medians and literally shaking the
2 person in the ambulance who is being rushed
3 to the hospital, and creating additional
4 issues for that individual.

5 So I don't know if there's a policy
6 that needs to go into place to make sure that
7 there is this direct communication with these
8 emergency responders. And also I would ask
9 that one particular fire department in my
10 district, the Huntington Manor Fire
11 Department, be given a meeting that they're
12 requesting to resolve one of these serious
13 issues.

14 Thank you.

15 DOT COMMISSIONER DOMINGUEZ: You're

16 welcome. From what I understand, I'm aware

17 of one community.

18 The bottom line is is that the

19 Department of Transportation meets regularly

20 with fire and rescue across the board to make

21 sure that there's, you know, not only a safe

22 ingress and egress, but that we're following

23 all the safety principles and engineering

24 that we need to, not only just for purposes

1 of the safety of the emergency responders --
2 because obviously that is fundamentally very
3 critical -- but also anybody wanting from a
4 pedestrian or motorist perspective, making
5 sure that there's those safety parameters in
6 and around a firehouse or an emergency
7 response facility.

8 SENATOR GAUGHRAN: But in this
9 particular case, they're not doing it. Okay?
10 They're refusing to meet and they're
11 ignoring.

12 So I would ask, at least for this one
13 particular matter, if we could contact your
14 office to accommodate this discussion.

15 DOT COMMISSIONER DOMINGUEZ: Yes.

16 SENATOR GAUGHRAN: Thank you,

17 Commissioner.

18 CHAIRWOMAN KRUEGER: Okay, thank you,

19 Senator Gaughran.

20 Back to the Assembly.

21 CHAIRWOMAN WEINSTEIN: Assemblywoman

22 Zinerman.

23 CHAIRWOMAN KRUEGER: I see her.

24 ASSEMBLYWOMAN ZINERMAN: Yes. I'm

1 just on two Zooms, so I'm trying to lower my
2 volume.

3 Good afternoon, Commissioner. I have
4 two questions for you this afternoon.

5 Last year the State Legislature
6 approved funding to replace the lead service
7 lines that connect underground water mains to
8 homes throughout the state. Last weekend I
9 had the opportunity to actually visit our
10 neighboring state of New Jersey, which is
11 receiving high praise for the efficient
12 manner that they completed their
13 replacements.

14 Can you update us on the agency

15 coordination and action plans to replace our
16 lead pipes, with a special attention, I hope,
17 to not inconveniencing our residents and
18 transportation. One of the neighbors was
19 very interested in sharing with me that it
20 only took a week for them to replace an
21 entire block full of homes, and they were
22 appreciative of the fact that the state was
23 as coordinated.

24 So that is question number one.

1 And then number two, I represent the
2 56th Assembly District in Brooklyn, which is
3 a majority community of color. I'm also a
4 card-carrying member of the Brooklyn NAACP.

5 So when we --

6 {Zoom interruption.}

7 CHAIRWOMAN WEINSTEIN: Can someone
8 mute themselves, whoever is unmuted, please.

9 ASSEMBLYWOMAN ZINERMAN: Probably me.

10 -- I was actually pleased to see civil
11 rights listed first under your program and
12 services. They cover the Americans with
13 Disabilities Act, disadvantaged business
14 enterprises, environmental justice, and

15 limited English proficiency.

16 So what grade would you give your

17 agency in the area of civil rights? And what

18 are your priorities in the upcoming year?

19 DOT COMMISSIONER DOMINGUEZ: So that's

20 an excellent question.

21 I would -- we have been driving -- one

22 of our core values is diversity and inclusion

23 writ large. So whether that's through our

24 supply chain, our workforce and our hiring

1 initiatives, I will tell you that it has been
2 a goal and a value for the New York State
3 Department of Transportation writ large.
4 And we're making strides. We've got,
5 you know, more to do, certainly. But the
6 fact is that it is a core value that we not
7 only embrace but we literally execute on. So
8 we are increasing our MWBE, trying to do more
9 on that side with regard to our contracting
10 efforts. But one of the things that we're
11 trying to do, as we have the opportunity to
12 bring on more staff, is make sure that that
13 level of diversity and inclusion is reflected
14 in our workforce statewide.

15 So all elements of civil rights --

16 THE MODERATOR: I'm sorry, your time

17 is up.

18 DOT COMMISSIONER DOMINGUEZ: Can I --

19 okay.

20 (Unintelligible overtalk.)

21 CHAIRWOMAN WEINSTEIN: If you just

22 want to finish that sentence, Commissioner.

23 DOT COMMISSIONER DOMINGUEZ: I'll make

24 sure that -- Chair Weinstein, that we

1 respond. I mean, the bottom line is we don't

2 have jurisdiction over lead pipes, but ...

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We go to the Senate.

5 CHAIRWOMAN KRUEGER: Thank you. We

6 are going next to Senator Borrello.

7 SENATOR BORRELLO: Thank you,

8 Madam Chair.

9 Commissioner, thank you for being

10 here.

11 I want to start off by giving a shout

12 out and a compliment to your Western New York

13 team. Frank Cirillo and Richard Fontana have

14 just done great work, and we truly appreciate

15 all that they do to move projects along and

16 do things in our area. So thank you.

17 DOT COMMISSIONER DOMINGUEZ: Thank

18 you.

19 SENATOR BORRELLO: I do want to talk

20 about not just the crushing fiber optic tax

21 that has really scaled back projects -- and I

22 realize that was a legislative initiative and

23 you've got to deal with that. But there's a

24 lot of DOT fees that have really caused

1 problems. The biggest one that I hear from
2 broadband providers is the resurveying of
3 utility poles that they're attaching to.

4 Now, I'm not an expert on utility
5 poles, but I know they don't get up and walk
6 around. So it just makes no sense that you
7 actually have to do that. In some cases
8 you're talking about a couple hundred
9 thousand dollars.

10 Now, I understand in New York City
11 when you're running one fiber optic cable to
12 a high-rise and getting hundreds of
13 customers, that's one thing. But in our
14 rural areas where you're running miles of

15 fiber optic cable to get to a handful of
16 homes, it's a real problem. And it's also
17 delaying a lot of projects.

18 There's also this PERM 75, which was a
19 new requirement that not only is it a costly
20 thing to do the survey, but the maps cost
21 about up to \$7,000 a mile. And it used to be
22 a simple process, PERM 32, which would take a
23 few hours of a staffer's time at a fiber
24 optic company and cost \$63, and now it's

1 thousands of dollars.

2 So we're killing these projects with
3 these fees. Can you please address that?

4 DOT COMMISSIONER DOMINGUEZ: So I'm
5 going to -- I said this before, but I just
6 want to be really clear that if there is a
7 company that is looking to leverage the grant
8 that they've received under the state's
9 Broadband Program to assist in the
10 development of expanding broadband, there is
11 no fee that's associated with that. They
12 will not be charged a fee for fiber optic
13 lines installed in that program. So --

14 SENATOR BORRELLO: Yeah, I get that.

15 But with all due respect, what you're saying
16 is if you're taking taxpayer money, you don't
17 have to pay the fee. But if you're paying
18 your own way, you have to pay the fee. That
19 doesn't make any sense.

20 DOT COMMISSIONER DOMINGUEZ: So
21 there's -- the criteria for the program were
22 established, and so that's the one element.

23 For the program that the DOT is
24 implementing, what you're referring to in

1 terms of the program that we've instituted to
2 help literally interpret and facilitate the
3 Legislature's requirements, the bottom line
4 is is that we put it all in a framework of
5 safety. So we've tried to streamline this.
6 We've been working with the fiber optic
7 companies.

8 So some of the studies in the surveys
9 and everything that you've -- a number of
10 things that you've referred to, we've
11 actually helped streamline that for them so
12 that it's accessible online. They don't have
13 to go to the counties themselves and get
14 maps. They're now online, available at the

15 New York State DOT website. We're trying to
16 facilitate and make, you know, this process
17 as streamlined as possible.

18 The bottom line is is that we welcome
19 the opportunity to continue to work with the
20 industry to make sure that we're doing
21 everything that we can, first and foremost,
22 to make sure that it's a safe process. So
23 even if --

24 THE MODERATOR: I'm sorry, your time

1 is up.

2 SENATOR BORRELLO: Thank you very

3 much. I appreciate your comments.

4 CHAIRWOMAN KRUEGER: Okay. Assembly?

5 CHAIRWOMAN WEINSTEIN: Yes, I believe

6 our last questioner is Assemblyman

7 Magnarelli, second round.

8 ASSEMBLYMAN MAGNARELLI: I have a lot

9 of questions left. Two, Madam Chair.

10 Okay, going back to our transit

11 systems upstate, I had proposed a grant

12 program last year to address transit deserts,

13 especially in our rural areas, improving the

14 access to them with a pilot program that

15 would allow passengers to arrange for trips

16 electronically, different ways of getting

17 people there. Or at least to a hub.

18 Does the proposed capital plan include

19 any funding to address this issue in upstate

20 New York?

21 DOT COMMISSIONER DOMINGUEZ: We do.

22 some of the monies that we've included here

23 can actually help leverage those

24 technologies. And Mr. Chairman, you held a

1 hearing earlier -- or actually I guess maybe
2 last year -- that actually talked a lot about
3 this.

4 And so there is technology, there's
5 apps, there's innovation that's available to
6 help do this. So that's exactly what we're
7 trying to do with some of the upstate
8 authorities to leverage some of that.

9 ASSEMBLYMAN MAGNARELLI: That's good
10 to hear.

11 Going back to passenger and freight
12 rail, okay, the Executive Budget includes a
13 \$500 million appropriation of federal funds
14 for intercity passenger rail -- congestion

15 relief, high-speed rail, et cetera,

16 et cetera. Is this for federal formula funds

17 or funds that we have to apply for?

18 DOT COMMISSIONER DOMINGUEZ: Yes, it's

19 for formula funds.

20 ASSEMBLYMAN MAGNARELLI: So we're

21 going to get it.

22 DOT COMMISSIONER DOMINGUEZ: No, we

23 have to apply for it. There are federal

24 dollars that are being made available under

1 discretionary programs and grant --

2 ASSEMBLYMAN MAGNARELLI: So it's a yes

3 and a yes, two yeses.

4 DOT COMMISSIONER DOMINGUEZ: Yes.

5 Yes, we can apply for it and hopefully get

6 it.

7 ASSEMBLYMAN MAGNARELLI: Okay. And

8 hopefully we are applying for it, right?

9 DOT COMMISSIONER DOMINGUEZ: Yes.

10 ASSEMBLYMAN MAGNARELLI: So what

11 projects are you including in that? Let me

12 just go through the three questions, because

13 this goes by fast.

14 Is there a one-time appropriation or

15 will this funding be available each year for

16 the five-year federal authorization?

17 What has been done to ensure that we

18 receive this funding and that projects can

19 begin as soon as possible?

20 I'm trying to figure out, what we are

21 doing?

22 DOT COMMISSIONER DOMINGUEZ: So right

23 now we're waiting, I will tell you on the

24 federal side, to see what the discretionary

1 program criteria are going to be. And as
2 soon as we understand what the parameters of
3 that are, we will be applying for these
4 grants.

5 ASSEMBLYMAN MAGNARELLI: Okay. What
6 is being done to ensure that passenger rail
7 service improves between Albany and Buffalo?
8 You touched on that a little bit earlier.

9 DOT COMMISSIONER DOMINGUEZ: So we've
10 been -- as you know, one of the most critical
11 things that we've undertaken is a Tier 1 EIS.
12 And, you know, leveraging the work that we've
13 done there --

14 THE MODERATOR: I'm sorry, your time

15 is up.

16 ASSEMBLYMAN MAGNARELLI: Okay.

17 DOT COMMISSIONER DOMINGUEZ: I'll be

18 sure to follow up with you directly,

19 Mr. Chair.

20 ASSEMBLYMAN MAGNARELLI: Thank you.

21 Thank you, Commissioner.

22 CHAIRWOMAN KRUEGER: Thank you. All

23 right, so I think we're up to me. Helene, I

24 have several questions from other colleagues.

1 So nice to see you again,

2 Commissioner.

3 One of my colleagues is concerned that

4 upstate transportation authorities I guess

5 get a much smaller percentage of

6 transportation authority money -- I'm

7 assuming we're talking public transportation

8 authorities -- than downstate MTA, and was

9 hoping that she could understand why we have

10 different sort of historical formulas for

11 these. One, I'm going to ask is that true

12 that we do have different formulas, and

13 what's the justification.

14 DOT COMMISSIONER DOMINGUEZ: So there

15 are different revenues that contribute to
16 funding for upstate versus -- you know,
17 basically non-MTA versus MTA transit. And
18 the bottom line is is that the MTA has, you
19 know, revenue streams they're able to
20 basically tax in a number of different
21 entities that generate revenues that go
22 directly to their operating assistance
23 programs.
24 And so the state, for all the other

1 non-MTA programs, basically provides that
 2 level of assistance for all public
 3 transportation systems across the rest of the
 4 state. That's going up this year,
 5 recognizing that there's greater need. But
 6 the bottom line is is that there's two
 7 different revenue streams to help support all
 8 of this.

9 CHAIRWOMAN KRUEGER: Okay. So she was
 10 specifically interested in funding for the
 11 CDTA in Montgomery County. Do you believe
 12 there's any additional funds for that
 13 specific CDTA?

14 DOT COMMISSIONER DOMINGUEZ: Yes. So

15 I think you're referring to some of the work
16 that Amsterdam is doing, and the bottom line
17 is is that they're going to be incorporated
18 into the larger CDTA, you know, operating
19 framework, and it's about \$2 million worth of
20 investment that we're looking to leverage.

21 CHAIRWOMAN KRUEGER: So several of my
22 colleagues raised the concern that the
23 funding for the pothole program may not be
24 following traditional CHIPS funding. But

1 you, in explaining how you look at potholes

2 statewide, talked about that you do literally

3 ongoing on-site evaluation.

4 So wouldn't it be rational that you

5 would distribute these funds based on

6 greatest need, not based on some other

7 program's historical distribution? And how

8 can you approach it? Does that make sense?

9 DOT COMMISSIONER DOMINGUEZ: So we are

10 looking at greatest need. That is exactly

11 part of one of the criteria that I think

12 we'll put forward on how it goes particularly

13 to the pothole program. You know, it really

14 is -- this is need-based.

15 So I think, you know, there's -- I
16 hear what a number of the legislators are
17 talking about in terms of kind of are we
18 going to look at a formula, are we going to
19 look at CHIPS-related formula funding, what's
20 the criteria going to be.
21 There's a lot of ways that we can look
22 at it. How the Legislature and the Executive
23 ultimately decide to do it, that will be up
24 to you all. But at the end of the day, for

1 potholes in particular, I think we need to
2 look at critical need because there is some
3 critical need out there.

4 CHAIRWOMAN KRUEGER: So a couple of my
5 rural colleagues like John Liu and Helene
6 Weinstein talked about --

7 (Laughter.)

8 CHAIRWOMAN KRUEGER: -- large trucks
9 being parked on their roads, and a suburban
10 colleague or two talked about problems with
11 changing the roadways and making it more
12 difficult for emergency equipment to get
13 through, fire trucks and ambulances. And the
14 truth is in urban New York City, where I

15 happen to come from, we're also doing mass

16 amounts of roadway changes in attempts to

17 balance out the needs of cars, trucks,

18 pedestrians, bikes, scooters, restaurants in

19 our roadways, et cetera.

20 I feel like we need like a summit of

21 Department of Transportation, City Department

22 of Transportation, Department of Motor

23 Vehicles, to actually say, We don't have the

24 right rules in place to address the problems

1 we're seeing. The 21st-century is really
2 different on our roadways than the
3 20th century. And I'm now speaking for that
4 little island Manhattan, we are constantly in
5 crisis with not even knowing how to correctly
6 change the rules.

7 For example, my fire department
8 reported to me -- and I went out and we
9 looked. When we put restaurants in the
10 roadways next to bike lanes next to triple
11 parking, when a fire truck has to come up to
12 a building it may be three lanes farther away
13 than it normally would be. Which means its
14 ladder is only getting to Floor 4, not

15 Floor 7, which is a really bad thing in a

16 fire.

17 And that the ambulances and the fire

18 trucks sometimes cannot make the turns from

19 cross-streets to avenues because of the

20 equipment that we have put up.

21 And I just think we're all trying to

22 figure this out piecemeal, when we really

23 need to come together with who you all say

24 are the really smart people and maybe stop

1 and say, well, maybe we need to change some
2 of the laws we have so that we can address
3 this correctly.

4 What do you think of that idea?

5 DOT COMMISSIONER DOMINGUEZ: I do

6 agree with you that the use of our roadways

7 has fundamentally changed over the last

8 decade, and I would say it's been even

9 further changed during COVID. Certainly in

10 the city, you know, the increase

11 significantly of restaurants and other uses

12 of the roadway, you know, that would be City

13 DOT. But New York State DOT, we have our own

14 permitting process for accessing the roadway

15 for purposes of food and beverage, and so we
16 have a permitting process that really looks
17 at the larger safety plan for that.

18 But, you know, at the end of the day
19 it all gets to a safety framework. And so
20 how we can do that and make sure that we're
21 doing that in a coordinated fashion, you
22 know, happy to help you with that discussion.

23 CHAIRWOMAN KRUEGER: I just think it
24 would help us all, which is why I'm raising

1 it. I mean, our -- the previous governor,
2 which never should be used as a model for
3 anything, but he used to like to do summits
4 on cottage cheese and things like that.

5 But I think that a summit on how we
6 come up with modern road safety pragmatic
7 changes in design and use of our roads would
8 be a really important issue throughout the
9 State of New York. So --

10 DOT COMMISSIONER DOMINGUEZ: Well, it
11 would leverage, Senator, some of the concerns
12 that we see, including distracted driving and
13 some of the other really critical safety
14 issues that are coming about and that need to

15 be messaged because, you know, there is

16 opportunity. Fundamentally, there is

17 opportunity.

18 CHAIRWOMAN KRUEGER: Got it. And in

19 case I just get slapped around for dissing

20 cottage cheese, it was actually yogurt, not

21 cottage cheese, so --

22 (Laughter.)

23 DOT COMMISSIONER DOMINGUEZ: I knew

24 that.

1 (Laughter.)

2 CHAIRWOMAN KRUEGER: I'm going to cede

3 back my few minutes, but I do have one more

4 Senator if you're out of Assemblymembers.

5 CHAIRWOMAN WEINSTEIN: I actually had

6 some follow-up questions.

7 CHAIRWOMAN KRUEGER: Please. Please.

8 CHAIRWOMAN WEINSTEIN: So

9 Commissioner, I had some follow-up questions

10 that Assemblyman Magnarelli hadn't had --

11 didn't have time to ask you.

12 So the first relates to upstate

13 transit and the dedicated taxes that support

14 upstate transit operating assistance have

15 been insufficient, as you know, for many
16 years. Are there any additional sources of
17 dedicated revenue for upstate transit systems
18 that are under consideration?

19 DOT COMMISSIONER DOMINGUEZ: Not at
20 this time. But that's one thing that
21 obviously, you know, the Legislature and the
22 Executive can look at.

23 CHAIRWOMAN WEINSTEIN: And then
24 switching -- no pun intended, switching to

1 electric vehicles, the federal Infrastructure
2 Improvement and Jobs Act includes funding for
3 New York for electric vehicle charging
4 stations. So we have a couple of questions
5 relating to that.

6 How much do you expect New York to
7 receive over the next five years? Is DOT
8 developing a plan for the funding? If so,
9 when will it be complete? Can we get a
10 little preview of the plan now? And what
11 criteria will be used to determine where
12 charging stations are located?

13 DOT COMMISSIONER DOMINGUEZ: So we're
14 working on a plan right now with our partners

15 at NYPA and NYSDOT and DEC because the
16 electrification infrastructure as well as the
17 entire planning isn't fully developed. And
18 obviously it won't be something that we
19 engage the public with directly.

20 We're going to get about -- New York's
21 going to get about \$17.5 million -- excuse
22 me, \$175 million. Excuse me.

23 CHAIRWOMAN WEINSTEIN: Okay, sounds
24 better.

1 DOT COMMISSIONER DOMINGUEZ: I was

2 like, wait a minute, that's not enough

3 (laughing).

4 -- \$175 million to help out with our

5 electrification. And the bottom line is is

6 that I fully believe that we'll have, you

7 know, additional opportunities to apply for

8 some other possible pots of money that USDOT

9 puts forward with regard to some of the

10 climate dollars that they're looking at in

11 those buckets.

12 CHAIRWOMAN WEINSTEIN: So it's too

13 premature at this point to have any kind of

14 preview of where they'll be located?

15 DOT COMMISSIONER DOMINGUEZ: Yes.

16 Right now we're literally like just setting

17 up the -- you know, in the initial stages of

18 the discussion with the power authorities,

19 et cetera, to really frame out what a plan

20 can be.

21 CHAIRWOMAN WEINSTEIN: Okay. Thank

22 you. Thank you very much.

23 Senator Krueger, you said you had an

24 additional Senator?

1 CHAIRWOMAN KRUEGER: We have a
2 three-minute second round for Senator Tim
3 Kennedy.

4 SENATOR KENNEDY: Thank you.

5 Commissioner, thank you again for your
6 testimony. We've discussed a lot in the last
7 almost two hours.

8 Look, going back to the capital plan,
9 my goal at the end of this five-year capital
10 plan is for our roads and bridges to be in
11 better shape than they are today. Can you
12 guarantee that the level of funding that's in
13 this proposed plan is going to result in
14 the -- improved road conditions statewide?

15 DOT COMMISSIONER DOMINGUEZ: I do

16 think that it will significantly -- you know,

17 first and foremost, it's a significant

18 investment. And as you know, Senator,

19 conditions are rough, especially around the

20 state. But I do think that overall, given

21 the dollar amount that we're looking at here,

22 it will go towards an overall improvement in

23 our conditions.

24 SENATOR KENNEDY: And one of the DOT's

1 initiatives for letting projects in past
 2 budgets was forwarding them from the fourth
 3 quarter to the third quarter to speed up the
 4 project. How is that working out?

5 DOT COMMISSIONER DOMINGUEZ: We have
 6 had -- I will tell you that we're getting
 7 everything out. The bottom line is is that
 8 by the end of this fiscal year we will have
 9 executed on every dollar available in our
 10 capital plan.

11 SENATOR KENNEDY: And is the
 12 department still accelerating these lettings
 13 to the third quarter?

14 DOT COMMISSIONER DOMINGUEZ: Yes.

15 We're doing as much as we possibly can, and

16 we're actually doing some more work

17 internally to see what more we can do to

18 accelerate and make our letting process more

19 efficient.

20 SENATOR KENNEDY: And you were able to

21 deliver more projects or reduce the costs?

22 DOT COMMISSIONER DOMINGUEZ: Yes.

23 SENATOR KENNEDY: Great. And then I

24 want to go back to something that my

1 colleague in the Assembly mentioned earlier,
2 and that's the Intercity Passenger Rail
3 Capital Improvement Program. Is there a
4 written plan for this program?

5 DOT COMMISSIONER DOMINGUEZ: We
6 have -- we have some traditional things that
7 we're building off of. But we're happy to
8 kind of sit down with you and go through some
9 of those criteria that we look at and how we
10 go about it.

11 SENATOR KENNEDY: Yeah, I think a
12 written plan would be good for the
13 Legislature, for customers, particularly
14 Amtrak, and communities across the state to

15 get an idea of what we're all trying to

16 accomplish here.

17 And then since I have a few --

18 DOT COMMISSIONER DOMINGUEZ: Senator,

19 just really quickly, a lot of that is

20 dictated under the existing criteria for

21 passenger rail. So -- the federal

22 requirements. So just wanted to make sure

23 that you're --

24 SENATOR KENNEDY: And let me finish

1 where I began hours ago. How is the DOT
2 making sure that the needs are being assessed
3 as the capital plan is rolled out, that the
4 needs are taken into consideration and that
5 we're investing in the areas that need it the
6 most?

7 DOT COMMISSIONER DOMINGUEZ: So I
8 think that the bottom line is is that we have
9 a very robust asset management process. And
10 what that allows us to do is marry data with
11 literally --

12 THE MODERATOR: Pardon me, but your
13 time is up.

14 DOT COMMISSIONER DOMINGUEZ: -- and

15 understand the criticality of where we need

16 to invest.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 SENATOR KENNEDY: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you,

21 Commissioner.

22 Just -- there are no additional

23 questioners. And I know you were cut short a

24 few times; that was not your fault, it was

1 more likely the fault of a lengthy question
2 or one that was too complicated to answer in
3 just the short time. So when you do send
4 answers to any of the questions that were
5 missed -- I'm sure your staff is paying
6 attention to that -- make sure they go to
7 both myself and Senator Krueger.

8 And with that, we thank you for being
9 here, look forward to continuing to work with
10 you as we move forward on the budget.

11 And we are going to call our next
12 governmental witness, New York State
13 Department of Motor Vehicles. I think
14 they've worked out the video problem we were

15 having, so --

16 DOT COMMISSIONER DOMINGUEZ: Madam

17 Chair, I just want to say a very sincere

18 thank you to you and Senator Krueger, Senator

19 Kennedy and Assemblyman Chairman Magnarelli,

20 and all of the members. I greatly appreciate

21 the opportunity to provide testimony today on

22 behalf of the administration. Thank you so

23 very much.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 CHAIRWOMAN WEINSTEIN: So we have with

3 us a former colleague in the Assembly,

4 Mark Schroeder, commissioner of New York

5 State DMV.

6 Mark, so before --

7 DMV COMMISSIONER SCHROEDER: Thank

8 you.

9 CHAIRWOMAN WEINSTEIN: You know the

10 ground rules. So there's 10 minutes on the

11 clock. Feel free to not use it all. And we

12 have distributed your testimony to the

13 members.

14 DMV COMMISSIONER SCHROEDER: I'll be

15 way under.

16 So good afternoon and thank you,

17 Chairperson Krueger, Chairperson Weinstein,

18 Chairperson Kennedy, Chairperson Magnarelli

19 and other members of the Legislature for

20 inviting me here today. My name is

21 Mark Schroeder. I'm the commissioner of the

22 Department of Motor Vehicles and chair of the

23 Governor's Traffic Safety Committee.

24 I want to start again this year by

1 honoring and recognizing the employees of the
2 Department of Motor Vehicles. Perhaps more
3 than most, DMV is the window through which
4 New Yorkers directly interact with their
5 government, and our motor vehicle
6 representatives and motor vehicle license
7 examiners are the primary contact point of
8 those interactions.

9 COVID has foundationally changed the
10 way DMV does business and how we interact
11 with our customers. From the early days of
12 the pandemic our employees have adapted to
13 PPE, social distancing, plexiglass,
14 alternative schedules, and other safety

15 protocols. Our employees have not only met

16 these challenges, but they have exceeded all

17 expectations and continue to provide

18 invaluable service to our customers.

19 I'm so incredibly proud of the job

20 they have done, and we will build upon these

21 successes as we move to transform the

22 Department of Motor Vehicles in the way we do

23 business and interact with the customer.

24 Each year the DMV provides services to

1 approximately 15 million New Yorkers through
2 more than 35 million customer interactions.

3 Through its state and county-run issuing

4 offices, traffic violation bureaus, safety

5 hearings, and other related activities, the

6 New York State Department of Motor Vehicles

7 collects more than \$2.1 billion in revenue

8 annually.

9 Governor Hochul's Executive Budget

10 plan provides \$567.5 million for DMV to

11 support its main office in Albany, 29 state-

12 operated offices, and 93 county-operated

13 offices.

14 In January 2022, DMV launched a new

15 Innovation Center here in Albany, where I am
16 sitting right now. Through the lens of our
17 customers, we will use this location to
18 design and test new products.

19 This budget will enable us to continue
20 our efforts to reflect our mission statement
21 and to improve overall customer service,
22 promote traffic safety, and protect
23 consumers.

24 Additionally, DMV is undertaking a

1 transformation in the way we do business.

2 The COVID-19 pandemic presented many unique

3 challenges for DMV, but it became the

4 catalyst that drove the department to think

5 bigger about its need for change and new ways

6 of doing business with New Yorkers.

7 DMV's ambitious transformation effort

8 will seek to modernize not only DMV

9 technology, but also the department's overall

10 operations and customer service capabilities

11 to provide increased levels of service and

12 satisfaction for New Yorkers and business

13 partners.

14 In accordance with the department's

15 new strategic plan, DMV transformation will

16 shatter the perceptions of our customers by

17 providing simplified, effective, and

18 responsive services through the following

19 tenets:

20 We will reduce the overall need for

21 customers to interact with the DMV in person.

22 We will go to the customer with

23 personalized, curated, and contextually

24 relevant services.

1 We will strive to ensure that the
2 customer is successful in completing their
3 transaction the first time.

4 More specifically, DMV will engage
5 multiple projects within the following
6 workstreams to accomplish our goals,
7 including but not limited to: Expand digital
8 products and services, including online
9 permit capabilities with recent improvements
10 to reduce fraud, as well as an online
11 transaction for original registrations;
12 provide timely and consistent customer
13 support services for New Yorkers, as well as
14 for our offices and business partners;

15 reshape the DMV organization to effectively

16 support sustainable services; strengthen the

17 capabilities of our program project and

18 change management competencies across the

19 agency to better support both transformation

20 and day-to-day business; partner with the

21 NYS Office of Information Technology Services

22 to build sustainable and secure

23 next-generation technology using a data-first

24 approach, and to retire unsupported and

1 outdated systems as new functionality becomes
2 available.

3 In order to achieve these lofty goals,
4 Governor Hochul's Executive Budget recommends
5 \$106 million to build a new technology
6 infrastructure, including the purchase of
7 hardware, software, and development services.

8 This will allow the department to eventually
9 replace our current legacy systems that are
10 difficult to support and modify and that
11 often restrain the development of new digital
12 offerings.

13 We will also use some of the funding
14 to bring on additional employees to support

15 transformation, like project managers and
16 business analysts. These changes and others
17 will help DMV effectively face the ongoing
18 challenges of today.

19 Beyond the obstacles presented by
20 COVID-19, DMV continues to face increased
21 federal mandates, including the imminent
22 deadline associated with the Federal Real ID
23 Act.

24 Additionally, DMV remains committed to

1 working with our partners in state government
2 to improve driver safety, deliver secure
3 identity documents, and administer the laws
4 enacted to promote safety and protect
5 consumers.

6 In accordance with these principles,
7 and aligned with the Governor's priorities,
8 DMV will strive to be as open, ethical and
9 transparent as possible, while protecting the
10 secure data which we are assigned to do. The
11 DMV website serves as the primary tool for
12 public transparency, providing clear and
13 understandable explanations of what are often
14 complicated statutory requirements.

15 The DMV website also offers more
16 targeted transparency tools, like a prominent
17 homepage link to simple instructions on how
18 to submit a Freedom of Information Law
19 request by either email or postal mail, and
20 links to online services or field office
21 locations, as well as DMV statistics
22 regarding driver licenses and vehicle
23 registrations.

24 While the department is constantly

1 updating and improving its website, a
2 comprehensive redesign is planned for 2022
3 which will result in a more user-friendly and
4 modern site.

5 In closing, customer service is our
6 guiding principle. With the improvements
7 already implemented and those we anticipate
8 introducing in the coming year, I am
9 confident 2022 will be a year of
10 accomplishment and advancement and innovation
11 at the DMV.

12 Once again, thank you for this
13 opportunity to speak with you today. DMV is
14 committed to operating in a transparent

15 manner that is open and forthright to all
16 New Yorkers. I welcome any questions that
17 you might have about DMV and our plans for
18 serving your constituents, the people of
19 New York.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 And we're going to go to our Assembly
22 Transportation chair, Assemblyman Magnarelli.

23 ASSEMBLYMAN MAGNARELLI: Thank you,
24 Madam Chair.

1 And Mr. Commissioner, I want to start
2 off by saying thank you very much for our
3 talks every now and then on the phone, and
4 your candid response to various questions and
5 problems that have cropped up over the past
6 couple of years. I really think it was a
7 very trying time for your department, as it
8 was for all of our departments in government.
9 But I do appreciate your working with us
10 during the course of that time.

11 DMV COMMISSIONER SCHROEDER: Thank
12 you, Mr. Chair.

13 ASSEMBLYMAN MAGNARELLI: The way you
14 put it out there right now, I don't have -- I

15 shouldn't have any questions. I mean, this

16 is just going to be a phenomenal transition.

17 But bear with me, I'm going to go back on a

18 couple of things, okay?

19 The Executive proposal recommends an

20 increase of \$106 million -- a 33 percent

21 increase -- for DMV. What would this funding

22 be used for? I know you've mapped it out in

23 very general terms. But is it mostly for

24 hardware and software, mostly for technical

1 stuff? Are we investing in any personnel,

2 staff?

3 DMV COMMISSIONER SCHROEDER: Yes to

4 all of the questions you just raised. And

5 let me just embellish for a minute.

6 This is a phenomenal budget. We are

7 so grateful to our Governor for her support.

8 Her support has to do with the transformation

9 of DMV and for us to have a tech redesign, to

10 modernize the Department of Motor Vehicles.

11 So to be very specific, I have a

12 chart, Mr. Chairman, that shows the

13 \$106 million, and then I can show you exactly

14 what that money's going to do -- to build the

15 platform, to do some of the things including

16 hire people, business analysts to help us go

17 forward. So this is --

18 ASSEMBLYMAN MAGNARELLI: I would

19 appreciate --

20 DMV COMMISSIONER SCHROEDER: --

21 exactly what the plan calls for.

22 ASSEMBLYMAN MAGNARELLI: Okay,

23 Commissioner, I would appreciate your sending

24 it to me so that I can see it. You know, a

1 picture is worth how many words, right?

2 Would all of this result in savings,

3 cost savings? Or is it specifically to make

4 everything more efficient and

5 customer-friendly? Just want to know if

6 there's going to be any savings involved in

7 this as well.

8 DMV COMMISSIONER SCHROEDER: Yeah,

9 that's an excellent question. And I do

10 foresee savings in the future.

11 The question that I ask our employees

12 every day is: What will DMV look like in

13 2030? And I can tell you this,

14 Mr. Assemblyman. In our offices, the 27

15 offices that we run in mostly downstate
16 New York -- these are very large, cathedral
17 type of offices. And with all of the online
18 opportunities -- and New Yorkers, when they
19 were cooped up for over 700 days of COVID,
20 they figured out a way to do online
21 transactions. And so we want to encourage
22 them to do that.

23 So there's no doubt that there will be
24 savings coming to our state through this

1 transformation plan and through the tech
2 redesign.

3 ASSEMBLYMAN MAGNARELLI: Okay.

4 DMV offices around the state

5 experienced significant backlogs in license

6 and registration renewals during the

7 pandemic. Have these backlogs been cleared

8 up?

9 DMV COMMISSIONER SCHROEDER: They have

10 been, absolutely totally.

11 And I can tell you one of the things

12 that I said in our testimony, we want to

13 shatter the perception, right, for our

14 customers. When I went to an office either

15 in Syracuse or in Midtown, and when a
16 customer comes up to our MVR and says "Thank
17 you" -- the last time I was here, especially
18 in Midtown, it took me three hours to do a
19 transaction. Today, because of the
20 reservation opportunity that I have, I was
21 able to get in and out of here in 15 minutes.

22 So these are the types of things that
23 we're working on, Mr. Chairman.

24 ASSEMBLYMAN MAGNARELLI:

1 Mr. Commissioner, you mentioned this in your
2 remarks, but I have to hit it again, okay?
3 There were reports last November of cheating
4 online, written -- cheating on the online
5 written tests to get a driver's learner
6 permit.

7 Was DMV able to fix the problem with
8 the online tests? Is the New York State
9 Inspector General investigating? And if so,
10 what is the status of that investigation?

11 DMV COMMISSIONER SCHROEDER: So we are
12 making tremendous progress. You know,
13 whenever you try to do something new,
14 especially when it has to do with technology,

15 certainly there are going to be bad people
16 out there lurking around to try to figure out
17 a way to take advantage of situations.

18 So we have progressed in such a way
19 that we have changed and improved the digital
20 intake integration, requiring applicants to
21 register using the NY.GOV account.

22 Also, in terms of image capturing --
23 so let's just take -- let's just say it takes
24 28 minutes to do the online permit test.

1 There are going to be four different times
2 during that duration that we are going to be
3 taking photos to make sure it's you who's
4 taking the test.

5 And then finally there's what is
6 called IP access. This is a geofencing
7 mechanism. So if there are bad guys
8 somewhere in Hoboken who are trying to scam
9 the system, we're going to find them. We're
10 going to know where they are and what they're
11 doing, and we're going to help prevent that
12 from happening.

13 So we have made incredible progress,
14 and we will continue to do that so that

15 technology can rule the day.

16 ASSEMBLYMAN MAGNARELLI: Okay.

17 Let's talk about cashless tolling just

18 a little bit. How many registrations have

19 been suspended or denied as a result of

20 tolling enforcement actions, do you have any

21 idea?

22 DMV COMMISSIONER SCHROEDER: I do. I

23 do, Mr. Chairman. And there were 27,000

24 specifically.

1 However, 27,000 went through the
2 system. And then at the end of the day
3 because there is a mechanism, there is a
4 mechanism for New Yorkers to figure out how
5 to contact the public tolling place, whether
6 it's MTA or whoever it is, only -- out of the
7 27,000, that was the top number, only 10,000
8 were actually suspended within the last year.

9 And so we have over 15.5 million
10 New Yorkers who have a license who are
11 driving around the state, and only to have
12 10,000 suspended -- because there are systems
13 in place to give New Yorkers a chance to
14 figure out how to pay what they owe.

15 ASSEMBLYMAN MAGNARELLI: Okay. I
16 appreciate your coming before us today and
17 giving us this report, and I look forward to
18 talking to you probably within a couple of
19 weeks. Okay?

20 DMV COMMISSIONER SCHROEDER: Thank
21 you. Thank you, Mr. Assemblyman. Thank you.

22 CHAIRWOMAN KRUEGER: Okay, I think now
23 to the Senate. We're going to hand it off to
24 Leroy Comrie. Thank you.

1 Leroy, are you there?

2 (No response.)

3 CHAIRWOMAN KRUEGER: Well, perhaps

4 we're not.

5 CHAIRWOMAN WEINSTEIN: His hand is

6 raised, but --

7 CHAIRWOMAN KRUEGER: I know, but I

8 don't see him or hear him, more relevantly.

9 So why don't we pass it back to you

10 and we'll try him next round.

11 CHAIRWOMAN WEINSTEIN: Okay. We have

12 two Assemblymembers.

13 First, Assemblywoman Gallagher, three

14 minutes.

15 ASSEMBLYWOMAN GALLAGHER: Hi. Thank

16 you so much for addressing us today,

17 Mr. Schroeder, Commissioner Schroeder.

18 I have a major issue in my district

19 which is crashes that lead to severe injury

20 or death, and I have found that many of the

21 people who are arrested for these either do

22 not have a license, have a suspended license,

23 or have an out-of-state license. And I'm

24 curious what you think the DMV can do to have

1 some impact on the safety of pedestrians and
 2 other vehicle operators if so many of them
 3 are not participating already in DMV courses.

4 DMV COMMISSIONER SCHROEDER: Yeah,
 5 Assemblymember, thank you. Thank you very
 6 much for your question.

7 I also serve as the chair of the
 8 Governor's Traffic Safety Committee, and so
 9 we are strongly committed to doing all of the
 10 things that you're concerned about. I just
 11 had a briefing yesterday on how we may be
 12 able together, collectively, along with
 13 federal government, the state government, and
 14 all the municipalities within New York State,

15 to do better.

16 Unfortunately, there has been an

17 increase in many pedestrian-related crashes

18 that have taken place, and that we are

19 committed to doing something about it. There

20 are certain things that we're looking at, and

21 we would be very happy to share with you

22 information in terms of the mini-white paper

23 that we've come up with in terms of what are

24 some of the things that we may be able to do

1 in Kings County and other counties across
2 New York State.

3 ASSEMBLYWOMAN GALLAGHER: I really
4 appreciate that. And additionally, I do have
5 a bill for a prelicensing course that helps
6 people understand interactions with cyclists
7 and with pedestrians that is part of a
8 package called the Crash Victims Safety Act.

9 And there's several things in there that
10 would help to reduce injury and death, and
11 one of those things is decrease or -- has to
12 do with vehicle size.

13 So I wonder if you're open to changing
14 the way that we charge for licenses from a

15 flat rate to maybe charging more if you're

16 driving an SUV or bigger or some kind of more

17 dangerous car.

18 DMV COMMISSIONER SCHROEDER: Yes. So,

19 Assemblymember, we are always, here, open to

20 all ideas. Any ideas that you might have

21 specifically on this, I would be very

22 interested in, and I would ask you to send it

23 to me, to my email, if you would.

24 ASSEMBLYWOMAN GALLAGHER: Fantastic.

1 DMV COMMISSIONER SCHROEDER: But the
2 one thing I wanted to commend you with -- and
3 I will send you this information. It's
4 called --

5 THE MODERATOR: Pardon me, your time
6 is up.

7 ASSEMBLYWOMAN GALLAGHER: Can I have
8 my commendation?

9 DMV COMMISSIONER SCHROEDER: I'm going
10 to send you information.

11 CHAIRWOMAN KRUEGER: That's amazing
12 how quickly --

13 CHAIRWOMAN WEINSTEIN: When you send
14 that information, please send it both to

15 myself and Senator Krueger also, so that we

16 can distribute to all of the members.

17 DMV COMMISSIONER SCHROEDER: Yeah,

18 thank you, I will.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 Senate?

21 CHAIRWOMAN KRUEGER: Thank you.

22 So now we're going to go back to

23 Senator Comrie, who I see and I called on

24 before but is back with us now.

1 SENATOR COMRIE: Thank you, Madam

2 Chair -- Madam Chairs.

3 Commissioner, thank you for your

4 efforts for really working to improve DMV. I

5 wanted to ask you a question regarding how

6 has the implementation of remote centers been

7 able to decrease the amount of activity in

8 the municipal areas? Do you -- you started a

9 program where you were able to create private

10 entities to do DMV work. How is that

11 working? And has that lessened the amount of

12 traffic in the main DOT centers around the

13 city?

14 DMV COMMISSIONER SCHROEDER: Yeah,

15 Senator, thank you. Thank you for that

16 question.

17 What we have been trying to do is to

18 make it easier for customers, whether they're

19 in Queens or whether they're anywhere across

20 New York State. And if there is an

21 opportunity for them to do a transaction

22 online, we would encourage them to do that.

23 There are nearly 70 different transactions

24 that can be done online so that your

1 constituent doesn't have to go anywhere.

2 To be more specific, though, in terms

3 of the question that you've asked regarding

4 partners, for example, in downstate New York

5 we have a partnership with over -- with

6 10 different AAA organizations within the

7 metropolitan areas of New York. And this is

8 a one-stop-shop opportunity for people to go

9 in -- and mostly what they're going in for in

10 these locations outside of DMV would be for

11 Real ID.

12 Which is really a good thing, because

13 as you know, we have a deadline fast

14 approaching in May of 2023. So any way that

15 we can reach out to approximately 11 million
16 New Yorkers who may want to go visit grandma
17 in Fort Lauderdale, and the only way they're
18 going to do it is if they have a Real ID or
19 an Enhanced Driver's License -- unless they
20 have a passport, of course.

21 So thank you for those questions.

22 SENATOR COMRIE: Thank you,
23 Commissioner. I think that that's a great
24 process, and being able to streamline even

1 more online is a positive thing. It's
 2 definitely helped constituents in my district
 3 to not have to wait for hours at DMV anymore.

4 So I appreciate it.

5 Thank you, Madam Chairs. That's my
 6 only question.

7 CHAIRWOMAN KRUEGER: All right, thank
 8 you, Senator Comrie.

9 Back to the Assembly.

10 CHAIRWOMAN WEINSTEIN: Yes, and I see
 11 we have several Assemblymembers. So we'll
 12 start first with Assemblyman Jacobson.

13 ASSEMBLYMAN JACOBSON: Thank you,
 14 Madam Chair.

15 Thank you, Commissioner. Just a

16 couple of quick questions.

17 This less interaction with people and

18 making it easier online, I think that's a

19 good thing for everybody. I think we want to

20 make it simple. Now, this will mean less

21 money to the local county departments of

22 motor vehicles, right, to the county clerks'

23 offices?

24 DMV COMMISSIONER SCHROEDER: It's

1 possible. It doesn't seem to be happening
2 right now that way. But it's a very good
3 point that you're making. And it is
4 possible, and it's on my mind that in 2019
5 the retention that went out to the 51 county
6 clerks was approximately \$53 million. It
7 appears that going forward, looking forward,
8 is that it could go down significantly. So
9 therefore --

10 ASSEMBLYMAN JACOBSON: Commissioner,
11 if -- Commissioner, if the person registers
12 online, then the county doesn't get any
13 money, correct?

14 DMV COMMISSIONER SCHROEDER: No. If

15 the constituent does it within the county

16 where there's a county clerk, the county

17 would receive 3.25 percent on that

18 transaction.

19 However, the point that you make is a

20 good point. If a customer goes in a county

21 clerk's office, they would receive

22 12.7 percent. And since we're talking about

23 online, in technology it's counter to what

24 the clerks would want. And so we need to

1 deal with it, and we will this year.

2 ASSEMBLYMAN JACOBSON: All right. So

3 that's my point. Maybe something has to be

4 done.

5 The next thing is how long does it

6 take for you to send to the Board of

7 Elections new registrations when you get them

8 in? So if somebody registers today, when

9 does that information get sent out to the

10 county board?

11 DMV COMMISSIONER SCHROEDER:

12 Assemblymember, my answer right now would be

13 immediately. It's automatic. But I will

14 follow up with you on that just to confirm

15 that I'm right.

16 ASSEMBLYMAN JACOBSON: Because we have

17 deadlines. And if people change their

18 enrollment yesterday on the 14th, they've got

19 to know it, that was a deadline. All these

20 things have deadlines. And people think that

21 they took care of everything, and then the

22 board has to follow up and do things.

23 One final point. You met with me and

24 other Hudson Valley area legislators

1 concerning a local county clerk -- I don't
 2 want to get into the details. But I just
 3 hope that you remind these county clerks that
 4 while they're elected independently, and you
 5 don't appoint them, they're still agents of
 6 the State Department of Motor Vehicles. All
 7 right?

8 DMV COMMISSIONER SCHROEDER:
 9 Absolutely. I agree with you, yes. That is
 10 correct.

11 ASSEMBLYMAN JACOBSON: All right,
 12 thank you. Thank you.

13 DMV COMMISSIONER SCHROEDER: You're
 14 welcome.

15 CHAIRWOMAN WEINSTEIN: Senator

16 Krueger, do you have any --

17 CHAIRWOMAN KRUEGER: We do. We have

18 Tim Kennedy, our chair of Transportation.

19 SENATOR KENNEDY: Thank you,

20 Chair Krueger.

21 Greetings, Commissioner. Good

22 afternoon. It has been a marathon session.

23 Welcome to the budget hearing here.

24 I appreciate your testimony getting

1 right into the IT and computer system
2 upgrades. You had a good explanation of
3 that, and I know we're going to see that
4 report from you.

5 Can you talk about the increase in
6 funding, if it will be just for this budget
7 or if it's going to need to be continued in
8 outyears, for example, with staffing
9 upgrades, that sort of thing?

10 DMV COMMISSIONER SCHROEDER: Yeah,
11 Senator, that's a great question. And the
12 answer is yes. There is outyears involved
13 here.

14 When you do a complete transformation

15 and a tech redesign of legacy lines that date
16 back to Governor Rockefeller, we're not going
17 to be able to do it all in \$108 million in
18 one year. These are going to be a commitment
19 year after year after year, to support the
20 systems that we put in place and also taking
21 full advantage of technology so that
22 New Yorkers can have convenience in doing
23 transactions with the DMV.
24 SENATOR KENNEDY: Do you have a number

1 on that, by chance, at the moment?

2 DMV COMMISSIONER SCHROEDER: A num --

3 SENATOR KENNEDY: A number on --

4 because it's -- so the funding is going to be

5 for computer upgrades and then there will be

6 a separate fund, I'm assuming, for recurring

7 expenses for staff. Is there a number that

8 we should be expecting in outyears for staff

9 upgrades?

10 DMV COMMISSIONER SCHROEDER: Senator,

11 I don't have a number right here with me, but

12 I will send it along to you.

13 SENATOR KENNEDY: Great. Great.

14 I want to switch gears to third-party

15 testing. A month ago Governor Hochul
16 introduced a pilot program allowing for
17 third-party CDL testing and to increase the
18 CDL licensures quicker, with more options.
19 Obviously you know of the massive shortage of
20 CDL licensures across not only our state but
21 our nation. So I think New York stepping up
22 is very important.

23 Has this CDL program been implemented
24 or started thus far?

1 DMV COMMISSIONER SCHROEDER: Yes. And

2 first of all, I just want to thank you for

3 the question. Thank you for your support.

4 This is a problem statewide, including in

5 Western New York. And I really want to thank

6 the Governor for her leadership on this. She

7 is assisting the industry, along with all of

8 you, Senator, to try to figure out ways to

9 entice, to survey, to get retired military,

10 retired firefighters or police officers to

11 get interested in perhaps being involved in

12 driving a bus or with the severe shortage of

13 truck drivers.

14 In terms of DMV, here's what we're

15 doing. There are three things specifically.

16 Number one, we are supporting totally our DMV

17 CDL sites across the state and our employees.

18 We have hired over 31 MVLEs to be involved

19 and to be able to do the CDLs on-site. So we

20 support them and we support our CDL DMV

21 sites.

22 Number two. We will begin -- we have

23 begun talking very clearly with MTA, with

24 DOT, with NFTA. There are ways that we will

1 be able to help them administer the CDL test
2 so that it makes more room for others to get
3 into our facilities.

4 And finally, through your help,
5 recently Senator Mayer called me to -- she
6 wanted to help us because she knew we were
7 having difficulty in Westchester in terms of
8 having a DMV CDL site. And so she wanted to
9 work along with my former classmate in the
10 Assembly, George Latimer, to find a site.

11 And so if they could help us find a
12 site, we will sign them up. If they're
13 unable to, this is the third prong of the
14 Governor's program. We will identify

15 qualified independent CDL operators -- and
16 perhaps if we could find one in Westchester
17 to help us, or in other places where we might
18 have a void.

19 So we have a very, very clear plan.

20 And we had a public hearing two weeks ago in
21 which over 100 participants were involved.

22 So we're moving in the right direction,

23 Senator. Thank you for the question.

24 SENATOR KENNEDY: Great. Great. And

1 thanks, Commissioner.

2 In 2017, as you're well aware, the law

3 authorizing the transportation network

4 companies, the TNCs -- like Uber and Lyft --

5 to operate outside the City of New York

6 created this accessibility task force. This

7 is something that I know you've made a career

8 on, in working with accessibility issues and

9 helping individuals with disabilities.

10 I want to talk to you about the steps

11 that have been taken since the task force

12 reports to implement those recommendations.

13 Can you just speak to that, please?

14 DMV COMMISSIONER SCHROEDER: Yeah,

15 thank you, Senator. And I anticipated that

16 you might be interested in this question.

17 So the answer that I have, the short

18 answer is that everything that we've done

19 together in terms of this is on our DMV

20 website. If there are other things that DMV

21 can do to make this work better, to look at

22 certain things that maybe we didn't look at

23 originally, we are totally open to working

24 with you and with others to make this work

1 best.

2 SENATOR KENNEDY: Great. Great.

3 And then the same task force talked

4 about regionally tailored accessibility plans

5 to improve TNC vehicle wait times. Can you

6 provide a status update on that

7 implementation as well?

8 DMV COMMISSIONER SCHROEDER: Yes,

9 Senator, I don't have anything at my

10 fingertips right yet, right at this moment.

11 But I will get you all the information that

12 we have. And I will also forward to you the

13 report that's actually on our website; I'll

14 get that to you directly.

15 SENATOR KENNEDY: Great, thank you.

16 And then just -- again, just on TNCs,

17 it's a big statewide issue, they established

18 a disability education program as well. And

19 so can you elaborate on the DMV and, you

20 know, what oversight the DMV has played with

21 the task force on this education?

22 DMV COMMISSIONER SCHROEDER: Yeah.

23 So, Senator, it appears that we were limited

24 in the beginning because of the way that it

1 was unveiled, and we wanted to get all of the
2 information. And we were involved in the
3 hearings that we had.

4 But it hasn't been something that I've
5 looked at closely right now. But because
6 you've brought this up, I will commit to you
7 that I will look at this and figure out ways
8 that we can do better.

9 In terms of what we put on the
10 website, that was the initial foray into
11 trying to make it better for those who have
12 what I call special abilities and who have a
13 need to be able to get from A to B. And so I
14 will look at that closely, and I will commit

15 to you that I'll partner with you and others

16 to do better.

17 SENATOR KENNEDY: Great. Great.

18 Thank you.

19 So I want to just switch to a couple

20 of Article 7s. One of them has to do with

21 extending the use of the Dedicated Highway

22 Trust Fund for operating expenses. If this

23 authority is expanded, is there a long-term

24 plan by the DMV over time to sort of wean off

1 of these funds? Or do you feel like this is
2 something that we expect to be extended on a
3 regular basis?

4 DMV COMMISSIONER SCHROEDER: Yeah, so,
5 Senator, I'll leave that to the Legislature
6 and to the Executive. As long as DMV is
7 adequately funded -- especially in the
8 critical year of right now and going forward,
9 based on the transformation and the tech
10 redesign -- I'm good with whatever we come up
11 with. I understand -- you know, being a
12 former comptroller, I read the New York State
13 comptroller's take on this, and at the end of
14 the day whatever the Legislature works up

15 with the Executive, I'm good with -- as long
16 as the funding continues to come to
17 underwrite the programs that we have to help
18 your constituents across New York State.

19 SENATOR KENNEDY: Thank you. As the
20 father of a 16-year-old who is taking
21 defensive driving courses right now trying to
22 get his driver's license, I'm understanding
23 full well the need for these defensive
24 driving courses.

1 And we've had them online through the
2 pandemic. Can you talk about the successes
3 of that program and, you know, what
4 statistics, if any, that you might be able to
5 share on that?

6 DMV COMMISSIONER SCHROEDER: Yeah,
7 yeah. Thank you. Thanks for that.

8 And that was the area that
9 Assemblymember Gallagher was trying to talk
10 about and I was unable to give her the
11 information. So I'll give you the
12 information and it is for both of you.

13 SENATOR KENNEDY: Sure.

14 DMV COMMISSIONER SCHROEDER: So

15 there's a program, it's called an i-PIRP
16 program. And what it actually is -- and
17 thanks to your help, and the Legislature,
18 it's been extended. It's an accident
19 prevention program, and over 3.8 million
20 New Yorkers have taken the course.

21 Have they taken the course primarily
22 just because they want to learn more about
23 driving? Maybe. But they're also taking it
24 because it helps them with lower costs for

1 insurance. And so these are things that are

2 available, and I'm --

3 THE MODERATOR: Pardon me, your time

4 is up.

5 DMV COMMISSIONER SCHROEDER: -- really

6 grateful to have this question raised.

7 Thank you.

8 SENATOR KENNEDY: Great. Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Assembly.

11 CHAIRWOMAN WEINSTEIN: We have a

12 number of Assemblymembers. Assemblywoman

13 Wallace first.

14 ASSEMBLYWOMAN WALLACE: Hi. Thank

15 you, Chair.

16 Great to see you, Commissioner

17 Schroeder. Wonderful. Thank you for your

18 testimony.

19 DMV COMMISSIONER SCHROEDER: Thank

20 you.

21 ASSEMBLYWOMAN WALLACE: I just want to

22 echo a couple of comments that were made

23 earlier today. In particular, I'm interested

24 to hear more about your plans to, you know,

1 leverage technology more to facilitate
 2 transactions that could -- that were -- that
 3 could easily be done online that now people
 4 need to go to the DMV to do.

5 And I'm interested in working with you
 6 and of course Senator Kennedy and whoever
 7 else -- Chair Magnarelli -- to address the
 8 issue of the 12 percent going to the county
 9 versus the 3 percent if you do the
 10 transaction in the office versus online. I
 11 think we need to address that to encourage
 12 more people to do it online.

13 Just a sort of little anecdotal tale.
 14 I had to go to the DMV at some point in

15 person, and when I was there -- I went in one
16 day and there was almost no one there, and I
17 was like, Oh, this is great. And when I got
18 in I was told that only pistol permits were
19 being processed that day, nothing else. And
20 there was nobody there. And so I had to wait
21 an entire, you know, day or two to go back,
22 and then of course it was absolutely packed
23 because we had condensed every other service
24 into only a limited couple of days.

1 So I guess I'm wondering like what
2 kind of oversight does the DMV have over that
3 situation, and can we make it more accessible
4 for everybody rather than just servicing one
5 kind of an issue on that day?

6 And when I got back in line the second
7 day, you know, it was packed, as I said, and
8 there was a woman who was probably like eight
9 months pregnant standing in line. It seems
10 to me that that's not the best way to address
11 that.

12 And then I just -- also a comment
13 about the reservation system. I know you
14 referenced something about the reservation

15 system. I know I tried to get a reservation
16 during this time frame and it wasn't working,
17 at least in Erie County. So I don't know if
18 that's been improved.

19 And if you could speak to those
20 issues.

21 DMV COMMISSIONER SCHROEDER: Yeah. So
22 thank you, Assemblymember.

23 And first and foremost, to your first
24 observation and question, we're going to give

1 New Yorkers an opportunity to do almost every
2 single DMV transaction imaginable online.

3 The only two things that we're prevented from
4 doing at the moment are the federal required

5 Real ID and also the Enhanced Driver's

6 License. Because of federal requirements,

7 people have to go into a DMV. But everything

8 else, we're trying to give people the

9 opportunity to be able to do it online.

10 But, you know, I do understand also

11 that there may be certain constituents of

12 yours that there may be a digital divide, and

13 maybe they're unable to do that, so they need

14 to be able to go into an office, whether it's

15 state-run or whether it's run by a county

16 clerk.

17 And so I'm not familiar with exactly

18 what you said about the one day going into

19 the clerk's office and only being able to do

20 one thing --

21 THE MODERATOR: Pardon me, your time

22 is up.

23 ASSEMBLYWOMAN WALLACE: It was a local

24 DMV office, just to clarify.

1 DMV COMMISSIONER SCHROEDER: Yeah,
2 yeah. And so -- but, you know, I meet with
3 the county clerks on an ongoing basis, and
4 they understand that we have a responsibility
5 to do all transactions for all New Yorkers
6 every day of the week, and we will continue
7 to make that point.

8 ASSEMBLYWOMAN WALLACE: Thank you.

9 DMV COMMISSIONER SCHROEDER: Thank
10 you.

11 CHAIRWOMAN WEINSTEIN: Senate, I don't
12 see any others --

13 CHAIRWOMAN KRUEGER: No, although I do
14 have one question, I'm sorry.

15 CHAIRWOMAN WEINSTEIN: Go for it.

16 CHAIRWOMAN KRUEGER: So Assemblywoman

17 Monica Wallace said it was a DMV office that

18 was only doing gun permits. Why is DMV doing

19 gun permits?

20 DMV COMMISSIONER SCHROEDER: Senator,

21 it was a county clerk's office. And so in

22 the county clerk's office they would have

23 that responsibility. They have the real

24 estate side, they have the DMV side, they

1 also have responsibility for the permits.

2 In the 29 offices that we run across

3 the State of New York, including in

4 Manhattan, where we have 12 offices in

5 New York City, we don't have that situation

6 at all. So I just wanted to clarify that.

7 CHAIRWOMAN KRUEGER: Okay. Well,

8 thank you. Thank you, Monica.

9 DMV COMMISSIONER SCHROEDER: You're

10 welcome.

11 CHAIRWOMAN KRUEGER: And the Senate is

12 done, I believe. Yes.

13 CHAIRWOMAN WEINSTEIN: Okay, we have

14 Assemblywoman Zinerman first.

15 ASSEMBLYWOMAN ZINERMAN: Thank you,

16 Madam Chair.

17 Nice to meet you, Commissioner

18 Schroeder. Thank you very much for your

19 testimony and your answers.

20 I am Stefani Zinerman, and I represent

21 the 56th Assembly District in Brooklyn. I

22 consider myself a triple prime commuter: I

23 walk my district, I ride my bike, and I drive

24 a car. And I think as a state, we're making

1 great strides and building out our
2 infrastructure. But I think we're doing not
3 as well as we should in terms of developing a
4 shared-road philosophy with riders and
5 pedestrians and motorists.

6 A lot of the blame for what's
7 happening on our roads is being placed at the
8 feet of motorists. However, I think that
9 each group does play a part in sharing the
10 road, and it is our role to help educate them
11 on the laws that govern the roads.

12 I remember when I was younger, every
13 kid, you know, knew the ditty "Cross at the
14 green and not in-between." And I'm not

15 saying that we all become writers of poems or
16 small songs, but I do think that we need to
17 do better messaging for both -- for all
18 groups.

19 So I just -- I'm interested in what
20 are your plans, what are the DMV's plans to
21 help educate all users of the rules of the
22 road? We have laws, but unfortunately we
23 have people being run over on sidewalks,
24 although you're not supposed to ride on

1 sidewalks after a certain age. And I really
2 think at this point -- and I do have a bill
3 to expand testing to those who ride their
4 bikes for a living and use the roads daily.

5 So interested to know what you plan to
6 do to kind of help with this issue that's
7 getting a bit out of control.

8 DMV COMMISSIONER SCHROEDER: Yeah.
9 Assemblymember, thank you very much for your
10 observations and for your questions.

11 I received a briefing yesterday, it's
12 a briefing from our Governor's Traffic Safety
13 Committee, Associate Commissioner Chuck
14 DeWeese, who I think I'm going to have call

15 you just to give you all of the information

16 that we have in terms of what you're

17 concerned about and what he is concerned

18 about.

19 And also there is an upcoming summit,

20 it's called the Biden Buttigieg Call to

21 Action, and it's a national crisis that

22 you're referring to. And so there is a plan

23 that I was briefed on yesterday. My

24 understanding is that the commissioner will

1 be in New York City in April at the New York
2 Auto Show. I will be there, and I will talk
3 with him that we're all in on this and that
4 we want to be helpful to all of the concerns
5 that you've raised having to do especially
6 with pedestrians within your district in
7 Brooklyn.

8 ASSEMBLYWOMAN ZINERMAN: Well, I thank
9 you for that. I usually go to the Road Show
10 to figure out what car I like, but I'm glad
11 that I'll get some real work done this time
12 around. So thank you so much for that.
13 Send me the information or please have
14 them reach out to me.

15 DMV COMMISSIONER SCHROEDER: I will.

16 I will. Thank you, Assemblymember.

17 CHAIRWOMAN WEINSTEIN: Okay, back to

18 the Senate now.

19 CHAIRWOMAN KRUEGER: Thank you. We've

20 been joined or rejoined by Senator Savino.

21 SENATOR SAVINO: Thank you. Thank

22 you, Senator Krueger. I was in conference;

23 I'm coming back now.

24 Commissioner Schroeder, I just have a

1 question -- I'm not sure if anybody did ask
2 about it, but earlier this year there was an
3 in-depth report in the Times Union of Albany
4 about the situation where last year the
5 Department of Motor Vehicles allowed people
6 to take their online learner -- their
7 learner's permit online. And subsequent to
8 that, there would seem to be a bit of a
9 scandal where people were taking the test in
10 moments as opposed to the requisite
11 45 minutes it's supposed to take, and the
12 Inspector General then went on to find that
13 many of the people who were doing it were
14 taking it for the purpose of trying to access

15 the Green Light Law.

16 Can you tell us what's happened with

17 respect to that investigation and what we're

18 doing to make sure that that doesn't happen

19 again.

20 DMV COMMISSIONER SCHROEDER: Yeah,

21 thank you, Senator. Thank you for the

22 question.

23 And so we did implement the online

24 permit opportunity statewide, and so it has

1 been extremely successful. However, when you
2 do do something that's brand-new, there may
3 be bad guys out there trying to figure out a
4 way to scam the system and to try to hurt
5 vulnerable people. And so we have taken
6 every precaution possible. I have worked
7 with ITS, with Commissioner Riddick, with
8 Rajiv Rao, with DMV, in trying to figure out
9 ways to mitigate this.

10 One of the things that we've done,
11 Senator, recently is that we now have what is
12 called image capture, so that it takes -- so
13 we've had 428,000 people --

14 SENATOR SAVINO: I'm familiar with

15 that.

16 DMV COMMISSIONER SCHROEDER: Right?

17 And the image capture, it takes an average of

18 28 minutes to do this online permit test.

19 Within that 28 minutes, we are going to take

20 your photo four times -- in the beginning,

21 seven minutes in, then in the middle and then

22 at the end. We want to make sure that it's

23 you. And we are doing that successfully.

24 Also, in terms of the bad guys, who

1 may be like in Hoboken, we have figured out a
2 way to get their IP address, and we are doing
3 some geofencing to make sure that we're able
4 to figure out where they are, who they are,
5 and then we will work with the authorities to
6 make sure that it stops.

7 SENATOR SAVINO: Thank you.

8 And I only have a few seconds left. I
9 know it was also reported that several of
10 these bad guys were utilizing access to the
11 driver's licenses so that they could then
12 secure identification so they could apply for
13 the Excluded Workers' Fund when they were not
14 in fact New York State residents and

15 ineligible.

16 Has anything been done to recapture

17 that money or to go after those people who

18 exploited this fund that is so important to

19 people?

20 DMV COMMISSIONER SCHROEDER: Yeah,

21 Senator, I don't know the answer to that

22 question. I will ask, and I will get you

23 that information.

24 SENATOR SAVINO: Thank you. Thank

1 you.

2 DMV COMMISSIONER SCHROEDER: You're

3 welcome. You're welcome.

4 CHAIRWOMAN KRUEGER: Okay. I'm taking

5 over for the Assembly for a little bit, and I

6 see Jo Anne Simon's hand up. Are you there,

7 Jo Anne?

8 ASSEMBLYWOMAN SIMON: Yes, I am.

9 CHAIRWOMAN KRUEGER: Great.

10 ASSEMBLYWOMAN SIMON: Thank you.

11 You know, Commissioner, thank you very

12 much for your testimony and to all of your

13 workers for their hard work over the last two

14 years or so.

15 You know, some of these issues have
16 been addressed by some other questions. But,
17 you know, we have a Crash Victims Bill of
18 Rights that's a series of bills that would
19 help provide more safety for drivers as well
20 as for pedestrians and bicyclists, including
21 a prelicensing bill that Ms. Gallagher
22 mentioned. And I have one that would lower
23 the threshold for drunk driving to .5 percent
24 alcohol.

1 I'm curious, though, because the
2 New York Times, as you know, has talked about
3 this increase in fatalities across the
4 country as a result of COVID and the
5 anxieties that people have and their anger
6 responses, et cetera. I'm curious what if
7 anything your -- the DMV could do to help
8 both in terms of training as well as, you
9 know, assessing this when you, you know,
10 revise your driver's test, for example.

11 DMV COMMISSIONER SCHROEDER: Yeah,
12 thank you. So we have information through
13 the Governor's Traffic Safety Committee that
14 I'm the chair of, and that I will share that

15 information with you. Any bill that you have
16 that pertains to this, once you file it, I am
17 aware of it and our staff is aware of it. We
18 are aware of all of the bills that are in the
19 Assembly and the Senate of this year,
20 especially having to do with public safety.
21 We're most interested in it.
22 I actually carry with me,
23 Assemblymember, a list of all legislation
24 that has been enacted and that you expect us

1 to put it in place in 2022. We will.

2 And so I'm very interested in working

3 with you more on those things that you're

4 most concerned about, because I'm with you on

5 that.

6 ASSEMBLYWOMAN SIMON: Thank you. I

7 look forward to your responses. Thank you

8 very much.

9 DMV COMMISSIONER SCHROEDER: You're

10 welcome.

11 CHAIRWOMAN KRUEGER: Okay. Next up is

12 Assemblymember Bronson.

13 Harry, are you there? Yes, there you

14 are.

15 ASSEMBLYMAN BRONSON: I am here, just

16 give me a sec.

17 CHAIRWOMAN KRUEGER: Sure.

18 ASSEMBLYMAN BRONSON: All right. I

19 apologize for that, folks.

20 So Commissioner, I have two questions.

21 It relates to the CDL. And I know other

22 people have asked this question. But, you

23 know, where do we stand -- there's two

24 waivers that are out there that will help us

1 with the workforce shortage both for
2 commercial transportation drivers as well as
3 with the bus driver shortage.

4 And the first is with the veterans,
5 recognizing the military commercial driver's
6 license and allowing those folks to get into
7 jobs here locally. And as I understand, that
8 waiver exists and we need to do a better job
9 of marketing whether we work with the
10 veterans' services or others.

11 The second is in connection with the
12 school bus drivers and their requirement and
13 their test, to have a mechanical component of
14 that. And I understand there's an existing

15 waiver that expires in March, and there's

16 some hurdles in renewing that waiver.

17 Can you just tell us where we stand on

18 both of those issues?

19 DMV COMMISSIONER SCHROEDER: Yeah, I

20 can. Assemblymember, thank you. And thank

21 you especially for bringing up the military

22 waiver. And I agree with you, we need to do

23 a better job in marketing that.

24 And my commitment is that I have been

1 doing a series of videos and -- you know, on
2 Real ID, on transparency, on infrastructure
3 and things of that nature within DMV. I
4 would be quite willing to do a video on this.
5 Because quite frankly, DMV has had a
6 military CDL waiver program since 2012. And
7 so since the inception of that program, we've
8 had maybe over 2,000 military people be able
9 to go get that waiver and be able to get
10 their CDL. That amounts to about 250 people
11 per year. I think we can do better.
12 Plus I am interested in talking
13 with -- at West Point and other installations
14 across New York State to see how we can work

15 together. When I was in the Assembly I was
16 on the Veterans Committee, and so I will do
17 my best to backtrack and to find the right
18 people -- and I know, with your help, I'm
19 very interested in working on this
20 opportunity. So thank you for mentioning it.

21 The second issue that you mentioned is
22 sometimes to here as "under the hood." There
23 are certain things that truck -- that bus
24 drivers need to do that they really should

1 not be doing. They're not equipped to do it.

2 These are, again, federal requirements. We

3 are aware of it, and we know how to work

4 through it. And with your help and with help

5 from our federal representatives, we want to

6 see if we can begin to solve that.

7 That is something that I've heard

8 statewide, Assemblymember, and I'm interested

9 with DMV to do something about it.

10 THE MODERATOR: Pardon me, your time

11 is up.

12 ASSEMBLYMAN BRONSON: Thank you.

13 CHAIRWOMAN WEINSTEIN: Yes, thank you.

14 We're going to go now to

15 Assemblywoman Seawright.

16 ASSEMBLYWOMAN SEAWRIGHT: Sorry, I'm

17 just on a Banks -- let me kill that.

18 Thank you, Commissioner, for your

19 testimony.

20 My question is related to fraud and

21 identity theft, which is a big problem

22 especially for seniors in my district. What

23 needs to be done to keep our communities safe

24 from online threats related to cybersecurity,

1 especially because state agencies hold such
2 personal information? With people applying
3 for the Enhanced ID, especially for travel
4 and upgrading their driver's license, what
5 can be done to keep people safe in the cyber
6 world?

7 DMV COMMISSIONER SCHROEDER: Yeah.

8 Yup, thank you. Thank you so much for the
9 question.

10 And quite frankly, we have been
11 working very hard on this. I meet on a
12 regular basis with the CIO of ITS and also
13 Rajiv Rao and others. We have an
14 organization here called DFI -- and we also

15 are very, very concerned about what you've
16 mentioned, and we're trying to figure out
17 ways to set ourselves up for success, to be
18 able to prevent this from happening.

19 And so I will share with you some of
20 the information that we have, but it's
21 something that we're very interested in.
22 We're very aware of it. And we're doing the
23 best we can to mitigate it.

24 ASSEMBLYWOMAN SEAWRIGHT: Thank you.

1 DMV COMMISSIONER SCHROEDER: You're
2 welcome.

3 CHAIRWOMAN WEINSTEIN: And I believe
4 our final questioner, Assemblywoman Hunter.

5 ASSEMBLYWOMAN HUNTER: Hi, good
6 afternoon, Commissioner. Thank you for being
7 here.

8 Just a quick question relative to the
9 Driver's License Suspension Act that we
10 passed, and then there was a chapter
11 amendment for failure to pay, failure to
12 appear relative to fines and fees for
13 driver's license suspension.

14 So I wanted to know, since we passed

15 the original version of the law, how many
16 people have applied and received and approved
17 their payment plan, and also had their
18 license reinstated. And since the chapter
19 amendment obviously was passed and signed by
20 Governor Hochul, have you now received all
21 the guidance that you need in order to make
22 sure those people who have gotten a failure
23 to pay or appear/fine and fee -- excluding,
24 obviously, the folks with the drunk

1 driving -- have received everything that you
2 need in order to process their -- or
3 reinstate their suspended license and process
4 their payment plans.

5 Thank you.

6 DMV COMMISSIONER SCHROEDER: Yeah,
7 thank you, Assemblymember. I hope all is
8 well in Onondaga County. And the answer is
9 as you know, and thanks to you and your
10 colleagues, several bills were enacted in
11 2020 and 2021 and nearly eliminate the
12 license suspensions associated with failing
13 to pay traffic tickets, and allow a
14 suspension for failure to appear in traffic

15 court to be lifted and when someone is
16 awarded a payment plan, which must be offered
17 by traffic courts.

18 I don't have the specific numbers. I
19 heard you ask how many specifically. But I
20 will give you this answer. This reform has
21 been extremely successful. I will try to get
22 you specific numbers. I don't have them at
23 my fingertips.

24 But I did anticipate the question, and

1 this is what I mentioned before. These are
2 some of the laws that were enacted that I
3 watch very carefully and I ask questions of
4 the deputies and the senior managers here,
5 and we're all over this. And we're doing the
6 best we can to make sure it works as planned.

7 ASSEMBLYWOMAN HUNTER: Okay. I know
8 that many people have reached out and some of
9 them wanting to be part of the programming
10 couldn't because, obviously, they don't
11 qualify relative to things such as the drunk
12 driving.

13 But just wanted to make sure that that
14 whole failure to appear and people that get

15 their, you know, payment plan and reinstated

16 immediately their driver's license. So I

17 just wanted to make sure that that is

18 happening.

19 DMV COMMISSIONER SCHROEDER: Yeah,

20 it's working. Thank you for the question.

21 ASSEMBLYWOMAN HUNTER: Thank you.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Any other Senators?

24 CHAIRWOMAN KRUEGER: I think we have

1 completed our list.

2 CHAIRWOMAN WEINSTEIN: Okay, thank

3 you.

4 DMV Commissioner, Mark, nice to see

5 you today. I think there were a couple of

6 times you'll -- there may be some answers

7 that you'll be sending to Senator Krueger and

8 myself so we can circulate to the members.

9 And look forward to continuing to work with

10 you.

11 DMV COMMISSIONER SCHROEDER: Thank

12 you. Thank you very much for this

13 opportunity. I appreciate it very much.

14 CHAIRWOMAN KRUEGER: Thank you, Mark.

15 Take care.

16 CHAIRWOMAN WEINSTEIN: So we are

17 actually right on time to when we told Mark

18 Driscoll, the executive director of the

19 Thruway Authority, that we would be calling

20 upon him. He was in a meeting, so we just

21 have to -- just checking --

22 ASSEMBLYMAN MAGNARELLI: Matt

23 Driscoll.

24 CHAIRWOMAN WEINSTEIN: Do we have Matt

1 here?

2 ASSEMBLYMAN MAGNARELLI: Matt. Matt,

3 not Mark.

4 CHAIRWOMAN WEINSTEIN: Did I say Mark?

5 ASSEMBLYMAN MAGNARELLI: Yeah. That

6 was Mark before.

7 CHAIRWOMAN WEINSTEIN: That was Mark.

8 Now we have Matt.

9 ASSEMBLYMAN MAGNARELLI: Now we have

10 Matt, right.

11 CHAIRWOMAN WEINSTEIN: I think we're

12 just waiting to bring him into the -- Ashley,

13 are we bringing the Thruway Authority in?

14 Why don't -- I know he was at a

15 meeting. Why don't we take a two-minute
16 break. And if people stand and stretch their
17 legs while we get the --
18 (Overtalk.)
19 CHAIRWOMAN KRUEGER: -- very good.
20 CHAIRWOMAN WEINSTEIN: -- into the
21 thing.
22 (Brief recess taken.)
23 CHAIRWOMAN WEINSTEIN: We're back
24 after a short break with Thruway Authority

1 Executive Director Matthew Driscoll.

2 You have 10 minutes to make your

3 presentation. Then, as you know, there will

4 be questions from various members of the

5 Legislature. So the floor is yours.

6 EXECUTIVE DIRECTOR DRISCOLL: Well,

7 thank you. Good afternoon, everyone.

8 Chairs Krueger, Weinstein, Kennedy and

9 Magnarelli and distinguished members of the

10 Senate and Assembly fiscal and transportation

11 committees, thank you for inviting me to

12 speak today. My name is Matthew Driscoll. I

13 am the executive director of the New York

14 State Thruway Authority.

15 The Governor Thomas E. Dewey Thruway

16 is a 570-mile superhighway spanning New York

17 State, and is one of the longest toll systems

18 in the United States. Underscoring its

19 importance to the state, region and nation,

20 the Thruway serves as a vital link to

21 long-distance interstate travel and provides

22 the major route of access for visitors to our

23 state's tourism anchors. It is also a

24 principal artery of commerce and serves as a

1 primary catalyst of the state's economic
2 activity.

3 The Thruway Authority is operated and
4 maintained solely as a user-only fee system
5 and is not supported by any state or local
6 taxpayer funding.

7 The 2022 Thruway budget represents a
8 total financial commitment of \$1.1 billion.
9 It is a budget that is balanced; provides the
10 necessary resources to maintain the current
11 levels of maintenance, safety and service;
12 and maximizes funding for critical
13 infrastructure rehabilitation projects in the
14 authority's multiyear capital plan.

15 The authority has not been immune to
16 the unprecedented challenges from the
17 COVID-19 pandemic. However, we remain
18 steadfast in our commitment to our customers.

19 We have continued the high level of
20 maintenance, safety improvements, and
21 modernization projects that our customers
22 have come to expect.

23 In November of 2021 the Thruway
24 Authority completed, ahead of schedule, the

1 systemwide conversion to cashless tolling.

2 This conversion began in 2016 on the

3 then-Tappan Zee Bridge, followed by the

4 remaining fixed-price barriers in 2018.

5 During the peak activity of the project, a

6 workforce of more than 800 workers from

7 across the state performed work along the

8 I-87 and I-90 corridors, spanning

9 18 counties.

10 Since November of 2020, more than

11 400 million transactions have been

12 successfully recorded at Thruway cashless

13 tolling locations. Cashless tolling enables

14 motorists to travel the Thruway without

15 stopping to pay tolls. This is safer,
16 environmentally friendly, and a more
17 convenient way to pay for tolls. We continue
18 to provide education and marketing through a
19 multi-platform campaign to raise awareness
20 and promote E-ZPass usage.

21 Also in November of 2021, the
22 \$135 million Interstate 95 reconstruction
23 project in Westchester County was completed,
24 enhancing safety and traffic flow in this

1 very busy corridor. This project began in
2 2018 and focused on the final one-mile
3 stretch from Exit 22 to the Connecticut state
4 line, which serves more than 140,000
5 motorists each and every day.

6 In July of 2021, we began construction
7 on a \$450 million public-private partnership
8 to redevelop and modernize our 27 service
9 areas located across the Thruway. This
10 multiyear project will include new and
11 updated buildings, upgraded amenities,
12 healthier food and beverage options, improved
13 commercial trucking services and amenities,
14 and the installation of 120 electric vehicle

15 charging stations, creating an end-to-end

16 connection systemwide.

17 This project will enhance our

18 customers' traveling experience and is

19 entirely funded through this public-private

20 partnership, so no toll dollars or state tax

21 dollars are being used in this project.

22 Our work to modernize and maintain the

23 Thruway is only part of the equation for our

24 customers' experience. We are continually

1 focused on safety along the Thruway. On
2 October 6th of 2021, the authority held a
3 virtual public hearing regarding the creation
4 of a pilot program establishing automated
5 speed-violation monitoring systems in work
6 zones by means of photo devices. This
7 hearing allowed us to gather feedback
8 regarding the legislation passed by this
9 Legislature and signed into law by
10 Governor Hochul on September 6th of 2021. On
11 behalf of the men and women who work out on
12 our system, I want to publicly say thank you
13 all for your support for this important
14 initiative.

15 This year we have two proposals in the
16 Executive Budget for which we seek your
17 support. Both proposals will create
18 efficiencies for the authority and for our
19 contractors. Part F of the Transportation,
20 Economic Development and Environmental
21 Conservation Article VII bill authorizes the
22 authority to use electronic bidding for
23 public works contracts. This provision
24 updates the law to reflect current practices

1 for bid submissions while preserving the
2 ability to also still submit paper copies.
3 This provision has been granted to the
4 New York State Department of Transportation
5 and to the MTA.

6 The second proposal, TED Part G,
7 updates the value of procurement contracts to
8 \$50,000 up from \$15,000, conforming to
9 thresholds for discretionary purchases by
10 other state agencies such as the Department
11 of Transportation, and allows the Thruway
12 Authority to piggyback off contracts of other
13 governmental entities, as state agencies can
14 currently do.

15 Combining safety and technology, the
16 authority launched a pilot program
17 modernizing our operations using drones, in
18 partnership with the New York-based nonprofit
19 NUAIR. This initiative, at no cost to the
20 authority, has the potential to increase
21 efficiency and improve safety while lowering
22 costs for inspections of bridges, culverts,
23 and pavement, along with mapping, surveying
24 and countless other uses. The benefits of

1 drones include fewer lane closures during
2 inspections, which reduces impacts to
3 motorists; safety improvements for our
4 inspectors; and decreased inspection costs.

5 These accomplishments and more have
6 been possible because of the commitment of
7 the men and women of the Thruway Authority.

8 Their dedication and professionalism during
9 these most trying times has kept the Thruway
10 a safe and reliable system for all motorists,
11 and has been integral in allowing for the
12 continued movement of goods throughout the
13 state. Now, keep in mind that during the
14 lockdown of 2020 our staff came to work each

15 and every day to plow the roads and maintain
16 the system, keeping it open. Our employees
17 that work out on the roadway are the key to
18 our success, and they deserve to have a safe
19 work environment as much as any other
20 employee as well.

21 As part of that commitment, we
22 continue to promote awareness on the Move
23 Over Law and look forward to the day when we
24 can be back out interacting with motorists at

1 our service areas to talk about the

2 importance of that law.

3 In closing, please know that I remain

4 committed to keeping the Thruway the safest

5 and most convenient method of travel in the

6 state. Whether one is commuting to work,

7 visiting friends or family, enjoying the

8 recreational opportunities around our state,

9 or supporting the freight economy, the

10 Thruway will get you there.

11 So thank you for your time, and I'm

12 happy to answer any questions that you may

13 have.

14 CHAIRWOMAN WEINSTEIN: Thank you,

15 Director.

16 We are going to go to our

17 Transportation chair, Assemblyman Magnarelli.

18 ASSEMBLYWOMAN PAULIN: No, no. No, I

19 go first.

20 CHAIRWOMAN WEINSTEIN: Okay. We're

21 going to our --

22 ASSEMBLYWOMAN PAULIN: I believe.

23 CHAIRWOMAN WEINSTEIN: We will go to

24 Amy Paulin first, but remember, you need to

1 raise your hand, not do this (gesturing).

2 (Laughter.)

3 CHAIRWOMAN WEINSTEIN: Okay, our Chair

4 Amy Paulin of Corporations.

5 ASSEMBLYWOMAN PAULIN: Sorry about

6 that.

7 Hi, Matt. Thank you for testifying

8 and for being such a dedicated public

9 servant.

10 I have a few questions. First, the

11 impact the pandemic has had on toll revenues?

12 EXECUTIVE DIRECTOR DRISCOLL: Sure.

13 So we saw in 2020 a 17 percent reduction in

14 our toll revenues. I mean, obviously we took

15 quite a hit, but \$146 million at that point.

16 We still continue to feel the impacts of

17 that. It's projected that by early 2025,

18 that number will rise to about \$298 million.

19 ASSEMBLYWOMAN PAULIN: And are there

20 any toll increases currently under

21 consideration? And coupled with that, are

22 Thruway tolls lower or the same as or higher

23 than neighboring states? And when was the

24 last time tolls were increased systemwide?

1 So first, mostly people are going to
2 want to hear about pending increases.

3 EXECUTIVE DIRECTOR DRISCOLL: Yeah.

4 So there are no pending increases, you know,
5 on the table at this time. The Thruway
6 Authority has not had a toll increase on the
7 system in 12 years. There was, as you
8 recall, two toll increases on the bridge --
9 50 cents in 2021 and 50 cents that just took
10 effect this January of 2022.

11 ASSEMBLYWOMAN PAULIN: And do you know
12 how we compare to other states?

13 EXECUTIVE DIRECTOR DRISCOLL: We're
14 quite low. And I will -- you know, I want to

15 give credit to the Thruway staff here.

16 Everybody works very hard to ensure that we

17 do that. So, you know, we look at all the

18 tools that we have available to us to help

19 keep our tolls low. We're very competitive.

20 ASSEMBLYWOMAN PAULIN: And aside from

21 the project which I want to ask some more

22 specifics about, the 27 service areas, what

23 are some of the other capital projects

24 that -- the large ones that you're taking on

1 this year?

2 EXECUTIVE DIRECTOR DRISCOLL: Well, I

3 mean, we have a very robust, you know,

4 capital program. I mean, the Castleton

5 Bridge, which is just south here of Albany --

6 many of you may know where that is -- that's

7 quite a large project that we're undertaking,

8 about a \$40 million project.

9 But across the state, you know, we're

10 undertaking the renovation of a number of

11 bridges as well as long stretches of

12 pavement, in some cases down to the base.

13 So, you know, the roadway and the bridges are

14 our main focus. That is our system. We have

15 a pretty healthy capital program to meet

16 those needs.

17 ASSEMBLYWOMAN PAULIN: As far as the

18 27 service areas that are being renovated,

19 you said in your testimony that there would

20 be no state dollars but that, you know, it's

21 a public-private partnership. Exactly what

22 is the public component?

23 EXECUTIVE DIRECTOR DRISCOLL: So we

24 did a lease with Empire State Thruway

1 Partners. So we have entered into a 33-year
2 lease with them. And they are spending
3 \$450 million of their money to renovate and
4 maintain these facilities.

5 ASSEMBLYWOMAN PAULIN: So the cost is
6 just the lease, essentially? You're giving
7 them free space?

8 EXECUTIVE DIRECTOR DRISCOLL: It's not
9 free. They're paying rent as well.

10 ASSEMBLYWOMAN PAULIN: No, no, I get
11 it. I get -- yeah.

12 EXECUTIVE DIRECTOR DRISCOLL: No,
13 we're not spending any toll money, no toll
14 revenues. And of course as you know, we

15 don't get any appropriations from the State
16 of New York, and certainly no local taxpayer
17 money as well.

18 ASSEMBLYWOMAN PAULIN: The charging
19 stations, it's a -- you said 120. How much
20 is that per place?

21 EXECUTIVE DIRECTOR DRISCOLL: Well,
22 you know, they sum -- well, I'm not going to
23 do the math quickly in my head. But I can
24 tell you that by the end of 2025 when the

1 project will be complete, there will be
2 120 EV stations. And that coincides with the
3 40 that we already have in place. So there
4 will be a total of 160 Level 2 and Level 3
5 charging facilities across the system.

6 ASSEMBLYWOMAN PAULIN: And has the
7 Thruway looked into the potential for
8 installing solar panels along its
9 right-of-way or on any lands or facilities
10 owned by the authority?

11 EXECUTIVE DIRECTOR DRISCOLL: Yeah,
12 that's a great question. Well, we have, and
13 we have done that. We've done that down near
14 Harriman. We actually are looking at I think

15 seven sites right now that we're working with

16 NYPA to go ahead and build those out for

17 solar as well.

18 We're also looking at as, you know, we

19 modernize our facility locations, how we're

20 going to be utilizing solar as a way to, you

21 know, reduce costs there as well.

22 ASSEMBLYWOMAN PAULIN: The operational

23 savings, how much did you achieve by the

24 conversion to cashless tolling?

1 EXECUTIVE DIRECTOR DRISCOLL: Well, we
2 really didn't -- I would frame it -- it was
3 just really a shifting of resources. Because
4 we're not really saving money, because we had
5 to add numerous gantry sites. And those are
6 supported, of course, with the contracts that
7 we have both from the processing side as well
8 as the imaging side. So I'd say it's pretty
9 much a wash.

10 But certainly in the long run it will
11 be more efficient for us as well.

12 ASSEMBLYWOMAN PAULIN: The toll on the
13 Mario Cuomo Bridge has recently increased a
14 dollar over two years. Will this toll

15 increase be sufficient to pay for the

16 construction, or will an additional toll

17 increase be necessary to pay for that?

18 EXECUTIVE DIRECTOR DRISCOLL: So, you

19 know, as we speak, we're able to, you know,

20 continue meeting those obligations there and

21 across our system.

22 And so I will also emphasize that the

23 tolls have remained the same for Westchester

24 and Rockland County residents. So, you know,

1 that's part of the, you know, math that we'll
2 do going forward. But that's not something
3 that, you know, has any concern from us at
4 this time.

5 ASSEMBLYWOMAN PAULIN: In 2020 the
6 New York State Bridge Authority and the
7 Thruway Authority were authorized to enter
8 into a coordination agreement. Has this
9 taken place? And if so, what's the nature of
10 the agreement and for what purpose was it
11 entered into? And were there savings or
12 efficiencies as a result?

13 EXECUTIVE DIRECTOR DRISCOLL: Yes, so
14 that legislation was passed by you all. We

15 began, you know, working with the Bridge

16 Authority right away. But yes, it has been

17 completed in terms of the legislation.

18 We've been working with them in a

19 number of areas to include, well, we've been

20 helping them with their conversion to

21 cashless tolling. So we've been doing that.

22 We've been helping them with their HR side of

23 things. We've also taken over their legal

24 duties, which was a big expense to them.

1 So we continue to work with them.

2 I've met with the new director of the

3 Bridge Authority, and we're both committed to

4 continuing working forward, as we have been

5 doing that with good results.

6 ASSEMBLYWOMAN PAULIN: And finally, in

7 that line of questioning -- and then I want

8 to jump to toll enforcement -- the Tappan Zee

9 Constructors sued the Thruway Authority for

10 \$900 million. I just wondered the status of

11 the dispute. And would toll prices then be

12 impacted by a ruling against the Thruway?

13 EXECUTIVE DIRECTOR DRISCOLL: Well,

14 let me just -- well, I'll answer the first

15 part first, which is I'm not going to

16 speculate on what a final outcome may be

17 because we don't know that.

18 But, you know, while the cashless

19 tollers -- or TZC initially filed a suit,

20 they withdrew that suit. So there is no

21 lawsuit.

22 But what we are in is a dispute

23 resolution. And that was embedded in the

24 original contract back in 2012 afforded both

1 the consortium of TZC as well as the Thruway.

2 And that spells out a process that we are

3 engaged in at this time. And so we're

4 working forward through the dispute

5 resolution as we speak.

6 ASSEMBLYWOMAN PAULIN: Jumping to toll

7 enforcement, you know, the executive proposal

8 includes legislation that would make all toll

9 violations a Class A misdemeanor and would

10 make it a violation with a fine of up to \$500

11 to drive on a toll road with an obscured

12 license plate.

13 What -- you know, why have you found

14 that elevation to a Class A misdemeanor

15 necessary?

16 EXECUTIVE DIRECTOR DRISCOLL: Well, I

17 haven't proposed that.

18 But that said, that people who distort

19 their plates or others frankly are breaking

20 the law, and that is not fair to the large

21 majority of people who do pay their tolls and

22 pay them on time. So I think that's an

23 important distinction.

24 ASSEMBLYWOMAN PAULIN: Have the

1 Thruway Authority and MTA worked to align
 2 their procedures for toll violations to
 3 reduce confusion? And is it primarily the
 4 MTA you're suggesting that needs the
 5 misdemeanor Class A to deal with their
 6 issues --

7 EXECUTIVE DIRECTOR DRISCOLL: No, I'm
 8 suggest -- yeah, sorry --

9 ASSEMBLYWOMAN PAULIN: No, go ahead.

10 EXECUTIVE DIRECTOR DRISCOLL: No, I'm
 11 suggesting anytime anybody is circumventing
 12 the law, that they should be held
 13 accountable. And in this case, if they're
 14 doing with a distorted plate, they should be

15 held accountable. Because as I say, the vast
16 majority of people, you know, pay their tolls
17 in a responsible manner.

18 ASSEMBLYWOMAN PAULIN: So, you know, I
19 know that we've worked together to change the
20 colors of the envelopes to make it better for
21 people so that they don't get to Stage 2,
22 Stage 3, Stage 4 and then have problems with
23 increased fines and so forth.

24 How is that all working? I mean, have

1 you -- are there a lot of people who are

2 still at that very last stage, compared to

3 what we saw in the beginning?

4 EXECUTIVE DIRECTOR DRISCOLL: I think

5 it's important, Amy, here that we go back a

6 little bit in history and we remember when

7 the first conversion took place at the Tappan

8 Zee Bridge back then. We all discovered that

9 it was really an educational process for

10 people. That was the first iteration of

11 cashless tolling as we knew it.

12 I can tell you over time that people

13 are far more educated on the process now.

14 You mentioned the envelope and the bill that

15 we all went back and forth on and improved --

16 THE MODERATOR: Pardon me, but your

17 time is up.

18 EXECUTIVE DIRECTOR DRISCOLL: And it's

19 working well.

20 CHAIRWOMAN WEINSTEIN: We go to the

21 Senate.

22 CHAIRWOMAN KRUEGER: Thank you.

23 We are now going to Leroy Comrie, the

24 chair of the Authorities Committee.

1 SENATOR COMRIE: Thank you,

2 Madam Chair.

3 Good afternoon.

4 EXECUTIVE DIRECTOR DRISCOLL: Good

5 afternoon.

6 SENATOR COMRIE: I have a couple of

7 questions. I'll follow up where

8 Assemblymember Paulin was finishing regarding

9 the collection of tolls and how customers are

10 being treated between the Thruway Authority

11 and the MTA.

12 EXECUTIVE DIRECTOR DRISCOLL: Well, I

13 can't speak for the MTA. I can only speak

14 for the Thruway Authority.

15 You know, look, we've got not only our
16 vendor, who handles a center, a call center,
17 if you will -- we also, here at the Thruway,
18 have a call center and a tollpayer advocate.
19 And in fact that particular individual has
20 handled over 2600 transactions. But we make
21 it a priority that when we get a complaint,
22 we make it a priority to act on it.
23 Look, I think that over time this has
24 continued to get better. People are being --

1 certainly have become more educated on the
2 importance of having E-ZPass. We've made --
3 as I was explaining to Amy, is that the bill
4 is very clear and legible now and there's
5 less confusion on the bill by the changes
6 that were made. And much more identifiable.
7 So we're seeing better compliance.

8 SENATOR COMRIE: You only have one
9 advocate for the entire state? Because the
10 MTA --

11 EXECUTIVE DIRECTOR DRISCOLL: No, no,
12 sir, we don't have anything to do with the
13 MTA. I am not the MTA.

14 SENATOR COMRIE: But you said you had

15 one advocate for the entire state?

16 EXECUTIVE DIRECTOR DRISCOLL: I have

17 one -- I have a tollpayer advocate who is the

18 person dedicated to that position who also

19 takes complaints but also helps us work

20 through how we can create systems that work

21 better. But we have nothing to do with the

22 MTA.

23 SENATOR COMRIE: I understand that.

24 But what I was asking you is that you only

1 have one for the entire state. Is it a unit

2 that he is in charge of, or is it just him?

3 EXECUTIVE DIRECTOR DRISCOLL: It's a

4 tollpayer advocate position, but we have

5 several hundred people who work in the call

6 centers and we have dozens of people who work

7 here in this facility in the same function.

8 So they're just -- they're different roles.

9 SENATOR COMRIE: To try to ameliorate.

10 So how many cases have they given the

11 consumers a full refund when the consumer's

12 credit card wasn't kept up-to-date and they

13 wound up paying fees and fines for over a

14 month because they didn't know that their

15 credit card had changed or --

16 EXECUTIVE DIRECTOR DRISCOLL: Well, if

17 their credit card has expired, we can't draw

18 from it.

19 SENATOR COMRIE: Right.

20 EXECUTIVE DIRECTOR DRISCOLL: So we're

21 not collecting anything.

22 SENATOR COMRIE: Correct.

23 EXECUTIVE DIRECTOR DRISCOLL: That

24 customer is notified that their card -- and

1 many times people don't even realize that
2 their card has expired. They either choose
3 to get a new card or get their card, you
4 know, up to speed, or we bill them.

5 SENATOR COMRIE: Is there any type of
6 amnesty for people that can prove that they
7 have produced a new card within a 30-day
8 period? Because we're getting complaints
9 from people that did not know within the
10 30-day period because of the billing cycle,
11 and they wind up paying thousands of dollars
12 in fines and fees.

13 Is there an amnesty developed for
14 people that have that situation?

15 EXECUTIVE DIRECTOR DRISCOLL: We're
16 not doing an amnesty. What we do is a couple
17 of different things. We provide them a
18 mobile alert so they get notification, you
19 know, by their mobile phone.
20 We do send them in the mail, to their
21 registered address -- which as you know, by
22 law, people are required to have. And we
23 call them -- or largely, they will call us
24 when they find out that they've gotten a

1 bill.

2 And yes, to your answer, we do work
3 with everybody to help them through this
4 process.

5 SENATOR COMRIE: I would suggest
6 there's some type of amnesty process.

7 Because yeah, working people that are
8 normally commuting from 5 o'clock in the
9 morning to try to get to their jobs, they're
10 not thinking about their bills, they
11 hopefully have it on automatic payment. Then
12 they wind up a month later with fees and
13 fines of over \$5,000. And it's a real kicker
14 to somebody, because most people don't have

15 that kind of money.

16 So I would hope that we develop a

17 system to be a little more tolerant of these

18 people because, you know, we want people to

19 take the roads and then we bang them out with

20 exorbitant fees because they made a mistake

21 during that period -- I think there should be

22 some waivers given to them.

23 The second question. On the Thruway

24 alterations, how were the vendors picked for

1 the Thruway alter -- alternate --

2 alterations -- hmm. My throat is dry. How

3 were the vendors picked for the Thruway

4 alterations?

5 EXECUTIVE DIRECTOR DRISCOLL: So for

6 the service plazas, you mean?

7 SENATOR COMRIE: Yes.

8 EXECUTIVE DIRECTOR DRISCOLL: Yes. So

9 as I stated, we have -- a contract award was

10 made to Empire State Thruway Partners,

11 they're a consortium --

12 SENATOR COMRIE: Is that a private

13 group or that's a --

14 EXECUTIVE DIRECTOR DRISCOLL: It's a

15 private group with private funding, private

16 money. And that gave them the express

17 authority to select the vendors in the

18 facilities across the state.

19 You know, they're experts in this line

20 of work. We don't really run a restaurant.

21 So they know, you know, the -- they know

22 what's most desirable to consumers across the

23 state and nation.

24 SENATOR COMRIE: Yeah, but they also

1 didn't realize that this is New York State
2 and that New York State has a major issue
3 with Chick-fil-A, which is one of the vendors
4 that they're planning on putting in some of
5 these stations. And there's been a lot of
6 feedback and pushback about using a vendor
7 that has a history of non-support for
8 New York State residents and, you know,
9 non-support for the most of the causes that
10 most New Yorkers espouse.

11 So I would hope that they take a hard
12 look at that. And, you know, how can we have
13 some interjection to apprise them that they
14 need to rethink about their vendors that

15 they're putting in there to make sure that

16 those are vendors that are beneficial and

17 supportive of New York State policies.

18 EXECUTIVE DIRECTOR DRISCOLL: Well, so

19 as I said, they have an exclusive 33-year

20 lease with us. They pick the vendors at

21 these locations throughout. As part of that

22 lease agreement, the requirement is that they

23 follow the Human Rights Law and the Executive

24 Order here in New York State. And by way of

1 separate cover, each of the vendors, all of
2 the vendors were required to sign an
3 attestation to that very law as well.

4 So again, Empire State Thruway
5 Partners has the express authority to enter
6 into these agreements.

7 SENATOR COMRIE: I think that we need
8 to take a look at the role of the state in
9 overseeing that. Because we're very
10 concerned about some of the vendors that are
11 going into these locations. They should be
12 vendors that are supportive of New York State
13 policies. And the fact that they've already
14 picked two vendors that people have problems

15 with -- I'm sure that you've gotten letters

16 on it -- is a real problem.

17 EXECUTIVE DIRECTOR DRISCOLL: Well,

18 you know, quite frankly I've gotten letters

19 for and against. I'd say it's about equal.

20 You know, I think all of us agree, you

21 know, one thing we don't want to do is take

22 away anybody's freedom of choice. So if

23 people don't want to support Chick-fil-A,

24 they certainly could go to Panera, Shake

1 Shack, Panda Express, Dunkin' Donuts -- you
2 know, the list goes on. There's a number of
3 different opportunities at each of these
4 locations. People, you know, can choose to
5 go where they want.

6 SENATOR COMRIE: I still think that we
7 need to make sure that the businesses we put
8 in New York State are businesses that are
9 state-friendly.

10 I see that the -- I would hope that
11 the owners take that into -- people that
12 hold -- the master leaseholder for you said
13 how long? Thirty-three years?

14 EXECUTIVE DIRECTOR DRISCOLL:

15 Thirty-three years. They're spending

16 \$450 million.

17 SENATOR COMRIE: Mm-hmm. Well, they

18 expect to make ten times that much. I don't

19 think that --

20 EXECUTIVE DIRECTOR DRISCOLL: We're

21 not spending any.

22 SENATOR COMRIE: Right. Well, I think

23 they expect to make ten times that --

24 EXECUTIVE DIRECTOR DRISCOLL: Well,

1 point taken.

2 SENATOR COMRIE: Just a last question

3 on broadband and broadband access upstate.

4 How are you tying into DOT to create

5 opportunities for them to run their broadband

6 lines into your system? And what have you

7 done to -- you said you picked nine other

8 locations for solar. Are any of those

9 locations upstate that you're picking for

10 solar?

11 EXECUTIVE DIRECTOR DRISCOLL: The

12 majority --

13 SENATOR COMRIE: And do you have any

14 within the Long Island area, the solar

15 installation?

16 EXECUTIVE DIRECTOR DRISCOLL: The

17 Thruway does not -- the Thruway does not go

18 to Long Island. You know, it ends -- it ends

19 at basically the city line.

20 But the solar arrays that I

21 described are largely upstate. They

22 actually -- we have some, as I mentioned,

23 down in Harriman. So we're looking, you

24 know, from the Lower Mid-Hudson region all

1 the way west to Buffalo to do these

2 installations.

3 SENATOR COMRIE: Okay. And are you

4 working with DOT to tie in so that they could

5 tap your broadband into the roadway projects

6 that they're doing, to increase broadband

7 opportunities upstate?

8 EXECUTIVE DIRECTOR DRISCOLL: Well, I

9 think the Thruway is uniquely positioned to

10 assist in that. We're not, you know --

11 again, we're a separate entity than DOT. We

12 do have a fiber optic line that I believe can

13 help support, be a backbone for that.

14 SENATOR COMRIE: I would hope that you

15 do tie into DOT so that they could do more
16 rural expansion of broadband upstate wherever
17 possible. You know, I would hope that that
18 agreement could be set up this year because
19 many upstate areas are still woefully behind
20 in broadband. And I know that you have
21 high-speed broadband throughout your network,
22 and sharing it would be something beneficial
23 for upstate homeowners.

24 Thank you. Thank you, Madam Chair.

1 CHAIRWOMAN KRUEGER: Okay, thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: We go to our

4 Transportation chair, Assemblyman Magnarelli,

5 10 minutes.

6 ASSEMBLYMAN MAGNARELLI: I don't think

7 I'm going to use my whole 10 minutes.

8 Commissioner, it's good to see you --

9 EXECUTIVE DIRECTOR DRISCOLL: Good to

10 see you.

11 ASSEMBLYMAN MAGNARELLI: -- as always.

12 It's good to see you.

13 And I want to start off by saying

14 thank you for the time you've given me,

15 especially over the past year, on a number of
16 different issues. And my first question has
17 to do with one of the bridges that's
18 important to me, in Baldwinsville. Is that
19 going to be something that's going to be
20 started relatively soon, or is it in the
21 works?

22 EXECUTIVE DIRECTOR DRISCOLL: Yes,
23 it's in the works. Actually it began in the
24 works, you know, in the fall of last year.

1 You will see activity there, you know, as the

2 weather permits this spring. So yes.

3 ASSEMBLYMAN MAGNARELLI: Can't ask for

4 more than that.

5 Couple of other questions -- they're

6 parochial, they're not statewide issues.

7 Well, this one isn't. Looking forward, I

8 guess to what's going to happen with Route 81

9 in downtown Syracuse. Many people have come

10 to me over and over and over again saying,

11 Can we use the Thruway as a means of getting,

12 you know, around some of that construction?

13 And can we get a toll pass during that period

14 of time?

15 And I know we have talked about this

16 is in the past. But I also think that there

17 has to be a way -- now, all I'm asking you to

18 do is let's think of a way to allow for that

19 pass. There must be something we can do. I

20 know that in the Buffalo area, in years past,

21 they did away with tolls that went into the

22 City of Buffalo. There was a transaction

23 that had to take place to make that happen.

24 I'm just asking if we can look at

1 something like that again, at least for the
2 period of time in which we're going to have
3 that major construction that's going to be so
4 disruptive to that area in Syracuse. And
5 obviously, as being mayor of Syracuse for
6 eight years or more than eight years, you
7 know what I'm talking about.

8 EXECUTIVE DIRECTOR DRISCOLL: I do.

9 ASSEMBLYMAN MAGNARELLI: Well, can we
10 look into this? That's the question.

11 EXECUTIVE DIRECTOR DRISCOLL: So let
12 me -- just a couple of things, if I may. You
13 know, as I stated in the beginning -- and you
14 and I have discussed -- you know, our only

15 sole revenue that we have here at the Thruway

16 Authority, the only dollars we get are our

17 toll revenues.

18 The second piece related to that is

19 the bond issuances that we've done, those

20 bonds are purchased by investors. And those

21 investors are buying those bonds based on the

22 revenues, you know, that are built in.

23 And so the covenants, we have to be

24 very careful about breaking those covenants

1 because we would be liable, we would be --

2 (Overtalk.)

3 EXECUTIVE DIRECTOR DRISCOLL: You

4 mentioned I think it was 16 years ago in 2006

5 the City of Buffalo -- and yes, there was an

6 arrangement made, \$14 million was paid to

7 protect those covenants through the life of

8 that bond. And then I-84 was removed from

9 the Thruway, and that was about \$14 million

10 to \$15 million back then in costs on an

11 annual basis.

12 So, you know, I think those are two

13 important distinctions. Look, I want to be

14 honest with you because I always am, as you

15 know --

16 ASSEMBLYMAN MAGNARELLI: Yeah.

17 EXECUTIVE DIRECTOR DRISCOLL: And my

18 opinion is that's not something we should do

19 because, again, we have a very -- you know,

20 we have one line of revenue and it's our

21 tolls. And honestly, we can take a toll and

22 we can fund that, we finance that over

23 30 years in many cases. And so even if it's

24 a 10-cent toll or a 15-cent toll or a dollar

1 toll, you know, that translates into monies

2 that we use to support our capital plan, like

3 the {inaudible} Street Bridge.

4 ASSEMBLYMAN MAGNARELLI: It won't be

5 the first time you and I have disagreed, but

6 we still stay friends. So I think we'll --

7 EXECUTIVE DIRECTOR DRISCOLL: Always

8 friends.

9 ASSEMBLYMAN MAGNARELLI: We're always

10 going to be friends.

11 And the other part of this, though, is

12 I think if we put our heads together, there's

13 ways of doing that and monetizing the amounts

14 that are needed to make the Thruway whole and

15 the bondholders whole as well. I'm not
16 looking to break any covenants or destroy the
17 Thruway Authority in any way.

18 But I believe that there are ways that
19 we should be looking at, because this is
20 going to be very tough on the City of
21 Syracuse for a certain period of time. It's
22 not going to be forever, as the Buffalo
23 situation is forever. That was done. It's
24 not going to go back. Here, I'm not

1 suggesting that it would be forever. So

2 there are a couple of distinctions that I

3 hope we'll be able to work on.

4 The last thing I just wanted to talk

5 to you about is, you know, you're talking

6 about 120 charging stations on the Thruway.

7 With 40 already in place, that's 160. I've

8 had a number of hearings, one specifically on

9 electric vehicles, and what's coming back to

10 me is that this -- I'm not saying it isn't a

11 good start or you're not doing the right

12 thing or anything like that. I'm just saying

13 it doesn't seem -- it won't be enough at some

14 point in time.

15 So what is the plan after this? Are
16 there talks among the Thruway, the DOT -- you
17 know, all of New York State -- how are we
18 going to build out this system of charging
19 stations?

20 EXECUTIVE DIRECTOR DRISCOLL: Yup.
21 Okay, and that's a good question and a fair
22 point.

23 We think it will be enough for now.
24 We think it will be enough for now. Because

1 the average electric vehicle, depending on
2 the kind of electric vehicle that you may
3 purchase, can go anywhere on a full charge
4 from 200 to 300 miles.

5 That said, as part of, you know, this
6 lease agreement, Empire State Partners is
7 also responsible for -- if capacity
8 increases, there's more vehicles out, they
9 will install additional charging units at
10 these locations. So we think it is enough,
11 certainly for the next few years. But as I
12 said, Empire State Thruway Partners is also
13 required and wants to build out the system as
14 well. It's a big part of their business

15 model that they do in Europe and they also

16 want to do here in the U.S.

17 ASSEMBLYMAN MAGNARELLI: Well, as long

18 as we keep our eye on that one, because I

19 think it's going to be something that's going

20 to get bigger and bigger as we go along.

21 EXECUTIVE DIRECTOR DRISCOLL: Yeah,

22 and we will -- be assured, we will keep our

23 eye on that. You know, we are big

24 supporters, you know, of moving to a more

1 environmentally friendly transportation

2 system, and so we will absolutely keep our

3 eye on that as well.

4 ASSEMBLYMAN MAGNARELLI: All right. I

5 thank you for your time.

6 EXECUTIVE DIRECTOR DRISCOLL: Thank

7 you, and I'll be in touch. Thank you.

8 ASSEMBLYMAN MAGNARELLI: Thank you,

9 Madam Chair.

10 CHAIRWOMAN WEINSTEIN: Back to the

11 Senate.

12 CHAIRWOMAN KRUEGER: Thank you.

13 And we now are joined by our chair of

14 the Transportation Committee, Tim Kennedy.

15 SENATOR KENNEDY: Thank you very much,

16 Chairwoman.

17 And Director Driscoll, good to see you

18 again. Good afternoon.

19 EXECUTIVE DIRECTOR DRISCOLL: Good to

20 see you, Senator.

21 SENATOR KENNEDY: Welcome back.

22 First of all, thank you for your

23 partnership and your leadership. Whenever we

24 reach out, you're extremely responsive and

1 you jump into action.

2 There's a number of issues I want to

3 get to here, so I'll get right to it.

4 Speaking of federal infrastructure funds, you

5 know, we're celebrating the infusion of

6 federal dollars coming into the State of

7 New York for projects outside of the toll

8 system, including the I-190. Obviously, you

9 know, except for the Grand Island bridges,

10 the I-90 from Williamsville to Lackawanna,

11 the area we're looking to reconstruct around

12 the 33/290/90 interchange.

13 Is the Thruway positioned, either

14 through the Department of Budget or in

15 conjunction with the Department of

16 Transportation, to receive any of these

17 federal funds if appropriated?

18 EXECUTIVE DIRECTOR DRISCOLL: So I

19 think it's important to state we do not

20 receive any federal funding, as we don't

21 receive state or local taxpayer funding. So

22 we don't get federal funding.

23 I have made a request to have that

24 conversation. But, you know, we do not have

1 an answer. But we will continue to work with
2 DOB on that.

3 SENATOR KENNEDY: Yeah, what can we
4 do -- and this is really getting to my
5 question, because I do understand that. You
6 can't put federal funds into tolled roads
7 with this massive infusion.

8 What can we do, especially in this
9 moment, to ensure that federal funds flow to
10 eligible Thruway areas? Because there's a
11 great need out there, as you know.

12 EXECUTIVE DIRECTOR DRISCOLL: Yeah.

13 Oh, sure. And look, I think that's a
14 conversation between, you know, the

15 Legislature and the Executive.

16 SENATOR KENNEDY: Okay. Back to

17 Thruway rest stops. When will these finally

18 be completed?

19 EXECUTIVE DIRECTOR DRISCOLL: They

20 will be completed by the end of 2025. There

21 are 27 of them, right? You've probably

22 noticed there are 10 underway right now; I'm

23 sure you've seen that in your travels, you

24 know, here to Albany.

1 So it's being done in phases. And no
2 two consecutive are taken down, so that we
3 can ensure that, you know, travelers have a
4 place to stop in.

5 SENATOR KENNEDY: Right. And getting
6 back to what some of my colleagues have
7 mentioned already is the issues at those rest
8 stops. In 2021 there were blind vendors that
9 filed a complaint against the authority and
10 the State Commission for the Blind not
11 requiring each service area to contain at
12 least one vending machine operated by a blind
13 vendor. So how has the authority responded
14 to that complaint?

15 EXECUTIVE DIRECTOR DRISCOLL: Well, I
16 think it's important to back up a little bit
17 because this is a conversation that I have
18 been engaged in with the blind vendors, and
19 it predates, you know, the service plazas.
20 We've worked with the blind vendors at
21 existing facilities -- and looking for new
22 opportunities here in this building, you
23 know, as an example of what we've done to
24 help support them.

1 I can report to you that by way of
2 introduction, we have introduced them with
3 the Empire State Thruway Partners. They are
4 having positive conversations. In fact, I'm
5 being told that they have an arrangement that
6 will allow for participation from the Blind
7 Vendors Association. So I think right now
8 everybody's happy.

9 SENATOR KENNEDY: That's excellent.
10 Obviously you know the Governor yesterday put
11 in place the first chief disability officer
12 in the state, and hopefully with the
13 commitment to hire individuals with
14 disabilities and those that are blind more

15 into New York State, into the employment

16 opportunities that exist, it will be a great

17 relationship there.

18 So I appreciate your leadership on

19 that. We want to make sure that we're doing

20 our part.

21 Staffing levels. There's vacancies

22 within the department, your department.

23 What's causing the high vacancy rate?

24 EXECUTIVE DIRECTOR DRISCOLL: Well, I

1 don't know that it's a high vacancy rate.

2 But I think there was a reduction in force

3 that took place, I want to say, back in 2012

4 or '13. We've never fully recovered from

5 that.

6 And by the way, I have to say again,

7 you know, that again, our sole source of

8 revenue is tolls.

9 But that said, what have we done to

10 address that? And we do continue to hire, I

11 don't want to mislead you. But some of the

12 things that we've done here is consolidate

13 functions internally, creating better

14 efficiencies. You know, helping kind of

15 support cross-training opportunities.

16 We -- candidly -- are not down in

17 positions out on the roadway where we have

18 our Thruway maintenance workers who are

19 doing, you know, the plowing that you see

20 here during the summer and in the winter

21 months. We have about a 4 percent vacancy

22 rate. That's really good.

23 And then, look, the obvious is -- and

24 I think all of us know this -- you know,

1 there's a labor shortage. People -- there
2 just are people that, for whatever reason,
3 don't want to return to work. So this is
4 something that's impacted us. I know it's
5 impacted the private sector. It impacts
6 other state agencies. So there's kind of
7 this whole, you know, cycle of challenges
8 when it comes to these positions.

9 SENATOR KENNEDY: Yeah, understood.

10 And, you know, that's fair. What I would
11 say, just to quantify my line of questioning
12 when I said a high vacancy rate, the 2022
13 budget document showed that the 2020-2022
14 department reflected roughly half of the

15 authority's budgeted positions being vacant.

16 I consider that high, but --

17 (Overtalk.)

18 EXECUTIVE DIRECTOR DRISCOLL: I'll get

19 clarification on that. I don't think that's

20 accurate.

21 SENATOR KENNEDY: Okay.

22 EXECUTIVE DIRECTOR DRISCOLL: You

23 know, and if you look at it --

24 SENATOR KENNEDY: Listen, you answered

1 it. It's fair, we'll move on. And listen, I
2 recognize that there's a shortage and
3 whatnot. We want to help you to get that
4 message out there, though, as well, and fill
5 these positions and make sure that you have
6 all the resources necessary to carry out your
7 work and that of your department.

8 I want to switch over to Tolls by
9 Mail. You know, I know we already touched on
10 E-ZPass a number of times in the conversation
11 already. But have you seen a rise in
12 ownership rates for E-ZPass in the wake of
13 cashless tolling?

14 EXECUTIVE DIRECTOR DRISCOLL: Yes.

15 It's growing every year. And again, I'll go
16 back to 2016, you know, at the Tappan Zee
17 Bridge. That was, you know, a real education
18 process for people.

19 We spend time and effort and resources
20 every year. We have a pretty robust
21 marketing program here. In fact, at the end
22 of last year we identified -- and we used
23 data to help make these kind of site-specific
24 decisions. We identified Niagara County,

1 Erie County and Monroe County as targets
2 where we want to focus on, you know, getting
3 people to buy more E-ZPass tags.

4 But to answer your question, yes,
5 they've been increasing. We have a
6 penetration rate of about 86 percent
7 statewide. And that's up. So it's moving in
8 the right direction. We've got another
9 robust program that our press folks here will
10 be rolling out, you know, this spring.

11 SENATOR KENNEDY: Great. And then has
12 the implementation of cashless tolling raised
13 the upstate E-ZPass numbers as well?

14 EXECUTIVE DIRECTOR DRISCOLL: Yeah. I

15 mean, it was always larger in downstate

16 because of the proximity to New York City,

17 MTA, Port Authority. We are seeing the

18 numbers come up.

19 And again, I think it's one of these

20 things where, you know, we're going to have

21 to continually educate the public on the

22 benefits of having an E-ZPass. And then

23 there will always be, probably, a percentage

24 of people that don't. You know? For

1 whatever reason. People may want to do Toll
2 by Mail.

3 We also -- part of our education is
4 that we have multiple plans for the people
5 who may only use the Thruway a couple of
6 times a year, that they can enter into here.
7 So really trying to make it easy for
8 everybody to travel the Thruway. But clearly
9 we'd love to have everybody have an E-ZPass.

10 SENATOR KENNEDY: Right. And as far
11 as unrecovered toll rates since the
12 transition of cashless tolling statewide --
13 can you talk about that?

14 EXECUTIVE DIRECTOR DRISCOLL: Well,

15 look. First of all, there's been a little
16 bit of a -- you know, COVID impacted all of
17 us, right? People out of work, you know, all
18 of that.

19 But -- so I mentioned the 400 million
20 transactions in my testimony. And so we've
21 got -- since 2020, we've got 400 million, you
22 know, booked transactions. Of that number,
23 about 95 percent we collect, and we collect
24 in a timely fashion. Now, the remaining

1 5 percent is always in flux.

2 What do I mean by that? We may send

3 somebody a bill -- first of all, a Toll by

4 Mail person, you know, may have driven

5 through here last week and will pay that bill

6 on their own. Or we may have to send them a

7 letter. They may not pay that. We may have

8 to send them a second letter. They may pay

9 that. And then there are those that, you

10 know, will end up in collections.

11 But my point is that 5 percent, you

12 know, it doesn't always start and stop on a

13 particular day. It's always in flux. But

14 the vast majority of our customers,

15 thankfully, pay. And they pay on time.

16 SENATOR KENNEDY: I'm going to leave

17 you with this last question. Last month or a

18 couple of months ago you were helpful in

19 getting a bridge that was deteriorating moved

20 up in the schedule. There are many other

21 bridges that need serious help across this

22 state that are under your purview at the

23 Thruway Authority.

24 What steps are being taken at the

1 Thruway Authority to replace bridges in the
 2 system as they age? And, you know, are you
 3 bundling projects as something to do for the
 4 Thruway Authority to address these as well?

5 EXECUTIVE DIRECTOR DRISCOLL: Yeah.

6 So we do look at bundling projects because
 7 there's an economy of scale there. We have
 8 other --

9 THE MODERATOR: Pardon me, but your
 10 time is up.

11 SENATOR KENNEDY: I'll ask you later
 12 on the second round or --

13 EXECUTIVE DIRECTOR DRISCOLL: Yeah,
 14 we'll pick it up again, sure.

15 CHAIRWOMAN KRUEGER: Okay, Assembly?

16 CHAIRWOMAN WEINSTEIN: Yes, we go to

17 Assemblyman Ed Ra, five minutes.

18 ASSEMBLYMAN RA: Thank you, Chair.

19 Director, good to see you. Thanks for

20 being with us again.

21 Just a question: Has the authority

22 been able to project or forecast when revenue

23 will return to pre-pandemic levels?

24 Obviously we saw a little bit of a rebound

1 last year, but we're still well below 2019,

2 to my understanding.

3 EXECUTIVE DIRECTOR DRISCOLL: Yeah.

4 No, you're correct in that. As I said, we

5 saw a 17 percent reduction. And right now on

6 our passenger side, we're still down about --

7 depending on the day -- 6 to 7 percent below

8 those 2019 levels.

9 Commercial's been strong. You know,

10 and I think all of us are aware, you know,

11 through the pandemic people were ordering

12 lots of goods and whatnot. So commercial's

13 stayed pretty strong.

14 But our numbers on the passenger side

15 are still down. We project to see a little
16 bit of growth again as we go here into 2022.
17 And we're hoping for the best, right, that
18 that continues as we see COVID kind of
19 eradicate.

20 ASSEMBLYMAN RA: All right, thank you.

21 The other thing I wanted to ask
22 about -- and I certainly appreciate that you
23 can't comment about the substance of it. But
24 just in terms of the status of the lawsuit by

1 Tappan Zee Contractors with regard to that
2 \$900 million in the construction of the new
3 Tappan Zee Bridge. Where does that case
4 stand? Is it close to being resolved in some
5 fashion?

6 EXECUTIVE DIRECTOR DRISCOLL: Well,
7 you know, my personal opinion is it's not
8 close. I think it's some time off.

9 We are in a dispute resolution process
10 by way of contract that was embedded in the
11 original language agreed to by both parties.
12 So we are in that process now. And there's
13 still another -- after this third step, of
14 which we're in now, there's another step

15 required before that dispute resolution

16 process is finalized. Frankly, I don't see

17 that happening for, you know, at least a

18 year.

19 ASSEMBLYMAN RA: Okay. Thank you very

20 much.

21 I'll yield back my time, Chairs.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Do you have any other Senators?

24 CHAIRWOMAN KRUEGER: Just me, briefly.

1 I certainly don't need my 10 minutes.

2 CHAIRWOMAN WEINSTEIN: Go ahead.

3 CHAIRWOMAN KRUEGER: Thank you very

4 much.

5 Hi, Matt.

6 EXECUTIVE DIRECTOR DRISCOLL: Hi.

7 CHAIRWOMAN KRUEGER: So I remember all

8 the discussion about how were we going to pay

9 for the new Mario Cuomo Bridge, then we got

10 some loans, but then we owed them back, and

11 then we were going to have a really big jump

12 in tolls because we hadn't been graduating

13 the increase in tolls. And I even looked

14 back at some paperwork that talked about the

15 tolls being between 13 and 15 dollars.

16 So that hasn't happened. How are we

17 paying for it? And is there some shoe that's

18 going to drop, and when?

19 EXECUTIVE DIRECTOR DRISCOLL: No,

20 there's no shoe that's going to drop. I

21 think it's how we plan.

22 And, you know, I will say that some of

23 the numbers that were bantered about were

24 pure speculation. I try to -- I've always

1 tried to refrain myself from speculating
2 about things that, you know, until we have
3 data and hard information will guide us on an
4 answer.

5 But that said, you know, we have
6 increased the toll on the bridge, 50 cents
7 and 50 cents, plus commercial rates.
8 Commercial rates went up 31 percent in 2021
9 and 30 percent this year. So, you know, we
10 think we're still in a solid position for
11 sometime before we look at, you know, other
12 alternatives.

13 CHAIRWOMAN KRUEGER: And how much
14 money do we owe back on this bridge at this

15 point?

16 EXECUTIVE DIRECTOR DRISCOLL: Well,

17 you know, we have paid the consortium, TZC,

18 we've paid out \$3.5 billion. As you may

19 recall, the Legislature appropriated

20 \$2 billion towards that cost of that bridge.

21 So until it's all full said and done -- we

22 are on time, it's under budget -- you know,

23 those numbers are still yet to be determined

24 in its final form.

1 CHAIRWOMAN KRUEGER: So you don't have
2 a number yet on what the final, total cost of
3 the bridge is or what we still owe on it?

4 EXECUTIVE DIRECTOR DRISCOLL: That's
5 correct. I can tell you we've paid
6 \$3.5 billion. And what -- you know, as
7 you've discussed, there's been conversations
8 on different sums. But no. We've paid that
9 amount, and we think that's about right.

10 CHAIRWOMAN KRUEGER: So you don't have
11 a pile of unpaid bills somewhere, you think
12 you've actually made the payments you need to
13 make on that bridge?

14 EXECUTIVE DIRECTOR DRISCOLL: That's

15 correct.

16 CHAIRWOMAN KRUEGER: Okay. Thank you,

17 Madam Chair, that's all I had to ask.

18 CHAIRWOMAN WEINSTEIN: Okay, we go to

19 Assemblyman Walczyk, three minutes.

20 ASSEMBLYMAN WALCZYK: Thank you,

21 Madam Chair.

22 When are the tolls scheduled to come

23 off of the New York State Thruway?

24 EXECUTIVE DIRECTOR DRISCOLL: I'm

1 sorry, I'm not understanding the question.

2 ASSEMBLYMAN WALCZYK: Oh,

3 originally -- I mean, you talked earlier

4 about bonds and covenants and agreements and

5 I remember I think the bonds for the original

6 construction for the State Thruway were paid

7 off in the mid-'90s, weren't they?

8 EXECUTIVE DIRECTOR DRISCOLL: I don't

9 really know. I'm not sure.

10 ASSEMBLYMAN WALCZYK: Is there anytime

11 in the future that you're planning to take

12 the tolls off of the New York State Thruway?

13 EXECUTIVE DIRECTOR DRISCOLL: No.

14 Because then how do you pay for the paving

15 and the plowing and fixing the bridges and

16 making sure it's safe for motorists?

17 ASSEMBLYMAN WALCZYK: Well, I think

18 the agreement or that covenant, I guess, with

19 New Yorkers that were paying that bond

20 through tolls would be that it would -- you

21 know, the authority would probably not be

22 necessary and toll collection wouldn't be

23 necessary anymore, the Department of

24 Transportation would handle the bulk of those

1 things, would be my guess.

2 EXECUTIVE DIRECTOR DRISCOLL: Well,

3 and look -- and if that was the decision,

4 then the cost of operating and maintaining

5 the Thruway would need to be spread to every

6 taxpayer in the State of New York. Because

7 you still have to pay to keep the system open

8 and safe for motorists.

9 And as you already know, this is a

10 huge -- it's a huge commerce driver in the

11 State of New York and the Northeast. So --

12 ASSEMBLYMAN WALCZYK: That's a great

13 point. I just wanted to ask one more --

14 EXECUTIVE DIRECTOR DRISCOLL: Yeah,

15 sure.

16 ASSEMBLYMAN WALCZYK: The mix of

17 license plates outside of New York State or

18 contributions through tolls by way of the

19 Thruway Authority -- the mix of outside of

20 New York State versus New Yorkers, what does

21 that mix look like?

22 EXECUTIVE DIRECTOR DRISCOLL: I don't

23 have a percentage to give you. But, you

24 know, maybe about a third?

1 ASSEMBLYMAN WALCZYK: A third New York

2 or a third outside --

3 EXECUTIVE DIRECTOR DRISCOLL: No, no,

4 a third out of state.

5 ASSEMBLYMAN WALCZYK: Okay. So

6 two-thirds of New Yorkers are paying those

7 tolls.

8 EXECUTIVE DIRECTOR DRISCOLL: That's

9 right.

10 ASSEMBLYMAN WALCZYK: Okay. Thanks

11 very much. That's all I had, Madam Chair.

12 Appreciate the time.

13 EXECUTIVE DIRECTOR DRISCOLL: You're

14 welcome.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 Back to the Senate.

17 CHAIRWOMAN KRUEGER: Yes. Senator Tim

18 Kennedy for a second round.

19 SENATOR KENNEDY: Yeah, thank you,

20 Chairwoman.

21 Director Driscoll, just again, speak

22 to your bridge work through the Thruway

23 Authority. Again, you know, what steps can

24 the Thruway Authority take to replace bridges

1 in its system as they age?

2 EXECUTIVE DIRECTOR DRISCOLL: So we

3 have a schedule and, I was saying, a robust

4 asset management program that, you know, goes

5 out and inspects these bridges. We're

6 required to inspect, like DOT is and any

7 agency or authority across the country, every

8 two years the bridges.

9 But we also have -- in our four

10 divisions, we have a Buffalo division that

11 you're well versed on, a Syracuse division,

12 an Albany division, and a New York division.

13 So each of those divisions as well, you know,

14 keep an eye on all of our bridges also. So

15 we rank and score, you know, the bridges in

16 terms of need.

17 SENATOR KENNEDY: And as far as

18 bundling goes, the projects?

19 EXECUTIVE DIRECTOR DRISCOLL: We have

20 bundled projects in the past. I'll tell you

21 that that's been challenged in the court of

22 law by others relative to, you know, whether

23 or not they were, you know, fair and

24 appropriate, I guess to say.

1 So we do still bundle bridge work. We
2 try to be more site-selective. And, you
3 know, on the Beaver Island State Park bridge
4 as an example, we do that when we can find
5 other economies of scale. As you know, we're
6 doing a lot of work at the Grand Island
7 bridges in the next two years. And that
8 allowed for us to bundle that Beaver Island
9 bridge into that, because we can -- as I say,
10 we can glean some economies for scale on
11 that.

12 So we try to be site-specific where we
13 do do that.

14 SENATOR KENNEDY: Well, I think

15 between the funding that's coming from the
16 state as well as the Governor's new proposal
17 to increase BRIDGE NY funding by a billion
18 dollars in the next five years, there'll be
19 great opportunities for us to collaborate and
20 resolve some of these issues and get out in
21 front of some of the deteriorating conditions
22 that we're seeing.

23 Look forward to working with you on
24 that. Thank you.

1 EXECUTIVE DIRECTOR DRISCOLL: Thank
2 you.

3 CHAIRWOMAN KRUEGER: Assembly, yes.

4 CHAIRWOMAN WEINSTEIN: And we have
5 Assemblyman Otis.

6 ASSEMBLYMAN OTIS: Hey, Matt, nice to
7 see you. Thank you for all your good work.

8 EXECUTIVE DIRECTOR DRISCOLL: Good to
9 see you.

10 ASSEMBLYMAN OTIS: Just wanted to
11 follow up on the EV charging station issue,
12 which is your agreement to have those
13 installed at the service areas. There's room
14 for growth in future years as the technology

15 improves, and you're not limited to the
16 numbers that are just being rolled out in the
17 next couple of years.

18 EXECUTIVE DIRECTOR DRISCOLL: That's
19 correct.

20 ASSEMBLYMAN OTIS: And a question that
21 came up in a hearing we had the other day,
22 your agency is moving ahead with EV vehicles
23 for your own fleet.

24 EXECUTIVE DIRECTOR DRISCOLL: That is

1 correct also. You know, I'd like to say,
2 look, we've had a very responsible and
3 aggressive environmental program here. We've
4 got like 425 E85 vehicles because, you know,
5 we have bought into being environmentally
6 sound and good stewards.

7 We are also right now planning to
8 transition away from those vehicles to
9 electric vehicles. And by that I mean how we
10 will -- we'll utilize those in our fleet
11 services in some cases in light, kind of
12 supervisory work, you know, small pickup
13 trucks, et cetera.

14 So we're working to identify the

15 maintenance facilities where we could install
16 EV chargers that makes the most sense
17 logistically, right, as we start out this
18 program. And we're already looking at those
19 purchases to expand our fleet.

20 We do have some electrical vehicles,
21 but certainly we want to be more aggressive
22 on that, as we were with the E85 program.

23 ASSEMBLYMAN OTIS: That's great. I'd
24 also like to thank you for down in New

1 Rochelle, which is part of the Thruway that
2 includes my district, the transition a number
3 of years ago from the traditional toll booths
4 to the E-ZPass on the gantries -- and now
5 you've done this all across the state -- is a
6 great air pollution savings that you're not
7 having the vehicles slow down every time
8 they're paying a toll, which adds to
9 neighborhood nuisance and emissions.

10 So thank you for all the good works
11 around the state.

12 EXECUTIVE DIRECTOR DRISCOLL: Thank
13 you.

14 ASSEMBLYMAN OTIS: That's all I have.

15 I give back the rest of my time,

16 Madams Chair.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 Senator Krueger, did you have any

19 questions?

20 CHAIRWOMAN KRUEGER: No, I think I did

21 my questions already. How about you?

22 CHAIRWOMAN WEINSTEIN: No, we have

23 nothing further.

24 So we have no other Assemblymembers

1 with questions, so want to thank Matt

2 Driscoll for being here with us answering all

3 of our questions -- ah, I see a late starter.

4 Mr. Jacobson has raised his hand before I

5 said goodbye.

6 So Jonathan, quickly now.

7 ASSEMBLYMAN JACOBSON: Well, Steve got

8 me thinking about a question to ask -- here,

9 let me turn this off. I'm trying to watch

10 the session at the same time.

11 Concerning the EV chargers, I would

12 hope that when you decide to put them in or

13 have to do it, that you just don't put two

14 chargers at a rest area, because that will

15 just lead to fist fights or worse. I think
16 you need at least eight of them: Four could
17 be the slower ones, four could be the quicker
18 ones, the Level 2 and Level 3. Because I
19 think that eventually you want to make the
20 charging stations as convenient as gas
21 stations.

22 So I would hope that you would do
23 that -- and any other areas that you have
24 jurisdiction to put them in -- because I

1 think it would go a long ways to let people
 2 know that it exists and for those that have
 3 it.

4 EXECUTIVE DIRECTOR DRISCOLL: Agreed.

5 And they will be, you know, separate
 6 facilities, and they'll be much like you see,
 7 you know, when you go up to a gas tank now,
 8 so -- hopefully there's no fist fights. I'm
 9 getting too old to try to get out there and
 10 break that stuff up.

11 ASSEMBLYMAN JACOBSON: Okay. No,
 12 that's all I have. There's nothing -- there
 13 aren't any crazy Title 7s in the law this
 14 year, so I am not going to stay up.

15 Thank you.

16 EXECUTIVE DIRECTOR DRISCOLL: Thank

17 you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 So again, Matt Driscoll, thank you for

20 being here with us and look forward to

21 continuing to work with you.

22 EXECUTIVE DIRECTOR DRISCOLL: My

23 pleasure. Thank you.

24 CHAIRWOMAN KRUEGER: Thank you, Matt.

1 EXECUTIVE DIRECTOR DRISCOLL: Thank

2 you.

3 CHAIRWOMAN WEINSTEIN: Thank you. And

4 with that, so colleagues, we now move to the

5 nongovernmental portion, the public portion

6 of the budget hearing. And you'll notice

7 that we have the public members in various

8 panels.

9 So just to go over the rules, each

10 member of the panel will have five -- I'm

11 sorry, three minutes to present your

12 testimony. Your testimony has been

13 distributed to all the members. And then if

14 there are any questions, a member will have

15 three minutes to ask a question of the panel

16 or of a particular member of the panel, but

17 not each member of the panel.

18 So Panel A, New York Public Transit

19 Association, Carm Basile, past president;

20 Permanent Citizens Advisory Committee to the

21 MTA, Lisa Daglian, executive director;

22 Reinvent Albany, Rachael Fauss, senior

23 research analyst; Transportation

24 Alternatives, Elizabeth Adams, senior

1 director for advocacy and organizing; and the
2 final member of the panel, Tri-State
3 Transportation Campaign, Felicia Park-Rogers,
4 director of regional infrastructure projects.

5 So if we can have the panelists
6 present in that order, starting first with
7 the New York Public Transit Association.

8 MR. BASILE: Thank you, Chairwoman
9 Weinstein and Chairwoman Krueger, for your
10 support of public transportation. Thank you
11 as well to Chairwoman Paulin and
12 Chairmen Kennedy, Comrie and Magnarelli for
13 their leadership on transportation issues,
14 especially ways to expand access to jobs.

15 My name is Carm Basile. I'm the chief
16 executive officer of the Capital District
17 Transportation Authority right here in
18 Albany, and I'm on the executive board of
19 NYPTA. Earlier you heard from our largest
20 member, the MTA -- and addressing their
21 financial needs is critical, and we support
22 their priorities.

23 My testimony will focus on the needs
24 of transit systems upstate and in the

1 downstate suburbs.

2 Since the pandemic began, the

3 importance of public transportation services

4 has been spotlighted and reinforced. People

5 needed mobility when other support systems

6 were being curtailed or shut down. Our

7 services became, and they continue to be, a

8 critical part of the effort to keep people

9 and our economy moving. As we emerge from

10 the pandemic, our customers are returning and

11 communities throughout the state are

12 demanding better service and new mobility

13 options. They want ways to travel other than

14 driving, and they want easier access to our

15 services.

16 Our members need to provide wider

17 spans, better mobility, on-demand services,

18 mobile fare payment options, and

19 micro-mobility options like bikes and

20 scooters. Here in the Capital Region, we are

21 providing new mobility options, and they're

22 very popular and need to be expanded. In

23 fact, we're getting ready to launch our own

24 car-share program, which is complementary to

1 the other services we offer.

2 Transit agencies, our employees and

3 our customers thank Governor Hochul for

4 recognizing the importance of public

5 transportation in the 2022-'23 Executive

6 Budget. After enduring pandemic-related

7 reductions in state aid, the Executive Budget

8 increases state operating assistance, which

9 is very much appreciated and long overdue, to

10 provide our service to more communities and

11 more people.

12 State operating assistance to the MTA

13 will grow by 24 percent, and other downstate

14 systems by 36 percent, helping them to

15 address structural deficits and giving them
16 the ability to provide more service. The
17 Executive Budget proposes a 13 percent
18 increase for upstate transit systems. We
19 support the Governor's commitment to transit
20 in downstate communities and urge the same
21 commitment be made to transit customers in
22 upstate communities. Upstate communities
23 deserve a stronger state investment in
24 transit service so that our residents can

1 have the same opportunities for mobility
 2 access and economic growth.
 3 NYPTA has testified about the
 4 importance of a new five-year capital program
 5 for non-MTA transit to replace aging buses
 6 and aging infrastructure, and we hope that
 7 our Legislature will recognize those needs
 8 and support that, as the Governor did in her
 9 Executive Budget request.

10 Thank you to everyone, and I'm open
 11 for questions.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Next, the Permanent Citizens Advisory
 14 Committee. I think you're unmuted now, Lisa,

15 so you can begin.

16 MS. DAGLIAN: Okay, hi. Good

17 afternoon. I'm Lisa Daglian; I'm the

18 executive director of the permanent citizens

19 advisory committee to the MTA, or PCAC.

20 Created by the State Legislature, PCAC is the

21 MTA's official rider advocacy organization,

22 representing riders on MTA, on New York City

23 Transit, the Long Island Rail Road and

24 Metro-North Railroad. Thank you very much

1 for holding this hearing today.

2 The \$6.6 billion that Governor Hochul
3 included for the MTA in her Executive Budget
4 means that fares will remain flat this year,
5 which is great news for riders. We're also
6 glad to see that the MTA is piloting new
7 discount programs, including a 20-trip ticket
8 and expanded City Ticket, which includes
9 off-peak travel on commuter rail within the
10 city. We look forward to it in its next step
11 as a full-fledged Freedom Ticket. Thank you,
12 Senator Comrie, for always championing this
13 project.

14 These will help get riders back on

15 board, but without reliable service they'll
16 turn to other options. Eighteen minutes is
17 far too long to wait for an F train.
18 Similarly, if people have to wait 90 minutes
19 between trains on the LIRR or Metro-North,
20 they're more likely to get into personal cars
21 than into train cars.
22 Better and faster service for buses is
23 also critical, and we support automated bus
24 lane and toll enforcement and Mayor Adams'

1 call for the city to be able to manage its
2 programs.

3 As our region reopens -- really this
4 time -- it's more important than ever that
5 funding and human resources exist to keep the
6 trains and buses running. It's time to
7 reassess how transit is funded. The red ink
8 of 2025 isn't far off. We support "flipping"
9 the gas tax, tripling the gas tax,
10 redirecting revenue from marijuana sales and
11 mobile sports betting to transit, increasing
12 the sales tax an eighth of a percent in the
13 MTA region.

14 And we look forward to continuing this

15 important conversation with you. The MTA may
16 be agnostic as to how it gets these funds,
17 but get them they must. And this and other
18 revenue dedicated to the MTA must be moved
19 off-budget.

20 The best way to get riders back on
21 board is to make them feel safe and to keep
22 them safe. We support the S.O.S. program and
23 whatever funding it will take to make it as
24 robust as possible, including expanding it to

1 commuter rail. We also support the
2 additional mental health service funding
3 that's in the budget and that Mayor Adams
4 requested.

5 Transit workers must also be safe in
6 the system that can't run without them. We
7 strongly support the addition of transit
8 employees -- of adding transit employees to
9 the Penal Law.

10 And building and improving the system
11 is also critical. We applaud the state's
12 \$3 billion capital commitment and hope the
13 MTA will be transparent in how and when it's
14 used. The open data portal and improved

15 capital program dashboard can't come soon

16 enough. The Second Avenue Subway Phase 2 and

17 Penn Access are both long overdue, and the

18 IBX would be another game-changer. Let's see

19 how we can connect it to LaGuardia.

20 Penn Station is a story unto itself.

21 The transit-specific improvements are too

22 important to tie up in controversy and should

23 go forward without the distractions of the

24 GPP --

1 THE MODERATOR: Pardon me, but your
2 time is up.

3 MS. DAGLIAN: Okay. -- and without
4 the TIF extender.

5 Thank you so much. We appreciate
6 this. I'm open for questions as well.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 So can we go now to Reinvent Albany.

9 MS. FAUSS: Hi, there. Good
10 afternoon.

11 My name is Rachael Fauss. I'm the
12 senior research analyst for Reinvent Albany.

13 We advocate for transparent and accountable
14 government. And I'm going to focus my

15 comments primarily on the MTA. And you have

16 our full testimony, so I'll try to be brief.

17 On operating aid, 6.6 billion for the

18 MTA is really good news for riders -- but

19 unfortunately, it's only up 6 percent of

20 where we were pre-COVID. And it's all from

21 formulas and booming dedicated taxes, not a

22 new appropriation.

23 The MTA should provide the Legislature

24 and the public updated ridership projections

1 so that we can better understand their
2 operating needs in the future. Three million
3 riders last week was good news, but this is
4 still only 55 percent of where we were in
5 2019. And by this time the McKinsey forecast
6 had us at about 68 percent for the midpoint,
7 so we're still trending below where we
8 thought we'd be.

9 The MTA will face a fiscal cliff when
10 the federal aid runs out in 2025 and will
11 need billions in new dedicated taxes.

12 Speaking of dedicated taxes, we
13 support having the Legislature remit all
14 existing and future MTA dedicated taxes

15 directly to the MTA to help protect them from
16 raids by the Executive. And this should also
17 apply to all the transit systems throughout
18 the state.

19 Lastly, on operating funds, we ask
20 that the Legislature use the Outer Borough
21 Transit Fund to improve bus, subway and
22 commuter rail service rather than looking at
23 toll discounts at this time.

24 On the capital budget, the MTA must

1 get congestion pricing revenue, because as of
2 now only 7 percent of the 2020-2024 capital
3 plan funds have come into the MTA. Two years
4 into the 2020 capital program funding is
5 coming in at the slowest pace of the last
6 capital program -- of the last three capital
7 programs. It only has 4 billion on hand of
8 the 55 billion it needs to complete the
9 program.

10 Capital spending has also slowed in
11 2020 and 2021 due to COVID-19 impacts and
12 delays to congestion pricing. And COVID-19
13 unfortunately exacerbates the MTA's existing
14 challenge of quickly spending capital

15 dollars.

16 On Penn Station, we concur with the
17 New York City Planning Commission as well as
18 Senator Krueger and Senator Hoylman's call
19 that the ESD has to be fully transparent
20 about the financing plan before anything
21 moves forward. The public needs to
22 understand what the loss of property taxes
23 will be for New York City and the full cost
24 of any subsidies to developer Vornado. And

1 as part of this, the Legislature should
2 carefully review the forthcoming IBO report,
3 the Independent Budget Office report.

4 On the Article 7 proposals -- I'm
5 running out of time, but we support the
6 design-build proposal that is being presented
7 by the Governor and the MTA.

8 On procurement, we have concerns about
9 the "piggybacking" proposal in Part I and in
10 general think the Legislature should require
11 the MTA to be more transparent about
12 procurement, and one way to do that would be
13 to bring back quarterly change order reports.

14 We think that the Part J TIF extender

15 should not be extended as part of the budget,

16 but there should be a full discussion of this

17 separately in a public hearing.

18 The rest of our comment is available

19 in the testimony on the rest of the budget,

20 and I'm happy to take questions.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 Transportation Alternatives.

23 MS. ADAMS: Hi, good afternoon, chairs

24 and committee members. Thank you very much

1 for the opportunity to testify today.

2 My name is Elizabeth Adams, and I'm

3 the senior director for advocacy and

4 organizing at Transportation Alternatives.

5 For nearly 50 years, Transportation

6 Alternatives has been a leader in the fight

7 to make our streets safer, more accessible

8 and livable for all New Yorkers. Today we

9 seek your support for the Crash Victims

10 Rights & Safety Act and for local

11 accountability and tools that municipalities

12 need to respond to unprecedented levels of

13 traffic violence.

14 We commend the Governor on her

15 commitment to new infrastructure investment

16 in the proposed budget. However, it is

17 critical that this year's budget include

18 deeper investments to combat New York's

19 transit and street safety crisis. We are at

20 a historic turning point for our state, and

21 safer streets is a core budget issue. Our

22 annual economic cost due to motor vehicle

23 crashes is \$18.4 billion.

24 I appreciated DOT's acknowledgement

1 that crashes have gone up earlier -- but it's
2 not just an issue of distracted drivers
3 during COVID. It's an issue of speeding and
4 of infrastructure and street design. We
5 don't have the infrastructure that we need to
6 keep people safe. And so we see crashes on
7 the same streets and at the same
8 intersections which are putting people's
9 lives at risk.

10 TA is here today as a member of the
11 New York State Safe Streets Coalition, nearly
12 60 organizations across the state that are
13 fighting to pass the Crash Victims Rights &
14 Safety Act, several bills that will redesign

15 our streets and protect all road users.

16 I want to highlight two bills. You

17 have our full testimony with the full range

18 of bills, but Senate Bills S3897 and S5130,

19 bills to fund Complete Streets infrastructure

20 across the state. Complete Streets features

21 such as pedestrian crosswalks, sidewalks, and

22 bike lanes make our streets safer for

23 everyone and are critical to meeting our

24 environmental sustainability goals.

1 I heard a number of legislators today
2 call out the importance of protections for
3 our seniors and our elder populations and
4 people with disabilities, and this is an
5 issue that directly impacts them. Seniors
6 are at higher risk of crashes and fatalities
7 from crashes. And Complete Streets are a
8 smart investment -- for every \$1 million
9 spent on infrastructure, 47 percent more are
10 spent on jobs created on bike and pedestrian
11 infrastructure than they are on car
12 infrastructure projects.

13 We would also like to request your
14 support for a home-rule request for

15 localities to be able to manage camera
16 enforcement programs and lower speed limits
17 locally. 2021 was the deadliest year in
18 traffic violence in New York City since the
19 start of Vision Zero, and it was the third
20 year in a row of rising traffic violence in
21 the city and fatalities. People won't ride
22 bikes if they don't feel safe, won't move to
23 other forms of transportation if we are not
24 doing everything that we can to take care of

1 people's well-being.

2 Lower speed limits and speed safety

3 cameras are proven to work, and it is time

4 that we have the authority to set what is

5 best for our streets.

6 Lastly, we are encouraged to see the

7 MTA Bike Access bill pass and --

8 THE MODERATOR: Pardon me, your time

9 is up.

10 MS. ADAMS: I look forward to your

11 questions.

12 CHAIRWOMAN WEINSTEIN: Senator

13 Krueger, we do not seem to have any

14 Assemblymembers, but there are hands raised,

15 so I know that Senator Kennedy does. So --

16 THE MODERATOR: We do have Felicia

17 Park-Rogers.

18 (Overtalk.)

19 CHAIRWOMAN KRUEGER: There's one more

20 panelist.

21 CHAIRWOMAN WEINSTEIN: Oh, I'm sorry.

22 CHAIRWOMAN KRUEGER: That's okay.

23 CHAIRWOMAN WEINSTEIN: I didn't turn

24 to page 2 of my -- thank you.

1 Okay, now: Tri-State Transportation

2 Campaign. Sorry about that.

3 MS. PARK-ROGERS: Hi, I'm Felicia

4 Park-Rogers with Tri-State Transportation

5 Campaign. Thank you for the opportunity to

6 testify before you today.

7 We are a policy research and advocacy

8 organization dedicated to sustainable,

9 equitable and safer mobility in New York,

10 New Jersey and Connecticut.

11 If you care about infrastructure and

12 transportation, this is an exciting time for

13 our country and our state. The passage of

14 the Infrastructure Investment and Jobs Act is

15 the single largest investment in
16 infrastructure and transportation our nation
17 has ever seen. It has the potential to do
18 much good for New York State, as we see
19 reflected in the sheer magnitude of the
20 New York State capital budget of
21 \$32.8 billion.

22 However, due to the compromises
23 required to pass the bill in Washington,
24 D.C., the bill also has the potential to do

1 significant harm, as we stand on the
2 precipice of catastrophic climate change.
3 The IIJA Manhattan maintains the status quo
4 of an 80/20 split in funding for roads versus
5 transit. So even as we see historic levels
6 of funding for transit, we also see the
7 biggest roads bill since the Interstate
8 Highways Bill of the Eisenhower
9 administration.

10 However, the USDOT has built some
11 off-ramps into the bill, and today I strongly
12 encourage you to take them. Follow the
13 guidance of the FHWA, and you have the power
14 to invest these funds in ways that prioritize

15 equity, the environment, safety and the
16 economy. There are flexible spending options
17 which for the first time don't require funds
18 to be spent only on new, flashy but
19 ultimately destructive carbon-focused
20 transportation options.

21 I encourage you to look away from the
22 status quo and instead spend these capital
23 dollars on fix-it-first repairs, building
24 Complete Streets, supporting multimodal

1 transportation, supporting safe active
2 transportation access for cyclists and
3 pedestrians -- building sidewalks, taking
4 down highways, increasing boulevarding, and
5 supporting the growth and service levels of
6 mass transit.

7 Governor Hochul has voiced support for
8 prioritizing environment and equity projects.

9 In line with these principles, we urge you to
10 avoid projects that directly undermine these
11 goals with highway expansion projects, such
12 as the Van Wyck, Kew Gardens and I-86
13 expansions.

14 We commend Governor Hochul for

15 proposing to legalize accessory dwelling
16 units statewide and boosting transit-oriented
17 development around rail stations. And we
18 recommend the state go further and ban
19 parking minimum requirements and
20 single-family-owning zoning, which reinforces
21 unsustainable and inequitable land use.

22 I briefly want to say that we
23 encourage you to support the passage of Green
24 Transit -- Senate Bill 3535, Assembly Bill

1 3090 -- and Green Jobs -- S3405 and A2083.

2 This bill package would mandate New York

3 State transit agencies to only purchase

4 zero-emission buses by 2029. Additionally,

5 we urge you to support the transition of

6 state school buses to zero-emission vehicles

7 fully by 2035.

8 There's much more testimony in my

9 written comments, and I look forward to

10 speaking with you and answering any

11 questions. Go, Gateway/Hudson Tunnels!

12 (Laughter.)

13 CHAIRWOMAN WEINSTEIN: Thank you.

14 Thank you all. And sorry, Felicia, I hadn't

15 turned the page to see you there.

16 MS. PARK-ROGERS: That's fine.

17 CHAIRWOMAN WEINSTEIN: So now we have

18 Assemblywoman Gallagher with three minutes.

19 Every legislator, regardless of chair, you

20 have three minutes to ask a question of the

21 panel.

22 ASSEMBLYWOMAN GALLAGHER: Thank you

23 very much, Chairs. And thank you to the

24 panel.

1 Ms. Park-Rogers and Ms. Adams, could
2 you speak a little bit more about this idea
3 of Complete Streets and what the state might
4 do to further their production in our
5 communities and what they might give in terms
6 of safety and environmental impact and how we
7 might make sure that -- I'm sorry, I'm having
8 a little allergy -- how we might integrate
9 that with the many uses of the roadways?

10 Thank you.

11 MS. PARK-ROGERS: Elizabeth, do you
12 want to start? Or I can.

13 CHAIRWOMAN KRUEGER: You might as well
14 start because you started already.

15 MS. PARK-ROGERS: All right. Well,
16 the idea of Complete Streets are building
17 streets that work for the whole person and
18 for all-transportation mobility.

19 So that's -- right now most of our
20 streets are built around the needs of cars,
21 but this would be the needs of pedestrians,
22 with sidewalks that are straight and even and
23 no tripping, with good lighting, with clear
24 access to bus and transit stops that are safe

1 and protected from roads and cars and easily

2 accessible from off-ramps as well as bike

3 lanes and protected bike lanes.

4 Earlier the commissioner spoke about

5 how when they look at new roads projects -- I

6 think it was in answer to your question --

7 that they look at all of these different

8 modes. But they can do more. And previously

9 that wasn't funded with federal funds for

10 transportation, and now it is -- which is the

11 first time ever -- so we can move away from

12 the status quo and truly build

13 Complete Streets.

14 I'll give the rest of the time to

15 Elizabeth.

16 MS. ADAMS: Thank you.

17 I would add what's important about

18 Complete Streets is that we have to move away

19 from a reliance on car culture as our

20 everyday norm. And it's much harder to do

21 that when we don't have crosswalks, when we

22 don't have bike lanes, when we don't have

23 sidewalks that are real options for people to

24 use in its place.

1 It is not only an environmental issue,
2 it revitalizes jobs, it brings more foot
3 traffic to small businesses. And so it
4 really is ways that we can invest in our
5 communities in a whole way.

6 And then I would just lastly say, you
7 know, for municipalities and localities that
8 are looking at funding Complete Streets
9 themselves, cost is often the barrier. So
10 what this package of bills does is it says,
11 look, the state will match that investment.
12 We'll provide that funding to localities or
13 provide the means to jump-start, to get to
14 where they need to be when it comes to safer

15 street design.

16 ASSEMBLYWOMAN GALLAGHER: Thank you.

17 Thanks, Chairs.

18 CHAIRWOMAN WEINSTEIN: Senate?

19 CHAIRWOMAN KRUEGER: For the Senate,

20 yes, we have Chair Tim Kennedy, who still

21 only gets three minutes.

22 SENATOR KENNEDY: That's quite all

23 right. I won't need it all, I promise.

24 I just wanted to, number one, thank

1 these five extraordinary advocates for your
2 testimony and your work. A number of bills
3 that were cited, from Complete Streets to the
4 zero emissions to the electric school buses,
5 those are bills that I carry. And I look
6 forward to working with you all on getting
7 those over the finish line. And I truly
8 appreciate your efforts.

9 The one question I would ask, and it's
10 all I have -- and whoever would like to
11 answer it -- was improving initiatives and
12 services for individuals with disabilities,
13 those that utilize paratransit services. Can
14 you talk a little bit about where we're at

15 and if adding an individual that utilizes

16 paratransit services regularly to these

17 boards would be beneficial?

18 And again, thank you.

19 MR. BASILE: Sure, I'll take that one.

20 And you and I have talked about this in the

21 past.

22 I think we see the need to expand the

23 service area, and I know that you've been a

24 champion of that. I think the question is

1 how much and how quick. Because
2 paratransit's a different business model,
3 demand-based. It's much more complicated
4 than fixed-route service.

5 So what I would urge is that we all
6 work together and figure out how much and how
7 quick to expand our service areas. Because
8 right now we're three-quarters of a mile on
9 either side of a fixed route. And some of
10 the legislation that we've seen, or the
11 proposals, have us moving to 3 miles. That's
12 a big jump.

13 So what I'd suggest is that we work
14 together, figure out how to do this -- you

15 know, there's no need that -- there's no
16 doubting, no argument that people with
17 disabilities need more service, they need
18 more access to service. And I think that's
19 really the issue, access to service. So the
20 question is how big and how quick.

21 NYPTA is committed to working with you
22 and your staff and others on this great panel
23 discussion to talk more in depth about that.

24 MS. DAGLIAN: Hi, thank you. I would

1 just like to add that one of the things that
2 the MTA can do also is to increase its
3 accessibility to its stations so that's there
4 the ability for people to travel without that
5 same reliance on Access-A-Ride. And they're
6 doing that slowly and surely, but still too
7 slowly.

8 There is no requirement at the moment
9 for somebody with a disability to be on the
10 MTA Board. It's something that we all
11 collectively advocate for. There's
12 legislation that one of your colleagues has
13 put forward that would increase participation
14 on the board to include a member of the

15 disability community -- of the Access-A-Ride

16 community, in fact. That is a consideration.

17 But, you know, there's -- we encourage

18 it but it's not a requirement. So who knows

19 what it will look like going forward.

20 CHAIRWOMAN KRUEGER: Thank you. Let's

21 see. Assembly?

22 CHAIRWOMAN WEINSTEIN: Yes, we have

23 several.

24 Assemblywoman Paulin.

1 ASSEMBLYWOMAN PAULIN: Thank you. And

2 I too want to just add my thanks to all of

3 the advocate community. We learn so much by

4 your close watch on all of these things. And

5 I just want to let you know that I appreciate

6 all your testimony and your hard work.

7 I just -- I have a question for Lisa.

8 You know, I've seen other groups besides

9 yours advocate for the reverse or the

10 flipping of the gas tax, which it's claimed

11 that will raise an additional \$500 million.

12 So I'm assuming that \$500 million now that

13 is -- the whole thing is 1.5 with that. So

14 500 million would be taken out of roads,

15 essentially. And I'm assuming it's state
16 roads. But what I don't know -- and I
17 wondered, you know, if the group of
18 advocates -- you know, it's always nice to
19 know exactly what you're taking the money
20 from. Is it regionally based?
21 In other words, is that \$500 million
22 now for roads distributed among or within the
23 same region, or is it a statewide pot of
24 money? You know, it's unclear to me what

1 we're actually taking it out of.

2 MS. DAGLIAN: That's a great question.

3 And thank you for it.

4 So flipping the gas tax is something

5 that -- you know, let me just put it this

6 way. I think these are conversation starters

7 right now. We don't anticipate that any

8 action is going to be taken this year, that

9 we have -- you know, we begin the

10 conversation really in earnest now, that

11 there will be more of an opportunity for us

12 to work toward getting all the numbers

13 figured out and these really important

14 considerations figured out in the coming

15 months and into the next year, into the next

16 budget year. Because I don't have the exact

17 answer for that.

18 I do know that when we looked and I'd

19 spoken with your staff and with some of the

20 Assembly staff last year about different ways

21 that we could maybe change the percentages of

22 the way that the gas tax and business

23 petroleum tax were adjusted between roads and

24 bridges and between the MTA, at a different

1 percentage between the MTA region and
2 upstate, but also where upstate transit would
3 benefit, including Amtrak, that it looked
4 like it could be a win/win across the board.

5 But there's clearly a much deeper dive
6 that needs to happen. And that's where we
7 want to sort of tease this out and begin the
8 conversations. Because nobody wants to lose
9 the money. I've listened to these
10 conversations about the dire states of the
11 roads too, and we -- you know, that's -- we
12 don't want unsafe roads either, but just that
13 transit is funded appropriately.

14 ASSEMBLYWOMAN PAULIN: Thank you for

15 that, and I appreciate that. Thank you.

16 CHAIRWOMAN WEINSTEIN: Back to the

17 Senate.

18 CHAIRWOMAN KRUEGER: Thank you.

19 And we've also been joined by our

20 Authorities chair, Leroy Comrie.

21 SENATOR COMRIE: Thank you.

22 I just wanted to take the opportunity

23 to also thank the group for your consistent

24 advocacy and your persistence in making sure

1 that all the issues are aired. I appreciate
2 the opportunity to interface and speak with
3 all of you.

4 I'm at a public place right now; I'm
5 in transition because there was something
6 that I had to get done. So I'm not going to
7 ask any questions, other than to just take
8 the opportunity to thank you and ask you to
9 please keep in touch with us so that we can
10 consistently learn from you the things we
11 need to know to be total advocates for the
12 MTA system.

13 So I want to thank all of you for
14 being unafraid and to continue your advocacy

15 publicly and personally so that we can all do

16 what we need to do to make this a better

17 system.

18 Thank you, Madam Chair.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Next to the Assembly.

21 CHAIRWOMAN WEINSTEIN: Assemblyman

22 Magnarelli.

23 ASSEMBLYMAN MAGNARELLI: I just wanted

24 to thank everybody on the panel for your

1 testimony today. I do appreciate it. Many
2 of you I have already spoken to over the last
3 two years as chair of the Transportation
4 Committee. I continue to learn every day,
5 and it's days like today that just bring up
6 more questions and more things to think about
7 going forward as far as New York State is
8 concerned, and how do we meld everything
9 together.

10 I think we all have the same goals, I
11 really do. I think we're all pushing for a
12 lot of change that's coming very fast. And I
13 hope that we're going to be able to pull it
14 all together. I think we will. But I want

15 to thank you for taking part in this; it's

16 important. Thank you.

17 CHAIRWOMAN KRUEGER: Thank you. Back

18 to Senate?

19 CHAIRWOMAN WEINSTEIN: Yes. Do you

20 have -- I don't see anyone, unless yourself.

21 CHAIRWOMAN KRUEGER: Well, my hand is

22 up, actually.

23 CHAIRWOMAN WEINSTEIN: Go ahead.

24 CHAIRWOMAN KRUEGER: See, I always

1 trick you when I have my own hand up.

2 I also want to thank you all. I want

3 you to perhaps more think about these

4 questions than feel like you need to answer

5 me right now, but if anybody wants to ...

6 One, there was a proposal earlier

7 today by one of my colleagues that mass

8 transit, public transportation, MTA should be

9 looking into helping with rail freight as

10 well as what we're trying to do.

11 And I'm curious whether anybody has

12 thought about that and actually thinks it's

13 complementary, slash, might even generate

14 revenue for MTA, as opposed to one more thing

15 they can't afford to do. Because certainly
16 getting things out of trucks and onto rail is
17 a win. I just don't know that it's the MTA
18 assignment or other public transit systems in
19 the state.

20 So if no one has an answer, don't
21 worry, but I would love to hear from you at
22 some point.

23 MS. PARK-ROGERS: I have a comment on
24 that, which is just a lot's been talked about

1 today about the IBX. And in my written
2 testimony I also am supportive. One of the
3 innovative things about the IBX is that it
4 includes a way to share the rail line with
5 freight and with passenger rail, and I think
6 that might be a more economical way to go
7 into the future.

8 And there are some potential problems
9 with the sharing of those lines, but they are
10 working through them in a way that's
11 innovative. And paired with the potential of
12 the cross-harbor freight tunnel from
13 New Jersey to Brooklyn, that could be a
14 really great way to get a lot of trucks off

15 of the road, and I strongly encourage the

16 support of that.

17 CHAIRWOMAN KRUEGER: Thank you --

18 MS. DAGLIAN: I'm sorry, I just wanted

19 to add for one moment that absolutely the --

20 looking at getting trucks off the road and

21 the integration of how the freight -- how the

22 rail systems work together, because freight

23 rail does take up so much of the existing use

24 of the rail infrastructure that it's

1 important that they be able to coexist.

2 NYMTC, the New York Metropolitan

3 Transportation Council, has a freight working

4 group that's done great work over the last

5 number of years that does look at the entire

6 system, including New Jersey and Connecticut

7 and all of the different systems, and seeks

8 in many ways to figure out how to get trucks

9 off the road, but looks at different modes

10 and different ways to really maximize the

11 ways that freight can travel and minimize its

12 impact on the environment.

13 CHAIRWOMAN KRUEGER: And one more

14 question, not to answer necessarily today,

15 but please think about it, I guess

16 particularly Elizabeth and Felicia.

17 We have lithium battery fires every

18 day in New York City now, every single day,

19 because people are trying to plug in their

20 electric bikes and their scooters in their

21 homes, and then they set fire to their

22 building. We recently had a whole boat that

23 was taking away recyclables from a site in my

24 district that blew up -- happily someone

1 figured out, let it go float in the river and

2 blow up rather than on the land portion.

3 So I know we need to move more and

4 more into recyclable batteries for all kinds

5 of purposes, but I need your help so that I

6 can help figure out how we're not going to

7 continue to have the problems that are really

8 growing exponentially. And I don't know if

9 people are putting the two stories together,

10 fires and the lithium batteries, but it's

11 absolutely correlated.

12 So -- I'm out of time, so get back to

13 me. I'm easy to find. Thank you.

14 CHAIRWOMAN WEINSTEIN: We go to

15 Assemblywoman Simon.

16 ASSEMBLYWOMAN SIMON: Thank you,

17 Madam Chair.

18 And I too want to join the chorus of

19 thanking all of you for your advocacy and

20 your work and your testimony today.

21 One of the things that was mentioned

22 by another of my colleagues with regard to

23 disability access to public transit as well

24 as to rail, and the issue of Access-A-Ride,

1 paratransit. As you know, in New York City
2 that has been a very, very difficult
3 situation, in part because of who the vendors
4 are. I don't know whether any of your
5 organizations have looked into that. Every
6 once in a while there's like an expose in the
7 Daily News about who actually the vendors are
8 and their connections to certain
9 organizations.

10 Then the other issue is earlier
11 today -- I wasn't able to ask this
12 question -- the head of the MTA testified
13 about disability access to stations and
14 expanding that, and also a public/private

15 partnership to deal with that. And I'm
16 wondering whether you know anything about
17 that public/private partnership, particularly
18 about elevators. I'm concerned because there
19 are a lot of developments where the developer
20 has said they would maintain the access
21 elevator to public transit, Barclay Center
22 being one of them, for example, and very
23 often those elevators are out of order, more
24 frequently than simply the MTA elevators.

1 So I'm wondering if you have any
2 comment on that or any work that you've done
3 on that issue. Do you know anything about
4 it?

5 MS. DAGLIAN: I believe that he was
6 talking about zoning for accessibility, which
7 was an agreement with the city -- Department
8 of City Planning and the MTA, or it's
9 actually a land-use agreement that will allow
10 for zoning for additional bonus -- some bonus
11 floors and floor-area ratio in exchange for
12 putting in accessibilities to elevators and
13 escalators. And it presents the opportunity
14 for increasing the amount of accessibility

15 and accessible stations tremendously.

16 The MTA has said that one of the

17 things that they're looking at doing is

18 making sure that there's a contract in place

19 for those developers to be required to do the

20 maintenance. We've just come across looking

21 at one site that looks like a really terrific

22 project, but they're still discussing who's

23 going to be doing the maintenance of the

24 elevators and escalators. And I don't feel

1 comfortable with the discussion; I would like
2 to see it in writing because I've come across
3 too many of those also.

4 Felicia, I know you guys weighed in on
5 that.

6 MS. PARK-ROGERS: Everything Lisa
7 said. And then in addition, the MTA is in
8 serious consideration because they're aware
9 of the problem that you rightly point out,
10 Assemblymember Simon. By the way, you're my
11 Assemblymember. Thank you.

12 And so there are serious conversations
13 happening with that, but I think there is
14 room for the Legislature to weigh in with the

15 MTA and really enforce to them how

16 important -- an elevator is only good if it

17 works.

18 ASSEMBLYWOMAN SIMON: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 We go to Assemblywoman Zer --

21 Zinerman.

22 ASSEMBLYWOMAN ZINERMAN: Zinerman.

23 Good afternoon, everyone. I too want

24 to thank you all for your testimony today,

1 and certainly for your advocacy on behalf of
2 older New Yorkers and those living with
3 disabilities.

4 First I'd just like to plus-one
5 Senator Krueger. I actually have a bill out
6 about the e-bike batteries. In my
7 district just recently we had two fires, the
8 same building, and the second one was worse
9 than the first and actually blew out the
10 power for the whole block. So we do have to
11 do something about that, but help is on the
12 way.

13 But that has nothing to do with the
14 fact that we want our pedestrians, our

15 bicyclists and our motorists all to work
16 together in harmony on the roads. And we are
17 not doing so well in that category. So if
18 you heard my testimony a little earlier, you
19 heard that I asked how are we going to work,
20 just in terms of messaging and education, to
21 really help people to work together on
22 sharing the roads.

23 I still hear so much in the
24 alternatives that the motorists have to make

1 all of the accommodations for what's going
2 on. And I think that that is causing some
3 bad behavior in some other folks. And
4 certainly, you know, cars are more dangerous
5 than people walking and those on bikes. But
6 it's a little uneven and we've got to kind of
7 work on that.

8 So just thoughts about how we get to
9 kind of public -- public agreement on how to
10 plan for the future of transportation in our
11 state and utilize our roads. And I have
12 another question.

13 MS. PARK-ROGERS: I'll say very
14 quickly that part of the IJA funding

15 includes, for the first time ever, \$5 billion

16 in funds for Safe Streets and Vision Zero

17 work, and the State of New York should

18 absolutely apply for as much as it possibly

19 can of those funds to help its efforts.

20 ASSEMBLYWOMAN ZINERMAN: I did hear

21 that. Most of those plans, however, are

22 around what cars should do and not what we

23 all should do.

24 Hi, Elizabeth. Looks like you were

1 going to unmute. How are you doing?

2 MS. ADAMS: Hi. Good, thank you.

3 I just would add -- I think this goes

4 back to the importance of infrastructure.

5 When we design Safe Streets, we're designing

6 it to work for everyone.

7 Right now, you know, because our

8 streets are so unsafe and -- you know, a

9 block near me there is no bike lane and so as

10 cars are going down, bicyclists are going

11 into the roadway and so it's unsafe because

12 everyone's competing for the same space.

13 I think when we have designated

14 protected bike lanes, protected busways, we

15 are not putting people at risk because you

16 don't have buses competing against motorists

17 competing against bicyclists. And --

18 THE MODERATOR: Pardon me, your time

19 is up.

20 ASSEMBLYWOMAN ZINERMAN: Which is a

21 bit of a flaw, because bike lanes should

22 never be on a bus route. But we did that, so

23 we've got to -- we've got to talk. Got to

24 continue to work together.

1 CHAIRWOMAN WEINSTEIN: And we'll be
2 doing that offline. Thank you,
3 Assemblywoman.

4 So I want to join my colleagues in
5 thanking the panel members for the work you
6 do and for being with us today and sharing
7 your insights on the Governor's budget.

8 We're now going to move on to Panel B.

9 So Panel B is -- and I see Panel B is here,
10 too. Panel B: Alliance for Clean Energy
11 New York, Deb Kelleher, director of policy
12 analysis and operations; Jobs to Move
13 America, Mo-Yain Tham, New York senior
14 researcher; Rivian Automotive, LLC, Kaitlin

15 Monaghan, manager of public policy and senior
16 counsel; Tesla, Albert Gore III, East Coast
17 lead, public policy and business development;
18 World Resources Institute, Justin Balik,
19 senior manager; ElectrifyNY, Jessica Enzmann,
20 transportation lead; and lastly for this
21 panel, Greater New York Automobile Dealers
22 Association, Mark Schienberg, president.

23 So if we can go in that order. And

24 just to remind the panelists, as you were

1 instructed previously, each of you has
2 three minutes to make your presentation.
3 Your prepared remarks, submitted by email,
4 have been distributed to all of the members,
5 both those that are here and those that had
6 to leave for other meetings. And to the
7 extent you can summarize your testimony, that
8 would be great. And then we will go to
9 questions, if there are any.

10 So if we can go in that order,
11 starting with the Alliance for Clean Energy
12 New York.

13 MS. KELLEHER: Thank you for having
14 this opportunity to testify on the State

15 Budget on behalf of the Alliance for Clean
16 Energy New York. I'm Deb Peck Kelleher, the
17 director of policy analysis and operations.

18 ACE NY is a broad coalition dedicated
19 to promoting clean energy, electrified
20 transportation, and energy efficiency. And
21 our members include renewable energy, energy
22 efficiency, and electrified transportation
23 companies.

24 ACE NY supports the Governor's

1 proposal to achieve 100 percent electric
2 school buses in New York by 2035, which is in
3 Part B of the ELFA budget. The ambitious but
4 achievable 2027 target for all new school bus
5 sales to be electric will help the state meet
6 its climate goals and remove some of the
7 heaviest-polluting vehicles from our streets.

8 We are asking the Legislature to
9 accept portions of Part B and modify others.

10 We suggest that Part B be modified to ensure
11 that schools have immediate access to robust
12 incentives; that you prioritize incentives to
13 school districts most in need; that you
14 utilize existing school aid systems for

15 distributing incentives that extend the lease

16 terms from five years to 15 years because

17 electric school buses have cheaper fuel and

18 need less repairs -- the more that you spread

19 the cost over time, the more comparable the

20 total cost of ownership is to a diesel bus;

21 and that you include a sales tax exemption on

22 electric school buses so that it's easier and

23 cheaper for school bus contractors to afford

24 to switch over.

1 ACE NY also asks that the provisions
2 of Senate Bill 1763/Assembly Bill 4614 be
3 included in the final State Budget. This
4 bill will allow the manufacturers of
5 only-electric vehicles to sell their EVs in
6 New York at retail locations. The auto
7 dealers will tell you that they should be the
8 only ones to sell EVs in the state, and yet
9 they don't even have EVs on their lots.

10 In November, at the height of a new
11 car season, we called 75 auto dealers in
12 upstate New York; only 25 of them had new or
13 used EVs on their lots.

14 As you can see, the current limit of

15 five non-franchise sales locations in the
16 state is a true burden on our upstate
17 consumers. Residents of Central New York do
18 not have the ability to easily travel to
19 New York City, a bordering state or even
20 Canada to purchase an electric vehicle of
21 their choice.

22 Consumers want to purchase EVs and
23 should be able to shop locally and
24 conveniently for their vehicle --

1 (Zoom interruption.)

2 MS. KELLEHER: Thank you for the
3 opportunity to speak today, and ACE NY and
4 our member companies stand ready to support
5 you in implementing these measures and all
6 that we need to do to meet the ambitious
7 goals of the Climate Act. Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 Now Jobs to Move America.

10 MS. THAM: Great, thank you. Members
11 of the committee, appreciate this opportunity
12 to speak on the proposed Executive Budget.
13 My name is Mo-Yain Tham, and I'm the New York
14 senior researcher with Jobs to Move America.

15 We are a strategic policy organization

16 focused on making sure our public investments

17 do the most public good, creating good jobs,

18 opportunities and healthier communities.

19 Jobs to Move America, alongside our

20 allies from Electrify New York, urge you to

21 consider two significant transportation

22 transitions: Electrification of public

23 transit buses, through the Green Transit,

24 Green Jobs bill, and the campaign for

1 electric school buses.

2 The Green Transit, Green Jobs bill,

3 S3535 and S3405, includes JMA's signature

4 good jobs procurement policy, called the U.S.

5 Employment Plan. USEP would allow transit

6 agencies to utilize a best-value framework in

7 order to encourage bidders to compete up to

8 win these contracts. Bidders are given extra

9 credit for proposing good wages, benefits and

10 retraining, such as training diesel fuel

11 mechanics to work on electric buses.

12 Manufacturers can also commit to building

13 facilities in New York State which would help

14 bring good green jobs. Once a bidder wins

15 the project, these commitments become

16 enforceable in the contract.

17 The Green Transit, Green Jobs bill

18 will help New York achieve its ambitious

19 zero-emission goals required in the Climate

20 Leadership and Protection Act. The bill also

21 ensures this transition maintains and creates

22 good family-sustaining jobs at transit

23 agencies and in manufacturing.

24 With electric school buses, there is

1 the opportunity to protect the health of
2 students, drivers and mechanics. To do this
3 right, we need to make sure there is
4 equitable funding for school districts in
5 disadvantaged communities to offset the
6 upfront costs for electric school buses.

7 One way to help bring down the cost is
8 through the statewide "best value"
9 solicitation of ESBs, either through NYSERDA
10 or the Office of General Services. This
11 would help bring about better prices,
12 quality, training, and jobs. Through a
13 centralized best-value contracting framework,
14 a statewide master contract would encourage

15 bulk bidding, which could help bring the

16 prices down.

17 In addition, we encourage a small

18 amendment to Education Law to allow

19 best-value contracting for school bus

20 services. Currently the Education Law does

21 not allow this, which is a disservice for

22 students as well as drivers and workers.

23 Utilizing a best-value framework could help

24 improve service for students through contract

1 accountability and ensure drivers receive

2 competitive wages, benefits and training.

3 We encourage your committees to

4 support the adequate funding for the

5 transition to electric school buses and to

6 utilize a best-value procurement process as

7 New York State starts on its economic

8 recovery and continues to address the ongoing

9 climate crisis.

10 And I thank you for your time.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 Jobs to Move America.

13 (Pause; discussion off the record.)

14 CHAIRWOMAN KRUEGER: I'm sorry, it

15 should be Rivian Automotive next.

16 MS. MONAGHAN: Hello.

17 CHAIRWOMAN KRUEGER: Okay, take a

18 shot. Go for it.

19 MS. MONAGHAN: Thank you, Madam Chair,

20 members of the committee for this opportunity

21 to provide testimony on behalf of Rivian.

22 My name is Kaitlin Monaghan. I am on

23 the policy team here at Rivian. Founded in

24 2009, Rivian is an American manufacturer of

1 all-electric adventure vehicles. With over
2 12,000 employees across the U.S., Rivian's
3 focus is on the design, development,
4 manufacture and distribution of all-electric,
5 zero-emission vehicles. Rivian has begun
6 production, sales and delivery of our first
7 two models, the R1T pickup and R1S SUV, from
8 our manufacturing facility in Normal,
9 Illinois.

10 In addition to our consumer-oriented
11 vehicles, Rivian also produces medium-duty
12 fleet vehicles. Our first commercial
13 contract is with Amazon for the purchase of
14 100,000 all-electric vehicles by 2030.

15 Production of these vehicles has started; it
16 began last year. And Rivian is also building
17 out a nationwide charging network.

18 Rivian would like to thank Governor
19 Hochul and the state for continued leadership
20 on climate policy. During climate week last
21 September, Governor Hochul signed into a law
22 a bill which established a rule for the sale
23 of all new passenger vehicles in New York to
24 be zero emission by 2035, and for medium- and

1 heavy-duty by 2045. New York has also signed
2 the Multi-State Zero Emission Vehicle MOU,
3 and the state has demonstrated leadership by
4 adopting the Advanced Clean Truck Rule, and
5 of course the landmark Climate Leadership and
6 Community Protection Act, which commits
7 New York to a 40 percent reduction in
8 greenhouse gas emissions from 1990 levels by
9 2030 and 85 percent by 2050.

10 These policies that create goals and
11 requirements are really critical, but for
12 New York to meet these goals, the state must
13 shift from intention to implementation. And
14 there are some really essential policy gaps.

15 For example, Rivian offers the only
16 electric pickup available on the market
17 today, and the only large SUV. Our vehicles
18 displace the heaviest polluters on the road.
19 And yet, because of a law passed in New York
20 in 2014, Rivian cannot sell our vehicles in
21 the State of New York. We can sell them
22 online today, but we cannot invest in the
23 state, hire and train the new EV workforce,
24 and sell our vehicles in person to

1 New Yorkers. For that reason, we are very
2 limited in our ability to help New York meet
3 its ambitious climate goals.

4 You will hear from the franchised
5 dealers that they're all in on EVs, and we
6 sincerely hope that they will be in the
7 future. But as you heard from Deb's
8 testimony, they're not there today. The
9 policy under consideration would not change
10 their ability to sell EVs, it would simply
11 allow more parties or companies like Rivian
12 and others to sell EVs and to help us meet
13 the state's goals.

14 Thank you. I'm happy to take any

15 questions.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 Now, Tesla.

18 MR. GORE: Thank you, Chair Weinstein

19 and Chair Krueger, for the opportunity to

20 testify, and also to Chairmen Magnarelli and

21 Kennedy, as well as to the members of the

22 Legislature who have joined here today.

23 I want to start by applauding the many

24 proposals in the budget that encourage and

1 facilitate a transition to zero-emission
2 transportation, and also the leadership from
3 the Senate, the Assembly, Governor Hochul in
4 committing to 100 percent zero-emission sales
5 for light duty vehicles in 2035, for adopting
6 the Advanced Clean Truck Rule so New York can
7 be a leader in adopting that crucial emerging
8 technology for the heaviest polluting
9 vehicles on our roads today.

10 This has enormous implications not
11 only for climate change but also for public
12 health in disadvantaged communities, who
13 always bear the brunt of the health impacts
14 from particulate matter and other pollutants

15 associated with burning fossil fuels.

16 All of these policies are

17 recommendations within the Climate Action

18 Council's draft scoping plan released in

19 December, and action now on these policies

20 demonstrates an understanding of the urgent

21 need for near-term progress on all fronts if

22 the state is going to have a fighting chance

23 to achieve the required reductions put in

24 place by the Climate Act.

1 The draft scoping plan also states
2 that New York should enact legislation to
3 expand direct-to-consumer sales of
4 zero-emission vehicles by manufacturers,
5 which can serve to increase the availability
6 and sales of zero-emission vehicles in the
7 state.

8 And I want to start out by saying we
9 don't view this as an issue of Tesla and
10 Rivian versus the auto dealers. Our
11 opponents in this fight are the barriers to
12 adoption of electric vehicles. It's been
13 that way for over a decade. They're well
14 known to be price, charging, availability,

15 unfamiliarity with the technology, and we've
16 spent a decade finding ways to address them
17 both in our product offerings and with
18 customers everywhere that we've been able to
19 open stores and engage with them on all the
20 questions they have about electric vehicles
21 before deciding to buy.

22 And our purchase process is very
23 simple. Our pricing is transparent and
24 fixed; everybody pays the same price for the

1 same products. It's a different sales
2 process than gas cars, and different than the
3 franchise dealer model. We've had success
4 with it. We've gone from a few thousand cars
5 to 936,000 cars over the last 12 months.

6 And New York law was never intended to
7 dictate that every car must be sold through a
8 franchised dealer. In April of 2014, a month
9 after the law was passed that has blocked
10 Tesla, Rivian and others from opening any
11 more stores in New York, the director of the
12 FTC's Bureau of Competition said -- I'm
13 quoting here: "Instead of 'protecting,'
14 these state laws became 'protectionist,'

15 perpetuating one way of selling cars -- the
16 independent car dealer.
17 "Regulators should differentiate
18 between regulations that truly protect
19 consumers and those that protect the
20 regulated. We hope lawmakers will recognize
21 efforts by auto dealers and others to bar new
22 sources of competition for what they are --
23 expressions of a lack of confidence in the
24 competitive process that can only make

1 consumers worse off."

2 I will stop there. I'm hopeful that

3 we can discuss the other merits of this

4 policy, and thank you very much for your

5 time.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 We now go to World Resources

8 Institute.

9 MR. BALIK: Thank you, Chairs. And

10 thank you, other members of the committee for

11 the opportunity to testify today.

12 My name is Justin Balik. I'm the

13 senior manager of state policy for

14 transportation electrification at World

15 Resources Institute. We are a global climate

16 and economic development organization.

17 And recently over the last year we've

18 set up an initiative specifically focused on

19 helping policymakers and school districts

20 identify best practices when it comes to

21 electrifying their school bus fleets. I'm

22 excited to talk to you about this today

23 because working on this across the country is

24 my full-time job and that of several

1 colleagues.

2 So the proposal that Governor Hochul
3 put forward to electrify by 2035, our view is
4 that it is both ambitious and attainable,
5 provided that it is funded adequately and
6 that there is an equity-first approach to
7 implementation. I don't need to go over the
8 climate goals that so many other folks talked
9 about, except to say that electric school
10 buses presents a unique opportunity to serve
11 disadvantaged communities and advance
12 environmental justice.

13 In terms of the specific Executive
14 Budget proposal, we believe again that it is

15 doable. We are projecting -- and we know
16 that there are some concerns about the cost
17 of these buses compared to their diesel
18 counterparts. We are projecting that over
19 the total life of the vehicle, total cost of
20 ownership, cost parity will be reached around
21 2027, which is when the Governor is calling
22 for all new bus purchases to be electric.

23 We also believe that upfront price
24 parity in terms of what you pay upfront will

1 be reached in 2032. And so again, that's in

2 line with meeting the Governor's timeline.

3 However, we recommend some specific

4 improvements. We believe the state should

5 provide technical assistance through NYSERDA

6 and the Department of Education and the New

7 York Power Authority to assist school

8 districts with this transition. School

9 districts have so much on their plate right

10 now that the state needs to be in the

11 business of helping them go from A to B in

12 this process.

13 In terms of costs, we believe that the

14 state should appropriate, either via the

15 Environmental Bond Act or other sources of
16 funding through the state budget,
17 \$800 million to help in the first few years
18 to cover the incremental gap between diesel
19 and electric. We again believe that that
20 incremental gap will come down rapidly, but
21 it's important that some initial incentive
22 dollars are allocated on the front end. That
23 will help incentivize early adopters so that
24 nobody is waiting around until just 2027 to

1 start working on their electrification
2 transition. We need to set up a glide path
3 as opposed to something more abrupt.

4 Again, the biggest barrier to ESB
5 adoption in the short term is the cost, and
6 so we believe the financial assistance will
7 help with that. And in keeping with the
8 CLCPA, we believe the assistance should be
9 targeted towards disadvantaged communities,
10 at least 40 percent.

11 We also believe there needs to be, in
12 the one-house budgets and the final budgets,
13 considerations for promoting workforce
14 development associated with this transition.

15 And there needs to be utility considerations

16 and a bunch of other things that are

17 important, and would love to talk to you

18 further about it if there's time for

19 questions.

20 Thank you for the time.

21 CHAIRWOMAN KRUEGER: Thank you very

22 much.

23 Next we will go to Jessica Enzmann,

24 ElectrifyNY, transportation lead.

1 MS. ENZMANN: Thank you. Thank you
2 all for the opportunity to provide comments
3 that support progress towards cutting
4 emissions in the transportation sector.

5 ElectrifyNY is a statewide coalition
6 of advocates for environmental justice,
7 public transportation, social justice and
8 good jobs fighting for clean, equitable
9 electric transportation for New York.

10 ElectrifyNY commends Governor Hochul's
11 commitment to reducing greenhouse gas
12 emissions and minimizing the public health
13 impact for New York State's transportation
14 sector with her pledge to transition the

15 state's school buses to zero-emission
16 vehicles fully by 2035. This is an ambitious
17 but achievable deadline that will bring the
18 way we transport our children into the
19 21st century, while significantly curbing
20 carbon and toxic air emissions across
21 New York State.

22 While the Governor's mandate is
23 ambitious, it falls short of a full
24 commitment to priorities equity for

1 communities that would stand to benefit the
2 most from school bus electrification. We
3 fear that without specific funding earmarked
4 in the budget, the plan to fully electrify
5 New York's school buses will not meet the
6 state's own deadline.

7 In order to fully benefit New York's
8 communities, the transition to electric
9 school buses must also center the needs of
10 manufacturing, electrical and school bus
11 workers. The state should adopt a state
12 centralized best-value procurement process
13 for school buses and school bus services that
14 will lower bus prices, increase quality and

15 ensure high-quality training for drivers and

16 technicians.

17 As we fight for a clean energy future,

18 New York State has a unique opportunity to

19 create good family-sustaining manufacturing

20 jobs in the communities that need them most.

21 With the Climate Action Council's draft

22 scoping plan released and recent major

23 transportation commitments from Governor

24 Hochul, the transition of our buses to

1 electric is already underway. Green Transit,
2 Green Jobs (the A3090 and A2083 bills) can
3 codify these health-improving emission
4 reductions while also ensuring economic
5 benefits for New York's workers.

6 The Green transit bill will phase in
7 battery-electric buses and paratransit
8 vehicles across our state, requiring all
9 agencies to make the switch fully by 2029, a
10 policy that will have a myriad of public
11 health benefits, particularly for bus
12 drivers, depot workers, environmental justice
13 communities, and riders.

14 The Green Jobs aspect of the bill has

15 a simple premise: every public dollar we
16 invest in clean transit infrastructure for
17 the future should also contribute to good job
18 creation in communities. Communities hit
19 hardest by the pandemic, climate change, and
20 disinvestment will benefit from both the
21 elimination of tailpipe pollution from
22 highly-polluting diesel buses and from
23 potential job growth throughout the state.
24 Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 And then the last for this panel, Mark

3 Schienberg, Greater New York Automobile

4 Dealers Association.

5 MR. SCHIENBERG: Thank you for the

6 opportunity to address you today.

7 You know, two nights ago, if you were

8 tuned into the Super Bowl game, even if just

9 for the commercials, you couldn't miss the

10 exciting news coming out of the automobile

11 manufacturers' industry -- one electric

12 vehicle ad after another showed precisely

13 where my industry is going. And by the way,

14 a public poll I think voted GM as the

15 number-one commercial on the Super Bowl for

16 the electric Silverado pickup.

17 But this transition has really been

18 underway for several years now.

19 Manufacturers have been expanding and

20 reshaping their EV inventory in response to

21 growing incentives and changing government

22 policy every year, and New York's

23 approximately 1,000 new car dealers continue

24 to make critical investments in their

1 facilities and workforce to prepare for an
2 all-EV future.

3 Our dealers welcome the shift to a
4 zero-carbon future, which is critical to
5 winning the fight against climate change.

6 And while the future is promising, we all
7 have much to do to make it happen. New York
8 must focus on three critical areas to help
9 consumers make the switch to all-electric
10 models. First we have to help consumers
11 afford EVs.

12 An August 2020 Consumer Reports survey
13 found that 43 percent of the people believe
14 electric cars cost too much. NYSERDA's Drive

15 Clean rebate program, which my association,
16 the greater New York auto dealers
17 association, supported from the beginning,
18 helps lower the cost of going electric for
19 thousands of New Yorkers every year. This
20 program is critical to average consumers who
21 are not looking for a luxury electric car as
22 a second vehicle.

23 Second, New York must continue to
24 invest in our EV charging infrastructure. A

1 February 2019 Volvo survey found that
2 58 percent of consumers "are afraid they will
3 run out of power" before they're able to
4 charge their vehicle, and a recent State
5 Comptroller's report on public fast-charging
6 stations found New York is far behind.
7 California, for example, has just over 34,000
8 public charging stations, while New York has
9 fewer than 7,000.

10 And third, New Yorkers must support
11 mass distribution of EVs. The franchise
12 model that my members participate in is the
13 only one that has the workforce, the reach,
14 the infrastructure to get hundreds of

15 thousands of cars on the road in the coming
16 years. But a proposal you are now
17 considering to allow direct sales by only-EV
18 manufacturers does nothing to achieve any of
19 these goals. In fact, some of its main
20 proponents shun mass production in favor of a
21 one-at-a-time manufacturing process that
22 cannot possibly meet the ambitions of EV
23 goals.

24 Again, I have submitted the rest of my

1 testimony, and I'd be glad to answer any

2 questions. Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We'll go to our Transportation chair,

5 Assemblyman Magnarelli first.

6 ASSEMBLYMAN MAGNARELLI: I just wanted

7 to say thank you to everybody who's

8 testified. I know you've been here a long

9 time, many of you, watching the proceedings.

10 And I also want to thank you because

11 I've seen you either in my office or at other

12 hearings that we've had over the past few

13 months. Again, this information is critical

14 for legislators to see all parts of an issue

15 and to take that information in as we go

16 forward.

17 I want to say thank you one more time.

18 Thank you for being here.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 So Senate, do you have anyone?

21 CHAIRWOMAN KRUEGER: I'm looking and I

22 don't see any hands up, so let's keep it

23 going with the Assembly.

24 CHAIRWOMAN WEINSTEIN: We'll go

1 until -- oh, I see Senator Kennedy popped in.

2 CHAIRWOMAN KRUEGER: Oh, there you go.

3 SENATOR KENNEDY: I can't help myself

4 with such an auspicious group here,

5 Chairwoman.

6 I just wanted to reiterate what

7 Chair Magnarelli mentioned, and just our

8 gratitude for all of your hard work, your

9 collective partnership with me and my office,

10 everything that we're working on together to

11 electrify New York and to improve the

12 environment. We look forward to our

13 continued work together.

14 So again, thank you for all of your

15 efforts.

16 CHAIRWOMAN KRUEGER: Thank you.

17 CHAIRWOMAN WEINSTEIN: Okay. Now

18 we'll go to Assemblyman Ra.

19 ASSEMBLYMAN RA: Thank you, Chair.

20 So just some questions about, you

21 know, the practicality of all this. I know

22 several have talked about it being an

23 attainable goal. And I certainly agree with

24 the idea that, you know, the proposal with

1 just the Building Aid, Transportation Aid
2 piece of it, that's certainly not going to be
3 enough to fund this.

4 But I was wondering if you could just
5 address some of the issues that have come up
6 with electric buses. In particular, when we
7 were looking at school buses -- you know, in
8 New York State we obviously have upstate
9 areas with very cold climates and rural areas
10 where the bus routes are rather long. And my
11 understanding is that there has been some
12 issues in places that have tried this with
13 buses holding their battery charge in very
14 cold temperatures.

15 So I was wondering if anybody can

16 address that issue.

17 MR. BALIK: Sure, I'm happy to speak

18 to that, Assemblyman.

19 I would say overall we see on the

20 range on these vehicles as pretty solid right

21 now and getting better over time. I agree

22 with you that there have been issues. I

23 think that those are generally isolated

24 issues. We have had some good conversations

1 over the last week with the Rural Schools

2 Association.

3 And I think overall we're seeing that

4 buses that are out there today are able to

5 get somewhere between 155 and 200 miles in

6 terms of a single charge. And by the time we

7 get to 2027 and 2035, we expect that to

8 improve dramatically. And we're in talks

9 with the industry about some of those issues.

10 I would say additionally the whole --

11 you raised an excellent point on the funding.

12 Part of our impetus for needing dedicated

13 funding for this is so that there are early

14 adopters and that there are people that are

15 willing to buy electric school buses in 2022
16 and 2023, and that there are people that are
17 willing to not just buy one bus or two buses
18 at a time.

19 We think that there needs to be
20 significant scaling up in terms of the
21 manufacturing -- that came up in another
22 context, in someone else's testimony. But we
23 view on the school bus front scaling up as
24 really important to sorting out some of these

1 issues. And we also see --

2 ASSEMBLYMAN RA: And not to cut you

3 off, but I have very limited time.

4 The other thing is the life span of

5 the buses, if you can address that. I know

6 there's been, you know, buses in the past

7 that didn't quite last as long as they had

8 been projected to, and that certainly could

9 be a problem too with the costs as we move

10 forward into full implementation.

11 MR. BALIK: Sure. I'm happy to send

12 you as follow-up, to your office and everyone

13 here, that we have some specific information

14 on battery life from the different

15 manufacturers that are out there.

16 And again, we expect that to improve

17 over the next decade-plus, which is why we

18 think that that -- this goal is ambitious but

19 attainable.

20 But happy to send you follow-up

21 information in terms of where the existing

22 manufacturers are in terms of battery life.

23 We do think it tends to be along the 15-year

24 range that Deb kind of talked about in terms

1 of the lease terms. But happy to send you

2 some specifics on some models.

3 ASSEMBLYMAN RA: Okay, I'd appreciate

4 that. Thank you.

5 CHAIRWOMAN KRUEGER: No more Senators.

6 CHAIRWOMAN WEINSTEIN: Okay. And now,

7 Assemblywoman Gallagher.

8 ASSEMBLYWOMAN GALLAGHER: Hi. Thank

9 you, Chairs, and thank you to all who

10 testified.

11 I first want to assert that I am a

12 huge fan of anything that moves us towards

13 decarbonization. But since we're all here

14 and we're all allied in that, I thought I

15 would have a little fun with the Tesla
16 representative, because I do have some
17 concerns about the electric automobile being
18 framed as a saving grace for us
19 environmentally, when many of your corporate
20 practices are not actually environmentally
21 friendly.

22 According to Auto Week magazine last
23 spring, almost all of Tesla's profits in a
24 given quarter came from the sale of emissions

1 credits issued under a cap-and-trade system.
2 Plus \$100 million from the sale of bitcoin --
3 which, as we know, requires environmentally
4 devastating practices in cryptocurrency
5 mining.

6 So how does Tesla, through selling
7 emission credits to other polluting
8 corporations, and boosting the value of
9 cryptocurrency that requires a nation-state's
10 worth of electricity to mine -- how does that
11 help New York State meet its climate goals?

12 Thank you.

13 MR. GORE: Well, thank you for your
14 question. It's a very good one.

15 To the sale of regulatory credits,

16 that is a regulatory system that was put in

17 place in order to reduce emissions across a

18 large -- a large area of states that join

19 together using authority under the EPA's

20 authority to regulate greenhouse gases. So

21 the fact that we sell zero-emission vehicles

22 above what the target would be implemented by

23 that program, that creates credits. We're

24 not necessarily out there seeking to sell

1 credits. That's the way the program works

2 for every automobile delivered in the

3 United States with --

4 ASSEMBLYWOMAN GALLAGHER: Shouldn't we

5 be wanting there to be -- you know, for those

6 companies to follow you instead of you giving

7 them the opportunity to create more polluting

8 vehicles? Which is essentially you're

9 profiting off of your environmental

10 friendliness in order to continually allow

11 other companies to degrade the environment.

12 MR. GORE: I think the best way for us

13 to encourage other companies to accelerate

14 their adoption of electric vehicles and

15 deploy them is to create more competitive

16 markets for the sale of electric vehicles.

17 Which brings us to this policy we're talking

18 about today.

19 I think there's no substitute for the

20 pull of competition and demand in the market.

21 And if they're not going to serve it,

22 somebody else will. So that will motivate

23 the entire industry to move much more

24 quickly.

1 THE MODERATOR: Pardon me, your time

2 is up.

3 ASSEMBLYWOMAN GALLAGHER: Thank you.

4 CHAIRWOMAN WEINSTEIN: We go to

5 Assemblyman Jacobson.

6 ASSEMBLYMAN JACOBSON: Thank you,

7 Madam Chair.

8 I have questions for the

9 representatives of the manufacturers. You

10 want to sell directly. My concern is

11 service. Let's say you have a dealership in

12 White Plains but you don't have another one

13 till -- to Albany. That means people in

14 between are going to have an hour and a half

15 or worse travel to get service. Or you have

16 one in Long Island, and that's it. Or in

17 Queens, and that's it.

18 So how are you going to commit to

19 having proper service? Will you have --

20 other than just dealerships, will you have

21 service centers throughout the state?

22 MR. GORE: I can answer that, and I'm

23 sure Kaitlin can speak for Rivian on that as

24 well.

1 So we have many service centers across
2 the state beyond our sales footprint, so
3 including upstate in Rochester. In Albany,
4 we have a service center. And our goal here
5 is to be located closer to where our
6 customers are, both for sales and service.

7 But to the extent that folks live
8 beyond a 30-minute drive or an hour drive, we
9 have a large remote-service Ranger program.

10 They work out of vans. They will come fix
11 customers' cars at their homes or places of
12 business. About 80 percent of service calls
13 on an electric vehicle can be handled through
14 that process; they don't need to be put up on

15 a lift. So it actually -- it works very

16 well.

17 But, you know, our challenge is

18 scaling service with the deployment

19 of vehicles --

20 ASSEMBLYMAN JACOBSON: All right.

21 Could I hear from Rivian? Can I hear from

22 Rivian?

23 MS. MONAGHAN: Thank you for the

24 question.

1 Rivian's first New York service center
2 is open now. It's in Brooklyn, in the
3 Bushwick neighborhood. We have plans to open
4 service centers in upstate as well. We're
5 also deploying a mobile service. Really,
6 we'll service these vehicles like our brand.

7 ASSEMBLYMAN JACOBSON: Thank you.

8 That's not going to fly.

9 Next question. The problem is
10 chargers. And I think until you make it that
11 everybody has the same technology, it's going
12 to be very, very difficult. I know Tesla now
13 has a separate one than others, but you
14 charge extra to convert it to the ones.

15 Can't you all commit to having either

16 the first or second most popular technologies

17 so then we can standardize the chargers or

18 the stations and everything else and make it

19 as convenient as -- as gas stations? Because

20 when GM and Ford and Volkswagen get into it,

21 they're going to flood the market. So it's

22 not -- we can't have -- it's just like a

23 light bulb, we can't have 10 different

24 technologies.

1 MR. GORE: Yes, a great question --

2 THE MODERATOR: I'm sorry, your time

3 is up.

4 ASSEMBLYMAN JACOBSON: Ah, we don't

5 have many people. Let him answer.

6 CHAIRWOMAN WEINSTEIN: If we can --

7 MR. GORE: I could give a very brief

8 answer.

9 CHAIRWOMAN WEINSTEIN: For this -- if

10 he could give a very quick answer.

11 MR. GORE: Thank you.

12 The quick answer is we have begun the

13 process of opening our network to make

14 chargers universal. It's going to be a long

15 process, it's starting in Europe. But I

16 think we will begin that process in New York

17 relatively soon. So --

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 Thank you.

20 So now Assemblyman Walczyk.

21 ASSEMBLYMAN WALCZYK: Thanks,

22 Madam Chair.

23 So Deb, we're going to be all

24 zero-emission passenger vehicles by 2035.

1 How does direct sales fit into that equation?

2 MS. KELLEHER: I think it just allows
3 more vehicles to get on the road quicker, and
4 then that will also drive more competition.

5 So the auto dealers, although they
6 have these great commercials, it's very hard
7 to find them in our state to purchase them.

8 So we'll just encourage them to get them in
9 their showrooms, to get people in there and
10 to get people buying them.

11 So I think direct sales is a great way
12 to just drive competition. It's no cost to
13 the state to do, so it's one of those -- when
14 we address climate, there are a lot of costs.

15 This one is no cost to the state. So I think

16 it's just a great way to let the market move

17 us forward.

18 ASSEMBLYMAN WALCZYK: Thanks.

19 Kaitlin, what is the -- what's the

20 biggest hurdle, or what are some of the

21 hurdles for somebody in upstate New York to

22 buy Rivian?

23 MS. MONAGHAN: They can buy a Rivian

24 online, but they cannot test-drive a Rivian

1 in their state, we can't offer a lot of the
2 services that your regular dealer can offer
3 without a dealer license -- tax, title,
4 trade-in, all of these. There's a lot of
5 barriers without having that license for the
6 consumer.

7 ASSEMBLYMAN WALCZYK: Al, can you
8 elaborate on some of the hurdles that your
9 customers will face in upstate New York in
10 particular?

11 MR. GORE: Sure. So in Buffalo, for
12 instance, it's a six-hour drive down to Mount
13 Kisco, and there's an explosion of demand for
14 electric vehicles in cities like Buffalo,

15 Rochester, Syracuse. And so it is difficult.

16 What Kaitlin described, a customer can't

17 test-drive a car that's offered for sale and

18 then buy it, other than at a licensed

19 location.

20 So New York is a very big state, and

21 five stores is simply not enough to be able

22 to serve the demand to deliver the cars. As

23 Kaitlin mentioned, it's very simple to go and

24 order and buy online, but the best entity to

1 protect customers in New York State is
2 New York DMV. So the best way to have this
3 happen is to allow all of us to deliver cars
4 through locations that are licensed and
5 regulated by New York DMV.

6 ASSEMBLYMAN WALCZYK: Some people have
7 said that consumers benefit from the price
8 competition in the franchise model, and
9 having fixed pricing in direct sales would
10 actually hurt customers. Can you just offer
11 some thoughts on that?

12 MR. GORE: My thought on whether price
13 competition exists in the franchise model --
14 I know that's something that we hear a lot.

15 The National Bureau of Economic Research did
16 a working paper in 2020 that really concluded
17 that there is no price competition because
18 the price and the interest rate and several
19 other factors are all bundled and it's
20 impossible for consumers to compare one
21 dealership to another.

22 So I think when you actually have
23 transparent pricing and everybody knows what
24 they're going to pay when they come in, that

1 actually does allow for inter-brand price

2 competition and benefits customers.

3 THE MODERATOR: Pardon me, your time

4 is up.

5 ASSEMBLYMAN WALCZYK: Thanks,

6 Madam Chair.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 We'll go to Assemblyman Otis now.

9 CHAIRWOMAN KRUEGER: I'm sorry,

10 Helene, I just wanted to jump in with a

11 question.

12 CHAIRWOMAN WEINSTEIN: Oh, sure.

13 CHAIRWOMAN KRUEGER: Thank you. Just

14 because I think it's follow-through.

15 So I'm totally confused because you're
16 all saying what we have now does work,
17 doesn't work, we need to keep the
18 dealerships, we should or shouldn't let in
19 the other folks. But I watch TV commercials
20 like every day -- wait, someone else is
21 talking. Will everyone else mute? Thank
22 you.
23 I watch TV commercials every day that
24 are advertising I can buy a car by going

1 online or even apps on my phone, and the cars
2 will show up magically in my driveway if I
3 had a driveway. So what's that? And how is
4 that different than what you guys are
5 fighting over?

6 MS. MONAGHAN: I can speak to that
7 quickly. So this prohibition doesn't exist
8 for used cars, so Carvana, Vroom, these
9 companies sell used cars pretty easily
10 in-person or online.

11 This restriction is for the sale of
12 new cars, and it's in-person. So what
13 Rivian, Tesla, Lucid want to do is establish
14 dealers as bases towards retail operations in

15 the State of New York, and we're restricted
16 because of this law that was passed in 2014.

17 MR. SCHIENBERG: If I might just jump
18 in, just as a clarification, Tesla and Rivian
19 are not restricted from being able to sell
20 their products in any part of the state that
21 there is. They just have to make a decision
22 whether they would participate in a franchise
23 system, because there's a lot of people that
24 would be willing to take up their makes and

1 models.

2 One other thing. There are two new
3 entries coming in, they'll be displaying at
4 the New York International Auto Show, they're
5 pure electric vehicles. And those car
6 companies said that they would clearly follow
7 the state's requirements, whatever it might
8 be -- California is direct sales, they would
9 do that. In New York they would go through
10 the franchise system.

11 It is just Tesla and Rivian and
12 Lucid -- a \$186,000 car company -- that wants
13 to have their own business model that goes on
14 a direct and doesn't follow all the state

15 consumer protection requirements.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Thank you, Helene.

18 CHAIRWOMAN WEINSTEIN: Yeah. Just

19 wanted to sort of alert folks that we sort of

20 have veered off from the budget and are

21 talking about a legislative proposal that

22 post-budget we will most likely be having

23 some continuing discussion on. So if we

24 could try and get back to the budget.

1 And with that, I call on

2 Assemblyman Otis.

3 ASSEMBLYMAN OTIS: Thank you, Helene.

4 On the EV, we have some folks here

5 that manufacture EV electric vehicles and

6 others very interested in growing that

7 market. We had a hearing last week about

8 what is the best way to grow our electric

9 vehicle charging infrastructure that will

10 help consumers feel comfortable buying your

11 vehicles.

12 So we don't have much time. If one or

13 two of you wants to give a little snippet of

14 that -- but I would ask that any of you that

15 have more in-depth suggestions on how
16 New York State -- dos and don'ts on growing
17 our EV charging infrastructure, please send
18 us something in writing and we'll work it
19 into how we try and evolve policies on this
20 front.

21 Would someone like to feed in with
22 some initial thoughts?

23 MR. SCHIENBERG: Assemblyman, if I
24 might -- not on a manufacturing side but

1 again on the retail side -- there are a
2 thousand franchised new car dealers, and
3 they're all investing heavily into their
4 infrastructure at their dealerships to
5 developing charging stations on it.

6 And the average cost to a retail
7 dealer is anything from \$250,000 to a half a
8 million dollars on charging ports and
9 upgrading their electric facility to handle
10 Phase 3 chargers on it. That's an amazing
11 investment that the retail dealers across the
12 state are making to be able to support this
13 transformation into electric vehicles.

14 MR. BALIK: I would just add the

15 school bus charging is kind of its own unique
16 beast and needs to be thought of in a
17 comprehensive way and in terms of, you know,
18 where school buses are going and are there
19 opportunities for them to charge at other
20 schools when they're going to sports games or
21 something like that. There's just a lot of
22 unique school bus charging considerations.
23 Specifically, I will also say -- and I
24 didn't have time to mention this in the

1 testimony -- we were very glad to hear that
2 the Green Schools initiative that
3 Governor Hochul is expanding as part of the
4 Environmental Bond Act, or proposing to
5 expand, does include school bus charging
6 assistance for disadvantaged communities as
7 part of that expanded initiative.

8 So just flagging that school bus
9 charging is kind of its own animal, to some
10 extent.

11 MR. GORE: If I could follow that just
12 to say that rate design is really important.
13 New York State has some of the highest
14 non-coincident demand charges in the country.

15 And thank you, Senator Kennedy, for
16 carrying a bill this year that's going to
17 make a big difference in reducing the costs
18 to install fast chargers around the state.

19 And I think long-term, looking at
20 folks who live in multi-family housing,
21 building codes is really important.
22 Strengthening the building codes to require
23 EV-readiness at the time of construction,
24 when it's cheapest to do it, will have

1 effects for decades.

2 ASSEMBLYMAN OTIS: Thank you all. And

3 please send stuff in writing if that helps

4 expand our universe.

5 Thank you.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 Assemblywoman Simon.

8 (Pause.)

9 ASSEMBLYWOMAN SIMON: Sorry.

10 Thank you for your testimony.

11 I wanted to follow-up a little bit on

12 the issue of the environmental footprint, for

13 example, of Tesla, which has manufactured

14 many more cars than others, as well as some

15 of the -- there was a recent recall, for
16 example, of many Tesla vehicles because of
17 issues with cameras, front and back -- and
18 also that the automatic driving feature, one
19 would come to a rolling stop, which is a
20 concern in terms of safety. So I'd like to
21 hear if you could address that.

22 And then the other issue that I think
23 is relevant to the direct-sale manufacturers
24 is labor practices. And there are concerns

1 about the ownership of these organizations
2 and their labor practices, which does have a
3 tremendous budget impact on the workers of
4 the State of New York.

5 MR. GORE: Thank you for the question,
6 the -- about the recalls and specifically the
7 rolling stop. So that was a feature that had
8 very, very tight parameters under which it
9 could occur, but it was clearly something
10 that needed to be recalled.

11 So the good thing about these
12 connected vehicles is it's very simple to do
13 a recall over the air at night,
14 automatically, to all the customers that are

15 affected. And it was a very limited section
16 of customers who had opted into the Full
17 Self-Driving pilot program.

18 So I will say that it is a very
19 effective way to perform those recalls and to
20 do various repairs. A lot of repairs can be
21 done through software updates.

22 I don't know if you'd like the other
23 manufacturers to weigh in or I can move to
24 the --

1 ASSEMBLYWOMAN SIMON: If they can.

2 And then the labor practices. I know

3 that, you know, the ownership of these

4 companies, for example, are people who have

5 not been supportive of, you know, union

6 organizing, for example, and have had a

7 number of lawsuits brought against them for

8 discrimination and unfair practices.

9 MR. GORE: Yeah, I will say that we

10 take any allegation of discrimination or

11 harassment extremely seriously.

12 To the question about our production

13 facility in California, that's a factory that

14 we took over after it was shut down in 2010.

15 We hired a lot of those folks back. We've
16 grown a lot since then. And I'm hopeful that
17 we can disentangle the issue of sales of
18 electric vehicles that are made in the
19 United States by the best-compensated workers
20 in California on auto manufacturing. It's
21 the most --

22 THE MODERATOR: Pardon me, your time
23 is up.

24 MR. GORE: -- in the country, and that

1 hopefully we can disentangle that from the
2 topic of getting more electric vehicles on
3 the road.

4 But thank you very much for the
5 questions.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 We go to Assemblyman Palmesano.

8 ASSEMBLYMAN PALMESANO: Yes, I think
9 my question would probably be more directed
10 for Mr. Gore.

11 Mr. Gore, a lot of people are talking
12 about the need to expand the deployment of
13 electric vehicles to meet our clean energy
14 goals and the CLCPA, for example. But I kind

15 of wanted to focus on the international

16 environmental and human rights issues

17 connected with electric vehicle rare earth

18 minerals extraction.

19 For example, we know the Democratic

20 Republic of Congo, 70 percent of the cobalt

21 is extracted there. And we've heard the

22 stories of child labor law issues, with

23 children dying, with children being maimed in

24 mining accidents. Some estimates are some

1 40,000 children are mining in these areas,
2 some as young as six years old.

3 And I think the concern I have with
4 that, and in addition to, you know, the fact
5 that China has basically control of the
6 rare-earth materials market -- it seems like
7 people are okay with that and then turning
8 our energy security over to China and having
9 to deal with them on these rare-earth
10 materials.

11 So I guess -- I don't think it's
12 enough, necessarily, to say that the U.S.
13 government has to take the lead on this. I
14 think, you know, I heard that from the DEC

15 commissioner and deputy commissioner last
16 week. And especially when New York wants to
17 put itself out there as a leader when, in
18 terms of the CLCPA, I think they should
19 also -- if they're going to be out there on
20 that, then they should also be a leader on
21 this.

22 So I guess my question to you would be
23 with these child labor issues that we know
24 that's going on in the Congo with child labor

1 with the cobalt mining -- which goes into our
2 electric vehicles. With China and slave
3 labor that we know happens on there, what
4 should New York be doing, what should
5 companies like you be doing to address these
6 human rights and environmental issues that are
7 connected with electric vehicle rare-earth
8 materials extraction? I believe that's a
9 problem that really needs to be addressed as
10 we move forward.

11 MR. GORE: It's a very important
12 topic, Assemblymember. Thank you for
13 bringing it up. And I'd love to share with
14 you the impact report from 2020 which goes in

15 depth into this topic.

16 But for brevity's sake I'll just say

17 we have a supply chain due diligence program.

18 We conduct a country of origin inquiry with

19 respect to the entire supply chain. And it's

20 very important to work within large

21 coalitions that are focused on this issue so

22 the OECD due diligence guidance for

23 responsible sourcing is something that is

24 strengthened by the participation of all the

1 companies in the industry.

2 So beyond that, we take a number of
3 measures which I can go -- I'd be happy to go
4 into detail with you offline.

5 ASSEMBLYMAN PALMESANO: Okay, just as
6 a follow-up to that, I mean, the fact that we
7 know that China has a total control,
8 basically I would say almost in terms of a
9 monopoly on the rare-earth materials, from
10 the statistics we've seen -- aren't we
11 basically, with this push towards full
12 electrification, basically turning the fact
13 that China is continuing to build out coal
14 plants, now they control the rare-earth

15 materials mining, which is for
16 electrification, aren't we turning over the
17 future of our energy security for our country
18 and our state moving forward over to China by
19 having to adopt these policies?

20 MR. GORE: I think that -- for
21 instance, our nickel-based cathode has much
22 less cobalt content than some of the
23 chemistries that are out there. I think
24 there are ways forward that take these

1 concerns into account properly, and --

2 THE MODERATOR: Pardon me, your time

3 is up.

4 CHAIRWOMAN WEINSTEIN: So, Mr. Gore,

5 you indicated you offline were going to have

6 some further information, so -- and to any of

7 the other panelists who were asked to submit

8 information, please make sure that that is

9 submitted to the -- well, to myself, the

10 chair of Ways and Means and Senator Krueger

11 at Senate Finance. So please include any

12 additional answers that there was not time

13 for you to be able to reach.

14 And with that, I want to thank

15 everybody for their participation today, and

16 we are going to move on to the next panel.

17 So the next panel is smaller -- it is

18 Panel C, for those following along -- Empire

19 State Passengers Association, Gary Prophet,

20 president; New York Aviation Managers

21 Association, Michael Hall, president; and

22 Railroads of New York, Scott Wigger,

23 executive director.

24 If we can go in that order, starting

1 with Gary Prophet.

2 MR. PROPHET: Yes, hello, I'm Gary

3 Prophet, the president of the Empire State

4 Passengers Association. We're a statewide

5 organization looking to improve transit, both

6 local transit and intercity transit across

7 the entire State of New York, from

8 Long Island to the North Country and out to

9 Buffalo or Niagara Falls.

10 I want to thank the Governor for

11 increasing the funds to both the MTA and to

12 upstate public transit. This will create a

13 much better situation for people traveling

14 across New York State without vehicles, and

15 will also provide people with much more
16 access to transit in the MTA region and
17 outside of the MTA region.

18 Also the budget seems to start the
19 process of replacing the Livingston Avenue
20 Bridge, which is a key rail bridge across the
21 Hudson River up near Albany that allows rail
22 passenger service to go from Albany to the
23 west and to the north.

24 I also wanted to note that the recent

1 stations, including Rochester, Niagara Falls
2 and also the one in downtown Buffalo that was
3 completed during COVID are ADA-accessible and
4 -compatible, and we have gotten very good
5 feedback from our members about those
6 stations and how good they are and useful
7 they are for the people upstate, especially
8 those that have disabilities.

9 New York State controls the frequency
10 of service, the fares and the on-board
11 standards, but they often defer to Amtrak for
12 running the rail service and for handling
13 marketing. We would encourage New York State
14 to take a look at that, especially as they

15 are now able to hire people and maybe take
16 some of that work in-house, such as handling
17 marketing and handling more of the decisions
18 regarding the fares and the level of service
19 in order to provide a much better service to
20 New York State residents, which we believe
21 that New York State DOT can handle a lot
22 better than handling outside of the state by
23 Amtrak.

24 We would also like a written plan to

1 improve passenger rail service upstate and
2 what projects may or may not be funded. As
3 we've heard, there's lots of federal funding
4 with the infrastructure plan, and certainly
5 much of this can help to improve rail service
6 upstate, as this is basically a once-in-a-
7 lifetime opportunity with a lot of
8 discretionary planning. We don't need
9 220-mile-an-hour trains going across New York
10 State from Albany to Buffalo -- we need
11 trains going a mix of maybe 90, 110 miles an
12 hour so that people can get from Albany to
13 Buffalo faster than they can drive and do it
14 reliably and consistently.

15 We also believe that New York State
16 should pursue a state rail plan, such as the
17 one Virginia or Maine have, in order to make
18 a push to improve the service, as service can
19 always be improved in order to attract more
20 customers and to just run a better operation.

21 Finally, I would also like to mention
22 that the Buffalo rail extension up to Amherst
23 and the metro area in Buffalo, that's an item
24 that would drastically improve the service at

1 the western end of the state. And on the
2 eastern end of the state, one of the key
3 initiatives that we have, are looking forward
4 to, is an additional round trip to Saratoga
5 from New York City. That's a rail market.
6 That's a perfect distance from New York City
7 and takes a lot of people off a very busy
8 section of roads between New York City and
9 Saratoga in order to improve rail service and
10 allow people to get upstate for entertainment
11 purposes without necessarily having to drive
12 their car.

13 THE MODERATOR: I'm sorry, your time
14 has expired.

15 MR. PROPHET: So that was it. Thank

16 you very much.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 Moving on -- just keep an eye on the

19 clock. I forgot to mention that when I

20 introduced the panel. Michael Hall?

21 MR. HALL: Good evening, Senator

22 Krueger, Assemblymember Weinstein, and

23 members of the committees. I'm Mike Hall,

24 the president of the New York Aviation

1 Management Association.

2 We have a pretty extensive written
3 testimony that we've filed with you. I want
4 to hit a couple of high points this evening.

5 I think first of all we have over
6 13,000 members, and they are invested in a
7 half-million jobs and nearly \$75 billion
8 worth of annual impact on the New York State
9 economy. So we are a big part of the health
10 of New York State.

11 Our principal focus right now in terms
12 of the workforce is to recover from the
13 impact of the pandemic. We're no different
14 than any other industry. We're hurting for

15 workers right now, and our message is really
16 simple. In the past, if you found the
17 workforce you needed by looking through a
18 narrow lens, widen that lens now and consider
19 recruiting people from places that weren't
20 traditionally part of your industry.

21 And to support that, we've got a very
22 aggressive program to help our members
23 understand and become facile with diversity,
24 equity and inclusion -- and the opportunity,

1 because so many of our workers have
2 permanently left the workforce, is tremendous
3 right now. And we're also heavily involved
4 in developing training programs and academic
5 outreach to get young people interested in
6 the industry and come on board.

7 Second point, public health. The
8 airline industry did a terrific job during
9 the pandemic of maintaining service and doing
10 so in a very safe way. Harvard University
11 found that travel by air was the safest form
12 of public transportation. There are a lot of
13 things that added up to make that the case.
14 But those things are going to pay dividends

15 in years to come in two ways.

16 First of all, air travel will continue

17 to be very safe because of the practices that

18 we developed and employed throughout the

19 pandemic. And also other sectors in public

20 transportation will have an opportunity to

21 learn from those technologies and procedures.

22 So overall, public health and transportation

23 will be improved coming out of the pandemic.

24 The last thing I think that's very

1 important is infrastructure. All this takes
2 an infrastructure of airports to sustain, and
3 it's important to understand that while a
4 large measure of funding for those airports
5 comes from the federal government, in almost
6 every case it's the state and local share --
7 5 percent and 5 percent, 90 percent coming
8 from the feds.

9 And the second thing is that there are
10 some things that the federal government does
11 not fund that are uniquely state. So we
12 appreciate the investment, particularly the
13 interest in the upstate airport development
14 programs that have taken place and are going

15 to take place in the future.

16 Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 And now, Railroads of New York.

19 MR. WIGGER: Hi, good evening. Thank

20 you to the chairs and the members for the

21 invitation to speak here today.

22 I'm Scott Wigger. I'm the executive

23 director for Railroads of New York and

24 represent the freight rail industry here in

1 New York State, which includes four Class 1
2 railroads and 36 short-line and regional
3 railroads, directly employing over 2600
4 individuals here in New York.

5 Our member railroads provide access to
6 the nationwide rail network, which gives the
7 businesses who are connected to the rail
8 network a substantial competitive advantage
9 over other businesses without rail access.

10 Freight rail is also the most
11 environmentally friendly way to move goods
12 and products by land, as moving goods by
13 freight rail reduces highway gridlock and
14 reduces greenhouse gas emissions.

15 In 2019 here in New York State we
16 enacted the CLCPA, which is an ambitious
17 environmental initiative designed to reduce
18 greenhouse gases across all sectors of the
19 economy, including transportation. According
20 to the USEPA, the transportation sector
21 accounts for about 27 percent of total U.S.
22 greenhouse gas emissions, so it is the
23 largest by sector.
24 Of this, freight railroads account for

1 just 0.5 percent of total U.S. greenhouse gas
2 emissions and just 1.9 percent of
3 transportation-related greenhouse gas
4 emissions, despite carrying approximately
5 40 percent of all U.S. freight movements. In
6 order to help achieve the emissions goals of
7 the CLCPA law, shifting long-haul freight
8 movement from trucks to rail would
9 significantly contribute to reducing
10 emissions in the transportation sector.

11 In the transportation sector,
12 greenhouse gas emissions are directly related
13 to fuel consumption, an area where freight
14 rail has significant advantages over trucks,

15 as moving freight by rail reduces greenhouse
16 gas emissions by about 75 percent. Railroads
17 on average are approximately four times more
18 fuel efficient than trucks and can move one
19 ton of freight over 480 miles on one gallon
20 of fuel.

21 The freight rail industry invests
22 significant capital back into the rail
23 network to ensure a safe, efficient,
24 environmentally friendly mode of

1 transportation. Examples of this,
2 environmentally friendly technologies that
3 have been invested in are advanced computer
4 systems for precision routing; new, more
5 efficient locomotives; anti-idling
6 technologies; enhanced operating practices
7 and railcar components; zero-emission
8 electric cranes; and improved railcar
9 designs.

10 Included in the Governor's Executive
11 Budget proposal is approximately
12 \$35.5 million for freight rail infrastructure
13 projects and a separate \$10 million
14 allocation for a mix of freight rail,

15 passenger rail and port-related projects.

16 Also included is a \$100 million allocation

17 for a local bridge and highway improvement

18 fund that includes highway railroad crossing

19 projects as eligible.

20 On behalf of RONY and all our members,

21 I want to express our support for this

22 funding, which many of our freight rail

23 companies do rely on to keep the network in a

24 state of good repair. As we continue to get

1 out of this post-COVID economic recovery,
2 it's important to keep our freight network
3 running. It will help essential goods move
4 without supply-chain-related delays.

5 I want to thank our partners at the
6 Governor's office, the Legislature and
7 New York State DOT for your support, and I'll
8 be glad to answer any questions.

9 CHAIRWOMAN WEINSTEIN: Thank you all.

10 We have Assemblyman Walczyk for a
11 question.

12 ASSEMBLYMAN WALCZYK: Thanks,
13 Madam Chair. Appreciate it.

14 Could you hit me with those numbers

15 one more time, Scott, the comparison between

16 trucking emissions per gallon of fuel and

17 freight rail per gallon of fuel?

18 MR. WIGGER: So railroad, we can move

19 a ton of freight 480 miles on just one gallon

20 of fuel. So that's -- we're about four times

21 more fuel-efficient than trucks. And we

22 reduce -- moving freight by rail instead of

23 truck reduce greenhouse gas emissions by

24 about 75 percent.

1 ASSEMBLYMAN WALCZYK: I think that's a
2 really key point that I think this committee
3 and every committee in New York State, as
4 we're talking about electrification, should
5 consider. Despite whatever energy source,
6 rail continues to be the most efficient for
7 moving freight across this country and, you
8 know, the world.

9 So I think that's a great
10 consideration. I'm glad that you brought
11 that point up.

12 In the past we've talked a little bit
13 about short rail. What's the Governor's
14 budget look like, and does it do enough for

15 short rail in New York?

16 MR. WIGGER: Well, so a lot of these

17 funds, these grant funds, they do mostly go

18 towards our short line and regional rail

19 operators, because they're the ones who just

20 generally need it the most to make the

21 improvements in their rail network.

22 So the Governor's budget proposal does

23 increase this program significantly. It

24 was -- so \$10 million was the freight,

1 passenger and port allocation. That remains
2 the same.

3 And in this year's budget it is
4 \$35.5 million for just freight rail projects,
5 where in the past I believe six years it's
6 leveled off at \$17.5 million. So certainly a
7 substantial increase.

8 ASSEMBLYMAN WALCZYK: Great to see. I
9 appreciate it. Thanks, Madam Chair.

10 MR. WIGGER: Thank you.

11 CHAIRWOMAN WEINSTEIN: Do you -- yes,
12 I see you have a Senate --

13 CHAIRWOMAN KRUEGER: I do have Senator
14 Tim Kennedy.

15 SENATOR KENNEDY: Thank you,

16 Chairwoman, again.

17 And I just wanted to take the moment

18 again to thank Gary, Scott and Michael for

19 their efforts, improving passenger rail,

20 freight rail and making sure that our

21 airports {inaudible; Zoom interruption}.

22 These are essential components to not only

23 transportation but clearly making sure that

24 our economy is moving, not just for

1 New Yorkers but the nation.

2 So just wanted to give a hats-off to

3 each and every one of you for our continued

4 work together in partnership. And as always,

5 it's great to see you. Thank you for your

6 testimony today.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 We go to Assemblyman Magnarelli.

9 ASSEMBLYMAN MAGNARELLI: Just very

10 quickly. Again, I want to thank everybody

11 for taking part and testifying today in front

12 of the committee. I really appreciate it.

13 Thank you very much. I know we all do.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 And then Assemblyman Jacobson.

16 ASSEMBLYMAN JACOBSON: Thank you for

17 hanging in there today.

18 My question is concerning freight

19 railroads. And I realize that most of the

20 railroad industry as far as freight is

21 controlled by federal rules and regulations.

22 But we've had problems on the west side of

23 the Hudson that CSX and other freight trains

24 can just -- mainly CSX -- can decide when

1 they want to just stop, for whatever reason,
2 in the middle of a track without any notice.

3 I was at a situation, it was a public
4 event on the river, and the train -- one of
5 the trains came by and they just started
6 to -- they stayed there for two and a half
7 hours, so we were all trapped.

8 And I was just wondering, is there
9 something that can be done so that there
10 could be a schedule so those of us that live
11 near the river and use the river for a lot of
12 purposes can have some advance notice and to
13 plan how we're doing things?

14 MR. WIGGER: Yes, sure, Assemblyman.

15 So scheduling and routing decisions
16 are all, you know, determined by the
17 individual railroads. And I can't speak
18 directly to that, but I would be glad to
19 bring in our CSX rep and talk to you directly
20 on this.

21 ASSEMBLYMAN JACOBSON: We did talk to
22 them, but, you know, we got the answers,
23 Well, we don't know, we don't know when
24 things are going to stop and -- but I think

1 there could be some way, particularly -- just
2 some way of knowing so that people can have
3 advance notice so we can plan things.

4 I mean, freight trains are great, but
5 not if they just block everything. So that's
6 my -- and if you have suggestions, you can
7 send it to my office as well as the chairs
8 here.

9 MR. WIGGER: Yes, understand.

10 And with respect to that, you know, so
11 routing and timing information, we generally
12 don't make public for very good reason, and
13 that's for safety. By federal law, we --
14 freight railroads have to carry certain

15 designations of chemicals and hazardous
16 materials, basically the worst of the worst,
17 because we are by far the most safest land
18 transportation mode to get those products
19 delivered.

20 So we -- you know, it's just for
21 safety reasons, for -- obviously we don't
22 want that kind of information to be made
23 public.

24 ASSEMBLYMAN JACOBSON: Well, I don't

1 want you to be a terrorist target or bumping
2 things in my district, as has happened in the
3 past.

4 But there's got to be some way that we
5 can plan on something without the -- becoming
6 a terrorist target. So I'll let you figure
7 it out, because I know you're an expert.

8 MR. WIGGER: Thank you.

9 ASSEMBLYMAN JACOBSON: That's it.

10 Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 We go to Assemblyman Palmesano.

13 ASSEMBLYMAN PALMESANO: Yes, my

14 question is for Mr. Wigger.

15 I wasn't going to ask a question, but

16 these kind of things just came to my mind as

17 I was thinking.

18 What are some actions New York could

19 take to help be more supportive of the rail

20 industry? Are there certain regulations or

21 things that we're doing here in New York that

22 could help enhance that aspect of the

23 industry?

24 And also, are you seeing -- just out

1 of curiosity, with the supply-chain crisis
 2 we're seeing going on across the country, are
 3 the railroads experiencing some of that? And
 4 how is that impacting the railroad industry
 5 in general, from your perspective?

6 MR. WIGGER: Well, to take your second
 7 question first, obviously, you know, the
 8 supply chain is linked, you know, everything.
 9 You know, ports, railroads, aviation, trucks.
 10 So, you know, you're pretty rarely going to
 11 find a package goes from Point A to Point B
 12 on just one mode of transportation.

13 So, you know, we are interlinked, but
 14 I will give our railroad members a lot of

15 credit. From everything I've heard and
16 everything I've understood, like throughout
17 this COVID crisis and especially when it got
18 started and nobody really knew what was going
19 on, they were able to keep goods moving as
20 they need to. And it was especially
21 important because there's like food and
22 medical supplies that have to get out.

23 So, you know, to some extent, of
24 course, it did hit us there. But I think in

1 New York we actually handled it pretty well.

2 As far as being able to support the

3 freight rail industry, regulations -- really

4 just heavily regulated by the FRA. So

5 New York really kind of is limited as far as

6 that. But, you know, the grant program

7 certainly, you know, helps our railroads.

8 You know, one thing I will mention is

9 what's hitting a lot of other industries is

10 workforce development. A lot of our member

11 railroads are having trouble finding workers.

12 And, you know, especially I've heard

13 anecdotally from some of our members down in

14 New York City/Long Island regions that

15 language barriers exist. We have a lot of
16 people coming from countries that English
17 isn't their, you know, native tongue and they
18 want to get into the railroad industry and,
19 you know, they may be learning conversational
20 English, but it's such a technical industry,
21 like it has to be just very specialized and
22 focused in order to be able to get these jobs
23 in the railroad industry.

24 So eliminating language barriers and

1 just workforce training I think would also

2 definitely help promote freight rail.

3 ASSEMBLYMAN PALMESANO: Great. Thanks

4 for your time. I appreciated those answers.

5 Thank you.

6 MR. WIGGER: Thank you.

7 CHAIRWOMAN WEINSTEIN: I see no other

8 members --

9 CHAIRWOMAN KRUEGER: I agree. I think

10 we have no other questioners for this panel.

11 CHAIRWOMAN WEINSTEIN: Okay. I want

12 to thank this panel for their participation

13 today and for continuing to work with us on

14 these important issues.

15 And now we will call Panel D:

16 American Council of Engineering Companies of

17 New York, John Evers, president and CEO;

18 Rebuild New York Now, Fred Hiffa, consultant;

19 Trucking Association of New York,

20 Kendra Hems, president; Associated General

21 Contractors of New York State,

22 Michael Elmendorf, president and CEO.

23 And if we can go in that order,

24 starting with John Evers.

1 And just a reminder, everyone has up
2 to three minutes for an oral presentation.
3 Your written remarks have already been
4 circulated to all members of the panel and
5 are part of the official record. So to the
6 extent you can summarize, that's fine. And
7 just keep an eye on the clock.

8 And with that, if we can start with
9 Mr. Evers.

10 MR. EVERS: All right. Thank you,
11 Madam Chair. Thank you, members of the
12 Assembly and the Senate. I'm Johnny Evers.
13 I'm the president and CEO of ACEC New York, a
14 proactive coalition of about 300 firms

15 representing every discipline in engineering.

16 About 25 percent of our membership is MWBE.

17 The first thing I'd like to comment on

18 is that we're happy that New York State is

19 getting back on the five-year-plan track.

20 This is a tremendous opportunity time with

21 the IJA coming up. The proposed levels at

22 32.8 billion for the DOT capital plan and the

23 52 billion for the MTA plan is just a start.

24 And I'll be eager to see what some of my

1 colleagues say about how we can build on this
2 for the future. But the preliminary
3 indications, as we like to say, are good.

4 Our biggest concern about this is the
5 \$1 billion in engineering firms that's spread
6 out over the next five years. And we'd like
7 to see how that's broken out between
8 engineering and the administration.

9 The alternative project delivery
10 system -- I can't let a hearing go by without
11 mentioning progressive design-build. We're
12 advocating for the extension of design-build,
13 but we think the word "progressive" needs to
14 be in there. The 60 percent design

15 negotiated level is something that's going to
16 protect both the engineering and the public
17 owner and the construction world.

18 We're also going to hope that there's
19 more contracting certainty. And I could talk
20 more about this, I could spend a whole day on
21 this, but the contracting certainty and the
22 contractual terms that are being presented
23 are often being changed on the engineering
24 community. We have a lot of concerns about

1 that going forward, particularly at the start
2 of a five-year capital plan.

3 We're going to encourage QBS. There's
4 a comptroller's program bill on this. We
5 want to make sure there's uniformity when it
6 comes to QBS, and a proper understanding of
7 it.

8 Another issue that I have -- I feel
9 compelled to discuss is the PPP loans. I
10 want the members of the Transportation
11 Committees in both houses to realize that the
12 PPP loans that were given to engineering
13 firms were forgiven but are now being
14 recollected because of federal law. We're

15 working with Congress right now to have that
16 stopped so that we can have engineering not
17 be alone amongst all the industries to have
18 to pay back the loans.

19 It's true, engineering firms must pay
20 back the loans. The 60-day letters are
21 coming due now through DOT. We've asked for
22 some breathing room to try to get
23 congressional action to stop this. But if
24 it's not, at the very time we're going to

1 start letting of five-year capital plans,
2 engineering firms, particularly as I
3 mentioned 25 percent -- it's more like
4 35 percent of our membership will be paying
5 back federal loans via the DOT at the same
6 time when we're going to be proposing work
7 for both the MTA, for the DOT, and for other
8 areas.

9 So I would encourage the Legislature,
10 when it comes to the five-year capital plans,
11 to know that this is just the first entree
12 right now and that these levels, we have an
13 opportunity now to increase these to provide
14 a certainty for the next five years, if not

15 more, particularly now that we have a healthy

16 surplus in New York State -- which has been

17 talked about -- and the start of the IJJA.

18 So it's a building time.

19 So thank you very much.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 And now if we can go to Rebuild NY

22 Now.

23 MR. HIFFA: Good evening. My name is

24 Fred Hiffa. I'm here today on behalf of the

1 Rebuild NY Now coalition.

2 As a former first deputy commissioner

3 at DOT, I have some understanding of what

4 condition the state's roads and bridges are

5 in and what amount needs to be invested over

6 the next five years to improve those

7 conditions. NY DOT's engineers do an

8 outstanding job of tracking the system's

9 conditions and know the level of funding

10 necessary to properly maintain these public

11 assets.

12 Regrettably, in the Executive's

13 five-year capital program, there seems to be

14 virtually no correlation between its funding

15 levels and the system's needs. DOT's Highway
16 and Bridge Condition Reports show declines in
17 pavement conditions. In the last report,
18 45 percent of the state's pavements were in
19 fair and poor condition -- nearly half of the
20 state's roads. And that report said that we
21 have over 4,000 bridges in fair and poor
22 condition, over a quarter of the state's
23 bridges.

24 DOT's reports on paving show a 15-year

1 life cycle for paving the system, the
2 entirety to get around the system. Then you
3 compare that to the average life of the
4 treatment DOT is using, unfortunately the
5 life of the treatment is only 9.4 years. So
6 it takes DOT nearly six years longer to get
7 back to repair a road than the treatment
8 lasts. That's why we're seeing these
9 declining pavement conditions.

10 Just like DOT's staff thoroughly
11 reports on the conditions of its system, they
12 also clearly lay out the resources needed to
13 properly maintain the roads and bridges. In
14 June 2019, NYSDOT wrote their most recent

15 Transportation Asset Management Plan, which

16 projects the system's future bridge and

17 pavement conditions based on the current

18 level of funding. As a point of reference,

19 in 2019 DOT spent 2.521 billion on bridge and

20 road construction. The first year of the

21 proposed five-year plan by the Executive

22 spends 2.575, virtually the same amount --

23 less if you take into consideration

24 inflation.

1 The report states: "Left unabated,
2 the amount of poor pavements on New York's
3 national highway system will more than double
4 in the next 10 years. Similarly, bridge
5 conditions will become roughly 5 percent
6 worse in terms of deficiency and poor
7 bridges."

8 The report goes on to state: "Because
9 New York DOT has roughly only a third of the
10 resources it needs to preserve the system,
11 conditions are expected to be significantly
12 worse in the future."

13 The report also notes that the agency
14 needs to increase its capital spending

15 threefold. If they received that increased
16 amount, it will take 10 years to get the
17 pavements to a state of good repair, and for
18 the bridges it will take nine years. Our
19 highway system didn't fall apart in a day; it
20 will take years to bring it back.

21 The engineers at DOT have calculated
22 that the state needs to invest \$2 billion a
23 year more in roads and bridges than the DOT's
24 five-year capital plan. With the state

1 projecting a record \$24 billion surplus, and
 2 the federal government delivering a record
 3 52 percent increase in infrastructure
 4 spending, if we don't make the commitment to
 5 restore these public assets now, I fear we
 6 never will.

7 Thank you for your consideration.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We go now to Trucking Association of
 10 New York.

11 MS. HEMS: Okay, good evening. Thank
 12 you for your time this evening. My name is
 13 Kendra Hems, and I'm president of the
 14 Trucking Association of New York. We

15 represent the trucking industry across the

16 state.

17 The highways are the trucking

18 industry's workplace, and we have seen

19 firsthand the impact when trucks are not able

20 to operate efficiently. Supply chain

21 disruptions, deteriorating roads and bridges,

22 severe congestion, and freight bottlenecks

23 all serve to place strains on the trucking

24 industry, leading to increased costs,

1 significant delivery delays, and negative

2 environmental impacts.

3 As it relates to investment needs, I

4 would encourage the Legislature to refer to

5 the New York State DOT freight plan, which

6 provides a framework for enhancing the safety

7 and optimization of freight goods movement

8 across New York, including potential

9 strategies and initiatives to reduce

10 congestion, improve reliability, and increase

11 productivity.

12 Specifically, the association

13 encourages the prioritization of investments

14 to address the following needs.

15 Increased truck parking. This is a
16 significant safety issue, and our truckers
17 deserve accessible, safe and secure places to
18 obtain their needed and required rest.

19 Investment in charging infrastructure
20 to support the transition to electric
21 vehicles. And this is directly related to
22 the lack of truck parking.

23 Congestion reduction, to reduce
24 idling, reduce emissions and improve

1 productivity for freight deliveries.

2 Alternative freight movement options

3 related to the state's signature projects, to

4 reconnect communities. Maintaining an

5 efficient route of travel is critical to

6 ensuring continued economic vitality in the

7 cities of focus.

8 Finally, I would be remiss if I did

9 not address the need to reform New York's

10 antiquated and onerous Highway Use Tax. This

11 is a tax that's exclusive to commercial

12 vehicles. The infusion of federal funds

13 gives us the unique opportunity to look at

14 ways to phase this tax out while identifying

15 new sources of revenue to replace the tax

16 with a fair and equitable option.

17 And since I have some time, Senator

18 Krueger, I just wanted to mention you had

19 suggested a summit to potentially address

20 issues on our roadways. We deal with

21 challenges every day, competing needs, and we

22 would certainly be interested in

23 participating in that if that were to come to

24 fruition.

1 So with that, I thank you for your
2 time today. Certainly happy to answer any
3 questions you may have. And we look forward
4 to working with you on all of these issues.
5 Thank you.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 And to the Associated General
8 Contractors of New York now.

9 MR. ELMENDORF: Thank you very much.
10 Thank you, Chairs and members of the
11 Legislature, and thank you for your continued
12 attention here this evening at what I hope
13 for you is the end of what has been a pretty
14 long day for everybody, but particularly for

15 all of you. So thank you for still being

16 with us.

17 I'm Mike Elmendorf. I'm the president

18 and CEO of the Associated General Contractors

19 of New York State. We're New York's leading

20 statewide construction industry organization,

21 and our members on the heavy highway side are

22 among those who work in close partnership

23 with the Department of Transportation to

24 maintain our statewide network of roads and

1 bridges.

2 There's a lot of positives in Governor

3 Hochul's Executive Budget proposal for a

4 five-year capital plan. First of all, it's a

5 five-year capital plan. It's been a while

6 since we've been able to do that. That's the

7 kind of certainty that the industry and the

8 department needs, to be able to plan.

9 It continues the record levels of

10 funding and in fact has some increases for

11 local governments that the Legislature has

12 largely driven in recent years. But that

13 said, like my friend Fred Hiffa said, there's

14 some work to do.

15 You can't really talk about the DOT
16 capital plan without talking about
17 conditions, and we have seen record declines
18 in the condition of New York's roads in
19 recent years -- declines that have afflicted
20 just about every region of the state.

21 The good news is that the passage of
22 the federal infrastructure bill, the
23 bipartisan infrastructure bill, provides us
24 with a once-in-a-generation opportunity to

1 rebuild and improve the condition of our
2 infrastructure, creating jobs in the process
3 and building a foundation for a stronger
4 economy.

5 But we have some real concerns that
6 the capital plan, as proposed, is not fully
7 realizing that opportunity. First, it grows
8 by less than half the amount of the increase
9 in federal funding that the infrastructure
10 bill provides. The infrastructure bill is a
11 4.6 billion increase for New York. The
12 capital plan grows by only \$2 billion over
13 the five-year period.

14 It spends less on -- for DOT

15 construction needs that go to improving the
16 condition of roads and bridges that we are
17 seeing declining. That's a concern. When
18 you factor in inflation, we actually believe
19 the spending power will be even more
20 diminished over the period of time.

21 What we really should be aiming to do
22 here is enact a capital plan that will
23 improve the condition of roads and bridges
24 across New York State on the state system.

1 And we believe that that's going to require
2 some additional investment -- as Fred said,
3 about \$2 billion more a year over the course
4 of the five-year capital plan.

5 This is a singular opportunity, right?

6 This is the greatest federal investment we've
7 seen in transportation infrastructure since
8 the Eisenhower interstate system was built.

9 If this is not the time when we are going to
10 improve conditions of our roads and bridges
11 across New York State, I'm not sure when that
12 time will be.

13 We know that the Governor has
14 prioritized infrastructure. We look forward

15 to working with the administration and the
16 Legislature to make some adjustments here
17 that will see us with roads and bridges that
18 are much closer to a state of good repair at
19 the end of this five-year capital period.

20 Thank you for the opportunity to
21 address you tonight, and I would welcome the
22 chance to respond to any questions you might
23 have. Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 We have a couple of Assemblymembers
2 with questions. Assemblyman Walczyk.

3 ASSEMBLYMAN WALCZYK: Thanks,
4 Madam Chair.

5 Mr. Hiffa, the DOT commissioner talked
6 about this five-year capital plan. Does it
7 go far enough? And where does it -- where
8 specifically does it really fall short?

9 MR. HIFFA: As Michael said -- and I
10 do give the Governor a great deal of
11 credit -- it is a five-year, fully funded
12 plan. I think the separation, though, is
13 that we focus too much on what we're going to
14 see as the amount of money we're spending

15 versus the true needs of the system.

16 Fortunately, when we look at the MTA,

17 they have two separate budgets, a capital

18 budget and an operating budget, and the

19 capital budget truly focuses on bringing a

20 state of good repair for the rolling stock in

21 the system.

22 Unfortunately, that wasn't tied to

23 this analysis. It needs to be, and then I

24 think that drives that number -- Assemblyman,

1 it brings us up to about \$10 billion over the
2 next five years that we need to help bring it
3 to a state of good repair.

4 ASSEMBLYMAN WALCZYK: Gotcha. And
5 just for a layman, what kind of investment is
6 going to be lacking? Are we talking about
7 culverts and rural roads, or what do you see?

8 MR. HIFFA: One of the things that's
9 really scary is that you've got this
10 significantly growing portion of the roads
11 that are poor. DOT's projecting you could
12 have 27 percent of our roads are poor over
13 the next five years under these spending
14 levels.

15 It takes 16 times more to repair a
16 poor road than it does one -- maintaining one
17 that's in good condition. It's just a huge
18 cost to the taxpayers that just needs to be
19 dealt with. Long term, it really becomes a
20 problem. And once you do get it to the point
21 where it's in a state of good repair, then
22 the costs go down significantly for you and
23 you have a better system for yourself and
24 your constituents.

1 ASSEMBLYMAN WALCZYK: Thanks very
2 much.

3 And then Mr. Elmendorf, is he right?
4 You said 4.6 billion in federal
5 infrastructure and investment here. Is a lot
6 of it just going to MTA operating costs? Or
7 where is it all going?

8 MR. ELMENDORF: No, this is
9 \$4.6 billion in additional funding for roads
10 and bridges.

11 ASSEMBLYMAN WALCZYK: Okay.

12 MR. ELMENDORF: That is funding in
13 this capital plan. But the capital plan's
14 only growing by 2 billion over the five-year

15 period.

16 So there's two things happening. You

17 know, the state can fairly say that the

18 program has grown in recent years -- and in

19 fact, it's grown by a larger percentage in

20 recent years than under this new

21 infrastructure bill, than it would under this

22 plan. The state stepped up to the plate with

23 additional resources. And clearly at this

24 point we don't know how much, because we

1 don't have a lot of clarity. The state is
2 shifting state dollars out of the plan.

3 The other thing that's happening that
4 is reducing the growth that you'd expect to
5 see is the megaprojects. There's about
6 \$4.1 billion in megaprojects. They're great
7 projects, they're important projects that
8 span from Buffalo all the way down to
9 New York City. But not every legislative
10 district has a megaproject. Not every
11 community has one. And where most
12 New Yorkers spend their time driving or most
13 goods are moving are on the rest of the state
14 system where you're seeing those declines.

15 ASSEMBLYMAN WALCZYK: I think your

16 last point was a great one.

17 And thank you, Chairwoman. And

18 thanks, guys.

19 CHAIRWOMAN WEINSTEIN: To the Senate

20 now.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Chair Tim Kennedy.

23 SENATOR KENNEDY: Thank you,

24 Chairwoman.

1 And ladies and gentlemen, thank you
2 for your testimony here. Certainly
3 appreciate it. And again, our continued
4 partnership with each of our organizations,
5 from the ACEC to the Trucking Association,
6 we've been doing a lot of great things, of
7 course, with AGC and the Rebuild NY.

8 We're working on this five-year
9 capital plan. I just want to get into that a
10 little bit more.

11 I asked the commissioner earlier if
12 she felt that the conditions of the roads
13 would improve with this five-year capital
14 plan. Unequivocally, she believes they

15 would. Do you believe that as well?

16 MR. HIFFA: I would tell you, we have

17 to look at DOT's own public analysis that

18 they submit to Federal Highways. Less than

19 two years ago, they said under the existing

20 funding levels -- which are almost duplicate

21 to what the Governor's proposing for next

22 year -- we would see declines, significant

23 declines in pavements and bridges.

24 So I respect the commissioner and I

1 respect, you know, the engineers at the
2 agency, but I think they'd have to point to
3 their own analysis and tell us what's
4 changed.

5 SENATOR KENNEDY: So how did you come
6 up with the numbers -- \$2 billion and then
7 \$10 billion -- to address the needs?

8 MR. HIFFA: Sure. What we looked
9 at -- you know, DOT runs models that they
10 publicize through the reports. We looked at
11 those models. And what it does, Senator, is
12 it -- when we talked about the system and it
13 taking almost 16 years to get around the
14 system, but treatment's only lasting about

15 nine years, the industry standard, when I was

16 at DOT many years ago, is 12 and 12. So

17 that's your treatment and the life cycle.

18 So we calculate what the pavements

19 will be, and as you'll see in our analysis,

20 the pavements are significantly more than the

21 bridges over the course of the next five

22 years. That falls in line with the last

23 needs analysis or assessment that was done by

24 the agency. We're using very similar numbers

1 as far as percentages. It's just the costs
2 have changed -- I would say about 30 percent
3 difference since that was done.

4 And so that's how we arrived at the
5 analysis, using their models and their own
6 projections as the basis, sir.

7 SENATOR KENNEDY: And then just
8 lastly, you know, lookit, we're still waiting
9 on numbers and information coming in from the
10 federal government, and timing. On a year to
11 year basis, we will have the ability to
12 address this five-year capital plan. Is that
13 not sufficient to be able to move forward
14 with the five-year capital plan as it's

15 planned right now?

16 MR. HIFFA: I think the difficulty

17 is -- and I would look at it this way. The

18 DOT is looking at three -- there's about nine

19 programs that the federal government has.

20 Three of them are new. We've got the

21 obligation, until we get the federal

22 appropriation, we won't have full definition

23 of those. But I think we all can guarantee

24 Senator Schumer is going to make sure that

1 that --

2 THE MODERATOR: Pardon me, your time

3 is up.

4 MR. HIFFA: -- is out the door,

5 Senator, this year and be able to be spent by

6 the states this year. I can't imagine he's

7 going to let it roll.

8 SENATOR KENNEDY: Well, we'll be

9 working with him. Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 So let's go to Assemblyman Magnarelli,

12 chair of Transportation.

13 (Pause.)

14 ASSEMBLYMAN MAGNARELLI: They have

15 such a hard time with this sometimes.

16 I just want to say thank you, as I

17 have to the other panels. Just about

18 everybody on this panel I have talked to,

19 either in other hearings or in my office or

20 both. So we've gone over most of these

21 issues, and I really appreciate all of the

22 information that you bring to the table. So

23 I want to thank you again for taking the time

24 and spending the time with us today.

1 Thank you very much.

2 CHAIRWOMAN KRUEGER: Anyone else?

3 CHAIRWOMAN WEINSTEIN: We have some

4 Assemblymembers. Do you have any Senators?

5 CHAIRWOMAN KRUEGER: I have me, but

6 very briefly.

7 CHAIRWOMAN WEINSTEIN: Go for it.

8 CHAIRWOMAN KRUEGER: So -- thank you.

9 So Kendra from Trucking, yes, New York

10 City apparently has more trucks than we've

11 ever seen before, and we do know that we need

12 you to deliver products, but we all have to

13 come up with a better plan.

14 So are you working on electric trucks,

15 are you working on smaller trucks for
16 deliveries in the city? Are you interested
17 in night deliveries? Which is my fantasy in
18 Manhattan, that if all the trucks just came
19 through at night we might be able to function
20 during the day. I'm just curious whether
21 you've been thinking about it from the
22 perspective of a complicated city like
23 New York.

24 MS. HEMS: Yeah. Actually, all of the

1 above. We've been working very closely with
2 the City Department of Transportation on
3 their Smart Truck Management Plan, which
4 looks at alternatives. So we're working on
5 electric vehicles, we are looking at, you
6 know, actually utilizing cargo bikes, and
7 some of our members are interested in that.

8 We're working with a consultant on
9 finding ways to do freight consolidation, to
10 take the freight off the larger trucks and
11 move it to smaller trucks.

12 So yes, we are looking at everything
13 in terms of trying to address that truck
14 congestion issue in the city, particularly

15 considering how things have changed since
16 COVID with the rise of e-commerce. That's a
17 challenge not only for the folks in the city
18 but also for all of our drivers, our
19 professional drivers that are trying to
20 operate down there.

21 The off-peak delivery, we support it.
22 We've worked very closely with City DOT as
23 well as RPI, who did the initial pilot
24 program. The challenge for us is in

1 industries, we don't dictate when we go into
2 the city, our customers do. So unless the
3 receiver is prepared to take an off-peak
4 delivery, we don't have that option. So it's
5 really -- the need is a way to incentivize
6 the receivers to be able to take that,
7 through funding or other ways of support so
8 that we can actually do those deliveries at
9 night. Our drivers prefer it. It's quicker,
10 it's more efficient, there's less parking
11 tickets.

12 So we are in full support of off-peak
13 delivery where it makes sense.

14 CHAIRWOMAN KRUEGER: Thank you. And

15 yes, I was a little off-budget, so you can

16 slap me around, Helene. Thank you. But I

17 did want to ask that question.

18 CHAIRWOMAN WEINSTEIN: That's okay.

19 Assemblyman Palmesano.

20 ASSEMBLYMAN PALMESANO: Thank you.

21 I think Chairman Kennedy and

22 Mr. Walczyk addressed some of my questions

23 regarding the five-year capital plan. So I

24 had a couple of quick questions that

1 hopefully -- I think for Mr. Hiffa first.

2 I know you mentioned in your testimony

3 about the need for a \$2 billion a year

4 increase. My question is -- I think that I

5 know the answer. Are these bonded funds, and

6 what does that mean as far as leveraging in

7 actual dollars?

8 MR. HIFFA: Historically, you're

9 looking at generally a 10- to a 30-year life

10 for most of the structures. And so just like

11 you do with your CHIPS funding, it's bonded.

12 So you're looking at about 25 cents on the

13 dollar.

14 So for the purposes of the \$2 billion

15 a year, it would be about a half a billion

16 dollars in cash that would have to be

17 expended to meet the needs.

18 ASSEMBLYMAN PALMESANO: So half a

19 billion to get -- leverage \$2 billion in the

20 capital infrastructure dollars you need.

21 MR. HIFFA: The same thing we're doing

22 with congestion pricing for the MTA's capital

23 program.

24 ASSEMBLYMAN PALMESANO: Okay. I have

1 another question that I had asked to the
2 commissioner. This might spin more towards
3 local. And it's about the -- I think the
4 last time the DOT did a transportation needs
5 assessment was in 2007. And at the time it
6 was found that locally owned roads -- I know
7 you guys are talking about a broader
8 perspective, but I think it gets to the point
9 about needs and assessments. At that time,
10 you know, through that 2007 assessment there
11 was a \$32 billion need over 15 years to
12 restore locally owned roads through repaving
13 and improvements.
14 Don't you think it's about time we

15 kind of update that to get a better
16 assessment? Because I think through -- you
17 know, these numbers have probably changed
18 because probably the investment wasn't made
19 to meet these needs. And given the changes
20 we've had with inflation, is there any
21 suggestions you have there? You know,
22 obviously to direct to the commissioner,
23 because -- when she talked about this.
24 MR. HIFFA: You know, that report was

1 only dealing with touring routes on the local
2 system. Which are a very small fraction of
3 the overall local system. The local system
4 is almost 87 percent of roads in the state.
5 You almost have to use modeling. The ability
6 to really do a site-on analysis like you do
7 with the state roads would be almost
8 impossible.

9 So we use modeling. We represent the
10 Town Highway Superintendents, who have
11 60 percent of the state roads. The
12 Comptroller just referred to a study that we
13 did for a needs analysis in the updated
14 report that he did last month.

15 So I think you need to do modeling

16 versus the way DOT does their roads. It's

17 just, I would think, too large of a task.

18 ASSEMBLYMAN PALMESANO: Okay. And I

19 just wanted to say I just -- more of a

20 comment, with less remaining of my time, and

21 I guess to my colleagues on this committee

22 that I think we definitely need to re-look

23 at -- although appreciative of the Governor's

24 five-year capital plan, to have a five-year

1 capital plan, but based on the needs and the
 2 conditions and the historic opportunity we
 3 have this year from a funding perspective
 4 with the federal dollars, with the
 5 five-year projected \$24 billion state budget
 6 surplus, we should be looking to enhance our
 7 five-year capital plan for DOT to make sure
 8 we can meet those needs and make the
 9 improvements we need to do for our
 10 conditions.

11 Thank you.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 We go to Assemblyman Ed Ra.

14 ASSEMBLYMAN RA: Thank you, Chair.

15 Mr. Hiffa, I'm wondering if you can
16 give us an idea of what, you know, people
17 within the group might think regarding this
18 pothole program. It was asked earlier of the
19 commissioner, and it seems like, you know, we
20 don't have really detailed how this should be
21 apportioned out.

22 So I was just wondering if you have
23 any thoughts in that regard.

24 MR. HIFFA: Sure. And I'll certainly

1 defer, because I know in the next panel we've
2 got the real experts.

3 But I'll give my humble opinion, which
4 is, you know, it becomes difficult for a lot
5 of the small communities to be able to go
6 through the reimbursement process for
7 multiple programs. And then you're keeping
8 track of multiple programs.

9 The monies are absolutely needed. But
10 the CHIPS program, the PAVE program, the
11 emergency winter work -- they're great
12 programs. You've created them, as the
13 Legislature's been a part of this, the
14 Senator coming up last year with the train

15 routes program -- great programs.

16 But I'm almost suggesting that the

17 additional funds are needed, but maybe using

18 the existing programs so that the folks --

19 you know, we've got 934 towns and villages in

20 this state. That's -- you know, there's a

21 different capability at these levels to be

22 able to go through the process of

23 reimbursement for these new programs. And

24 these are mainly elected officials, so you're

1 having change-over in the offices.

2 So we need the money, they need the

3 money. I think it makes a ton of sense. And

4 you can call the programs whatever you want,

5 but if you use the same reimbursement format,

6 that would be great.

7 ASSEMBLYMAN RA: Okay, great. Thank

8 you.

9 CHAIRWOMAN WEINSTEIN: I believe there

10 are no further questions for this panel, so

11 we want to just join in thanking you for the

12 work you do in New York State and being here

13 with us tonight.

14 And we'll move on to Panel E:

- 15 New York State Association of Town
- 16 Superintendents of Highways, Richard
- 17 Benjamin, president; New York State County
- 18 Highway Superintendents Association,
- 19 Andrew Avery, president; New York State
- 20 Association of County Clerks, Michael
- 21 Bartolotti, president; Families for Safe
- 22 Streets, Amy Cohen, cofounder; and
- 23 Open Plans, Sara Lind, director of policy.
- 24 If we can go in that order, starting

1 with Richard Benjamin.

2 MR. BENJAMIN: Good evening,

3 Senator Krueger and Assemblymember Weinstein

4 and members of the Legislature. I am Richard

5 Benjamin, president of the New York State

6 Association of Town Superintendents of

7 Highways, and highway superintendent for the

8 Town of Thompson here in Sullivan County.

9 I am submitting these comments as part

10 of a joint testimony with the New York State

11 County Highway Superintendents Association.

12 The pandemic hasn't just impacted our

13 health, it has changed where people work,

14 live and where they travel. According to the

15 MTA, during the week of 2/7/22, Long Island
16 Rail Road passenger volumes were down nearly
17 50 percent of their pre-pandemic levels;
18 metro-North Railroad was down 55 percent;
19 subway ridership was down 45 percent. During
20 the same period, bridge and tunnel traffic
21 and traffic throughout the state were within
22 2 percent of 2019 levels.

23 On behalf of our 933 town highway
24 superintendents, I want to thank you and your

1 colleagues in the Legislature for your past
2 support of the state's local highway and
3 bridge system. I was able to rehabilitate an
4 aging bridge in my town with the increase in
5 last year's funding.

6 We are very pleased that the Governor
7 is proposing a fully funded \$32.5 billion
8 five-year capital program maintaining current
9 funding levels for all of the local highway
10 and bridge programs, including CHIPS,
11 Marchiselli, Pave NY, and EWR. In addition,
12 the Executive budget increases funding for
13 the Bridge NY program by \$100 million
14 annually and creates the new Pave Our

15 Potholes program at \$100 million annually. A
16 recent report by Comptroller DiNapoli, titled
17 "Locally Owned Roads By the Numbers,"
18 concluded that local governments, excluding
19 New York City, spent \$2 billion on road
20 maintenance and improvement in the 2020
21 fiscal year.

22 The price of fuel, asphalt and
23 construction materials has skyrocketed in the
24 last few years, leaving a spending deficit of

1 1.7 billion annually on local infrastructure.

2 Despite our best efforts, local

3 infrastructure spending has declined over the

4 last decade relative to inflation.

5 As fellow public officials, we

6 understand the difficulty in trying to meet

7 all of our constituents' needs with limited

8 resources. We must work together so that all

9 state and local critical infrastructure needs

10 are being addressed in the next five-year

11 capital program.

12 Our requests are to increase CHIPS by

13 250 million and EWR by 50 million. I can

14 attest that these programs are vital to my

15 community's road maintenance programs.

16 We look forward to our continued

17 partnership to provide the necessary

18 resources to meet our state's vast economic

19 and transportation needs. I truly appreciate

20 your time tonight -- it was a long day for

21 you -- and your consideration. Thank you,

22 and I'd be available for any questions.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Next we go to County Highway

1 Superintendents Association.

2 MR. AVERY: Thank you.

3 Good evening, Chairs Krueger and

4 Weinstein and members of the Senate and

5 Assembly. I'm Andrew Avery, president of the

6 New York State County Highway Superintendents

7 Association, and the Chemung County public

8 works commissioner.

9 Thank you for this opportunity to

10 offer comments today on the '21-'22 Executive

11 Budget. These comments are submitted to be

12 part of joint testimony with our partner, the

13 New York State Association of Town

14 Superintendents of Highways.

15 As you know, 87 percent of the roads
16 and over half of the bridges are owned by
17 local governments. This vast system has been
18 underfunded for years, predictably resulting
19 in stress on the condition ratings of many
20 roads and bridges throughout the state.

21 Governor Kathy Hochul has presented an
22 Executive Budget that includes a new
23 five-year transportation capital program
24 sized at \$32.8 billion. Her proposal

1 restores the Extreme Winter Recovery
2 appropriation at \$100 million and
3 appropriates another \$100 million in support
4 of State Touring Routes. The Executive
5 Budget also funds PAVE-NY at \$150 million per
6 year over the next 5 years and proposes
7 BRIDGE NY funding at \$200 million per year.
8 The CHIPS program, the lifeblood of most
9 local highway departments, is held at
10 \$538 million annually.

11 The last few years has seen the worst
12 recorded decline in the state's pavement
13 conditions. State and local highway
14 pavements rated poor or fair have increased

15 from 36 percent in 2016 to 45 percent in
16 2020, due to the aging system and deferred
17 maintenance from inadequate state and local
18 funding. The additional funding in the
19 Governor's budget for BRIDGE NY will help,
20 but it's still not enough. Over the last
21 four years, \$678 million was awarded for 231
22 bridge and 175 culvert projects. This means
23 we've funded only 32 percent and 13 percent
24 of bridge and culvert applications,

1 respectively.

2 The BRIDGE NY program limits the
3 number and value of bridge and culvert
4 project applications submitted to the state
5 by each municipality, so the need is much
6 greater than apparent.

7 The new federal Infrastructure
8 Investment and Jobs Act includes an
9 off-system bridge component. States are
10 required to set aside a minimum of 15 percent
11 of their bridge formula program funding to
12 address off-system bridge needs. The
13 ownership disparity and relevant condition
14 range between local and state-owned bridges

15 reinforce the need to assure adequate federal
16 funding be made available to local
17 governments.

18 Our joint Town and County Highway
19 Superintendents budget requests are as
20 follows. We support increasing the CHIPS
21 program to 788.1 million annually. We also
22 support increasing Extreme Weather Recovery
23 funding to 150 million annually. We further
24 request maintaining the Local BRIDGE NY

1 program at 200 million, the Local PAVE-NY at
2 150 million, and the State Touring Route
3 program at 100 million annually.

4 We also request that the 100 million
5 Pave Our Potholes program be distributed
6 using the CHIPS or EWR formula.

7 Thank you. We look forward to working
8 with you as budget deliberations continue,
9 helping to assure appropriate levels of
10 funding for essential local road, bridge and
11 culvert projects, and assisting in the
12 economy recovery and job creation brought by
13 public infrastructure investment to New York
14 communities.

15 Thanks for your time.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 Now, the New York State Association of

18 County Clerks.

19 MR. BARTOLOTTI: Thank you all for

20 this opportunity to address the joint

21 committee. My name is Mike Bartolotti. I'm

22 the president of the Association of County

23 Clerks. I'm also the Putnam County Clerk.

24 I'm here to discuss the role the county

1 clerks play in DMV operations.

2 County clerks in 51 counties serve as

3 agents of the State DMV commissioner and

4 oversee operations in 113 DMV offices.

5 Though we are agents, it's important to note

6 that the costs of the operations, the

7 employees within, and the offices are all

8 county government entities or

9 responsibilities. These interactions with

10 residents are largely done in person, and

11 this process can help with some of the more

12 difficult questions one may have that may not

13 always be clear with online guidance.

14 In many ways, the county clerks are

15 best positioned to operate DMV offices that
16 serve the driving and identification needs of
17 local residents. County clerks take pride in
18 understanding local needs and can respond in
19 a timely manner and have flexibility, in some
20 cases, office by office, to change operations
21 to meet those local needs.

22 Much of the revenue received by the
23 state through DMV actually comes from the
24 county level of operations, yet only

1 12.7 percent of that revenue is retained by
2 the county to help run these local DMV
3 operations, and the state gets 87.3 percent.

4 This sharing system is in statute and was
5 negotiated over 20 years ago.

6 In addition, county offices receive
7 only 3.25 of any online revenue after a
8 county-specific threshold number is reached.

9 Using 2020 as an example, approximately
10 \$469.6 million were generated from
11 transactions processed by or from residents
12 of the 51 county-run DMV offices. Of that
13 total, those counties only received
14 approximately \$41.8 million.

15 While this current system is clearly
16 imbalanced, it's our residents, who
17 rightfully want effective and efficient DMV
18 operations, that are negatively impacted.

19 County-run DMV offices have seen an
20 increase, not a decrease, of the business
21 transactions in recent years, but this
22 increase involves more time and
23 resource-intensive services, many of which
24 have no fee collected. Accordingly, our

1 local revenues are going down because of the
2 easier transactions process online, and the
3 state receives nearly all of those fees.

4 In short, county clerks are being
5 asked to do more with less, and this inequity
6 is growing exponentially year after year.

7 Perhaps no clearer example exists on why
8 local DMV operations are so vital than how
9 our offices functioned throughout the COVID
10 pandemic. During that time, although offices
11 were closed, we still kept working. During
12 that time we availed ourselves and our staff
13 to processing dealer and customer
14 transactions via drop-off. We also assisted

15 State DMV in the processing and the work that
16 they had in their central offices. This
17 action by county clerks single-handedly
18 allowed for car sales and traffic safety
19 operations to continue throughout the
20 pandemic.

21 We thank you for your time and for
22 listening. NYSACC is seeking what you
23 seek -- to ensure the best DMV services
24 possible for our residents and for automotive

1 dealers. We ask that you consider a modest
2 increase in the current state and local DMV
3 revenue sharing to ensure that high-quality
4 services continue and so that our offices may
5 remain sustainable.

6 Thank you very much.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 Now, Families for Safe Streets.

9 MS. COHEN: Thank you for the
10 opportunity to testify today, and for being
11 able to give a face to the crisis on our
12 roads across the state.

13 My name is Amy Cohen, and I am the
14 cofounder of Families for Safe Streets. I

15 know firsthand the pain of traffic violence

16 and how it can bisect lives and fracture

17 families. It's 3052 days since I last kissed

18 by 12-year-old son Sammy goodbye for the last

19 time, in the fall of his eighth-grade year --

20 3052 days since I touched his face, smelled

21 his special Sammy smell, saw him chatting

22 with his sister, made him breakfast, and gave

23 him a hug. That fateful day marks the time

24 before. Instead, for the last eight years,

1 at every holiday, meal and milestone, the
2 cliché of an empty chair manifests our
3 family's reality.

4 I share more about Sammy in my
5 testimony, and I hope you will all read it.

6 I thought my love for my family was so
7 strong that I could create an invisible
8 shield around my children. But every year,
9 thousands of New York parents like me learn
10 that their shield is fallible, that they
11 cannot protect the ones they love from
12 senseless death and life-altering injuries.

13 After Sammy's death, I joined with
14 others and helped form Families for Safe

15 Streets. Our mission is to confront the
16 preventable epidemic of traffic violence and
17 support those personally impacted.

18 This year we have joined forces with
19 dozens of organizations and started the New
20 York State Safe Streets Coalition, and
21 together we're fighting to pass the Crash
22 Victim Rights and Safety Act, seven
23 lifesaving bills that will address the rising
24 rates of injuries and fatalities on our

1 streets. The CVRSA bills will redesign our
2 streets with safety as a priority, to protect
3 all road users, address the speeding rampant
4 on our streets, educate drivers on
5 bike/pedestrian safety, and provide support
6 to those personally impacted.

7 You can read about all seven bills in
8 my testimony, and you also heard about the
9 bills from others today as well. I do want
10 to add that the comments that the crisis is
11 purely because of pent-up COVID energy and
12 distraction is missing the fact that this
13 crisis has been going on for years, with no
14 end in sight.

15 Traffic deaths went down in Europe and
16 Canada during COVID because they spent
17 decades addressing the causes of crashes. We
18 now need to focus on the underlying
19 conditions that encourage speeding and
20 reckless driving -- dangerous street design,
21 speed limits set too high.

22 Complete Streets not only separate
23 road users, but they narrow roadways to
24 encourage drivers to pay attention and follow

1 the speed limit.

2 We urge the Legislature to pass the
3 package in this year's budget to ensure
4 adequate funding for the two Complete Streets
5 bills as well as the study on the adequacy of
6 current compensation and services for crash
7 victims.

8 We also urge the Legislature to
9 continue the speed camera program and lift
10 the restrictions on when they can operate.

11 In the nation's first National Roadway
12 Safety Strategies report, Secretary Buttigieg
13 called for lower speed limits, automated
14 enforcement, managing speeds with Complete

15 Streets, and protecting those most
16 vulnerable. He urges states and localities
17 to partner with him to end the crisis on our
18 roadways, and we're counting on you to rise
19 to that challenge. Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 And our last testifier, from

22 Open Plans, Sara Lind.

23 MS. LIND: Hi, good evening. Thank

24 you all for staying so long. And I'll be

1 quick so we can get out of here, hopefully.

2 My name is Sara Lind. I'm the

3 director of policy at Open Plans. We are a

4 nonprofit dedicated to making our streets

5 safe, livable and equitable. And along with

6 Families for Safe Streets, who you just heard

7 from, we are part of the New York State Safe

8 Streets Coalition, Open Plans is part of the

9 New York State Safe Streets Coalition, a

10 group of organizations from around the state

11 working to pass the Crash Victim Rights and

12 Safety Act.

13 As an organization that works to build

14 livable and joyful streets to help bring

15 communities together, we know that it's
16 impossible to have livable streets without
17 safe streets, which is why we're here today.

18 I would just echo all of Amy's
19 testimony about the Crash Victim Rights and
20 Safety Act, and also what you heard from
21 Elizabeth Adams of Transportation
22 Alternatives earlier today. And there's more
23 detail on the specific bills in my written
24 testimony.

1 I'll take a few minutes also to talk
2 about a few other issues. Open Plans
3 believes that automated enforcement should be
4 extended in the budget. Red-light cameras
5 and speed cameras are critical lifesaving
6 tools. We support home rule, which would
7 allow New York City and other municipalities
8 to make lifesaving changes to our speed limit
9 and automated camera enforcement.

10 In the event that New York and other
11 municipalities are not granted home rule,
12 New York City should be empowered to operate
13 speed cameras 24/7 and restrictions on the
14 number and location of both speed and

15 red-light cameras should be lifted. And all
16 of these items should be addressed in the
17 State Budget.

18 As an organization we also strongly
19 support increased funding for the MTA,
20 including flipping the gas tax to provide
21 dedicated revenue to the MTA and to
22 disincentivize driving. We also support
23 getting congestion pricing done as quickly as
24 possible.

1 Additionally, we urge the state to
2 stop funding increased highway building and
3 widening. Adding more lanes does not
4 alleviate congestion, but merely creates
5 additional induced demand and yet more
6 traffic. As we face the existential crisis
7 of climate change, we should be doing
8 everything we can to reduce driving, not
9 incentivize more of it.

10 And related to that, we support the
11 Governor's proposal for transit-oriented
12 development, and we urge the state to
13 eliminate parking minimums in new
14 construction.

15 I also wanted to say, to Senator
16 Krueger's point, we also support alternatives
17 to trucking in New York City, especially
18 cargo bikes. I would note that the state
19 needs to adjust the laws around the size of
20 cargo bikes allowed, so that cargo bikes can
21 actually be effectively used in New York
22 City. So I'd encourage you to look into
23 that.
24 Thank you for your consideration of

1 these critical issues, and I'll wrap up

2 early. Thank you again.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We'll go first to our chair of

5 transportation, Assemblyman Magnarelli.

6 ASSEMBLYMAN MAGNARELLI: Well, again,

7 especially to this group, who has had to wait

8 so long, thank you so much for your testimony

9 and for taking part in our hearing. Again,

10 I've met most of you and have talked about

11 these issues, but it's always good to be

12 updated, and I thank you again for your

13 testimony. Thank you.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 Senate?

16 CHAIRWOMAN KRUEGER: Thank you. I see

17 our chair of transportation, Tim Kennedy,

18 who's never flailed today. He's continued

19 with us all day.

20 SENATOR KENNEDY: Thank you. I

21 appreciate your steadfastness to both

22 Chairs Krueger and Weinstein.

23 So first of all, let me just thank all

24 of you again. What an exceptional panel, a

1 great and diverse panel.

2 I want to just make a note --

3 budgetary, from a funding perspective -- that

4 I was very pleased to see the Governor put

5 forward a continued effort for CHIPS funding

6 where we were able to increase that number by

7 \$100 million last year. And year in and year

8 out, we have had to fight to get funding put

9 in place, and for nearly a decade that number

10 did not increase. Last year we increased it

11 in a big way.

12 Governor Hochul included that in this

13 year's budget. We're thrilled about that. I

14 know the highway superintendents played a big

15 role in getting across the finish line last
16 year. So thank you for your efforts and your
17 continued work on behalf of the people of
18 New York State.

19 To the other folks that are here, I
20 especially want to recognize those that are
21 working on the Crash Victims Rights and
22 Safety Act. Those seven bills are so
23 important, and I can tell you that I, in my
24 role as chair of Transportation and the

1 Transportation Committee, am committed to
2 getting those bills across the finish line in
3 their entirety as a package, the seven bills.
4 We've already moved through the committee two
5 of them, including Sammy's Law.

6 And I just want to recognize you, Amy,
7 again. I know it's a difficult story to
8 tell, but you are really changing the world
9 on Sammy's behalf. And two weeks ago today,
10 in the Transportation Committee, we passed
11 Sammy's Law. We're looking forward to
12 getting that over the finish line this year,
13 in his memory and on behalf of New Yorkers,
14 and for safer streets.

15 So really appreciate the work on a
16 very personal, heartfelt level that all of
17 you do, but especially those of you that are
18 fighting for New Yorkers and safer streets
19 because of grief that you have turned into
20 action.

21 So thank you very much, each and every
22 one of you.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Assemblyman Palmesano.

1 ASSEMBLYMAN PALMESANO: Yes, thank
2 you.

3 My question is probably more directed
4 for Mr. Avery and probably Mr. Benjamin as
5 well.

6 The Governor proposed this pothole
7 program of \$100 million. During the budget
8 hearing earlier, the commissioner said it
9 would be negotiated. There's a number of us
10 who said that it should really go through --
11 the best way and most effective way is going
12 through the CHIPS-type-based formula. Some
13 have said that maybe we should look at a
14 needs-based program.

15 From your perspective, from our local
16 towns, villages, cities and counties, are you
17 more supportive of going through the
18 CHIPS-based formula? Would that be a more
19 effective and fairer way to make sure
20 everyone benefits? Don't all of your
21 communities have potholes through them?

22 MR. AVERY: Thank you, Assemblyman.

23 Appreciate the question.

24 Definitely. I haven't driven through

1 a community in New York or anywhere else in
2 the country, for that matter, that doesn't
3 have potholes. I think the most fair way to
4 try to address that is on a formula-driven
5 basis, whether that's CHIPS or EWR, something
6 that's already in place where everybody
7 works, whether it's New York City or any of
8 the local governments or even the state --
9 who's going to get 50 percent of the funding
10 regardless -- would have the opportunity to
11 address some of these roads that are in poor
12 condition.

13 So definitely we'd like to see it
14 formula-driven. Thank you.

15 ASSEMBLYMAN PALMESANO: All right.

16 My other question actually for you,

17 Mr. Avery, is you mentioned in your testimony

18 about this new federal infrastructure

19 investment on off-system bridge components

20 and that states are required to set aside

21 15 percent of their bridge formula program to

22 address these off-system bridge needs.

23 Can you comment on that, how that will

24 be helpful to local municipalities and how

1 critical it is to get that funding there?

2 MR. AVERY: Absolutely. It's -- the
3 states are required to set aside a minimum of
4 15 percent, but there's nothing keeping them
5 from putting more money into the off-system
6 bridges.

7 And I think it's important that
8 everybody remember that local government
9 maintains about 50 percent of the bridges
10 across New York State. A bridge is anything
11 20 feet or longer. That doesn't even begin
12 to include our culverts. For example, in
13 Chemung County we maintain 148 bridges, but
14 over 1200 culverts, which need just as much

15 effort put into them.

16 So hopefully the BRIDGE NY III program

17 will help that as well.

18 ASSEMBLYMAN PALMESANO: So 15 percent

19 is the minimum. We can do more, given the

20 conditions that we're facing on our local

21 roads.

22 MR. AVERY: That would be right.

23 ASSEMBLYMAN PALMESANO: One thing I

24 would do -- like a comment here, just more of

1 a comment, I think, and one quick question --
2 is that, you know, certainly with a
3 \$24 billion five-year state surplus,
4 \$13.4 billion in federal aid, I think the
5 need to and the opportunity there to increase
6 the CHIPS program above and beyond, again,
7 this will be a historic opportunity. So
8 that's something a number of us are going to
9 be pushing for. I hope my colleagues do the
10 same.

11 And with these new programs, is it
12 usually more effective for you to deal with
13 increased funding in current programs like
14 CHIPS versus newer programs coming online?

15 Does that make it work better for you guys?

16 Like maybe Mr. Benjamin can answer that

17 question.

18 THE MODERATOR: Sorry, your time is

19 up.

20 CHAIRWOMAN WEINSTEIN: If you will

21 send us the answer, even though I think you

22 said it was more of a comment.

23 And we'll go to Assemblywoman Simon.

24 ASSEMBLYWOMAN SIMON: Thank you,

1 Madam Chair.

2 I too just want to thank everybody on

3 this panel for their testimony --

4 particularly, Amy, to you, for always showing

5 up and for being there, for representing

6 Sammy and for really gathering so many

7 families of people who have been killed or

8 injured in automobile crashes. You know, it

9 takes a lot to do what you're doing, and

10 we're very appreciative of it. And I want

11 you to know how much we all love you and

12 respect you and support the work that you're

13 doing.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 Senator Krueger, did you want to say

16 something before --

17 CHAIRWOMAN KRUEGER: I also just

18 wanted to thank everyone, and also to thank

19 Amy for her continued advocacy for really

20 everyone's safety. And how important that is

21 that you continue your efforts, as painful as

22 I know that they are. But you are changing

23 the world, one person at a time.

24 Thank you.

1 MS. COHEN: Thank you.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 So before I end this hearing, I too

4 want to thank all the participants we've had

5 today, but now the participants at this

6 panel. You provided us with good information

7 and just want to say also, Amy, I know it's

8 difficult to tell a personal story, but it

9 makes an important impact on those of us

10 listening. So I think that it's -- you know,

11 I just want to thank you for being here with

12 us today.

13 With that, we will be ending our

14 Transportation budget hearing. For all those

15 who haven't gotten enough today, join us

16 tomorrow morning at 9:30, where we will be

17 having the Economic Development joint budget

18 hearing, and then at 1 p.m., Taxes --

19 assuming that Economic Development ends in

20 time for that.

21 CHAIRWOMAN KRUEGER: They rarely end

22 in time for that, so we just run later.

23 CHAIRWOMAN WEINSTEIN: We're

24 optimistic. We start off being optimistic.

1 Today, look at that. Today we were only
2 nine and a half hours instead of last year's
3 10 hours. So you never know.

4 With that, everybody, thank you for
5 your participation, and this hearing is
6 officially over.

7 Whereupon, at 7:20 p.m., the budget
8 hearing concluded.)

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