

# STATE OF NEW YORK

1442

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the metropolitan transportation authority open data act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "metropolitan transportation authority open data act".

2  
3 § 2. Legislative findings. The legislature finds that the release of  
4 data, in a format that is easily accessible, understandable and usable  
5 by the public, can increase civic engagement with government. In addition,  
6 in an authority providing a public service and operating an enterprise as  
7 vast as that of the Metropolitan Transportation Authority, transparency in  
8 data is in the public's best interest. It is the intent of the legislature  
9 that the authority and its subsidiaries release as much data as is feasible  
10 in open formats, so that the public can access that data, analyze it, and  
11 engage with the authority with suggestions and solutions to improve its  
12 operations.

13 § 3. The public authorities law is amended by adding a new section  
14 1279-j to read as follows:

15 § 1279-j. Open data reporting. 1. The metropolitan transportation  
16 authority and its subsidiaries and affiliates, including the New York  
17 city transit authority and the Triborough bridge and tunnel authority,  
18 shall fully comply with the provisions of Executive Order 95 of 2013,  
19 "Using Technology to Promote Transparency, Improve Government Performance  
20 and Enhance Citizen Engagement," and shall provide the New York  
21 state office of information technology services and legislature all data  
22 as defined in this section.

23 2. For the purposes of this section, the following terms shall have  
24 the following meanings:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (a) "open data website" shall mean the website data.ny.gov or such  
2 other successor website maintained by, or on behalf of, the state, as  
3 deemed appropriate by the New York state office of information technolo-  
4 gy services under Executive Order 95 of 2013, or any successor agency or  
5 order;

6 (b) "data" shall mean final versions of statistical or factual infor-  
7 mation that (i) are in alphanumeric form reflected in a list, table,  
8 graph, chart or other non-narrative form, that can be digitally trans-  
9 mitted or processed; (ii) are regularly created or maintained by or on  
10 behalf of the metropolitan transportation authority, its subsidiaries  
11 and affiliates and are controlled by such entities; and (iii) record a  
12 measurement, transaction or determination related to the mission of the  
13 metropolitan transportation authority, its subsidiaries and affiliates.  
14 The term "data" shall not include image files, such as designs, draw-  
15 ings, photos or scanned copies of original documents; provided, however,  
16 that the term "data" shall include statistical or factual information  
17 about image files and geographic information system data;

18 (c) "data set" shall mean a named collection of related records main-  
19 tained on a storage device, with the collection containing data organ-  
20 ized or formatted in a specific or prescribed way, often in tabular  
21 form; and

22 (d) "publishable MTA data" shall mean data that is collected by the  
23 metropolitan transportation authority, its subsidiaries and affiliates  
24 where the authority, subsidiary or affiliate is permitted, required or  
25 able to make the data available to the public, consistent with any and  
26 all applicable laws, rules, regulations, ordinances, resolutions, poli-  
27 cies or other restrictions, requirements or rights associated with the  
28 publishable MTA data, including but not limited to contractual or other  
29 legal orders, restrictions or requirements. Data shall not be publisha-  
30 ble MTA data if making such data available on the open data website  
31 would violate statute or regulation, including, but not limited to,  
32 disclosures that would constitute an unwarranted invasion of personal  
33 privacy, endanger the public health, safety or welfare, hinder the oper-  
34 ation of government, including criminal and civil investigations, or  
35 impose an undue financial, operational or administrative burden on the  
36 authority or its subsidiaries or affiliates.

37 3. As required by Executive Order 95 of 2013, the metropolitan trans-  
38 portation authority shall designate a data coordinator, who shall:

39 (a) have authority equivalent to that of a deputy commissioner or the  
40 head of a division or department;

41 (b) have knowledge of data and resources in use by the entity; and

42 (c) be responsible for the compliance of the authority, its subsid-  
43 aries and affiliates with the order.

44 4. The authority and its subsidiaries and affiliates shall make their  
45 publishable MTA data available on its website and the open data website  
46 as follows:

47 (a) The authority shall create a catalogue of publishable MTA data  
48 within one hundred eighty days of the effective date of this section;

49 (b) The metropolitan transportation authority shall within one hundred  
50 eighty days of the effective date of this section, submit to the legis-  
51 lature and publish on its shared internet website a schedule for making  
52 its publishable MTA data publicly available. Such schedule shall provide  
53 for updating the data catalogue as appropriate; and

54 (c) The metropolitan transportation authority shall create schedules  
55 for publishing all publishable MTA data within three years of the effec-  
56 tive date of this section.

1 5. The metropolitan transportation authority, its subsidiaries and  
2 affiliates shall not be prevented from publishing data in advance of the  
3 dates set in their schedules.

4 § 4. Paragraph (b) of subdivision 4 of section 1263 of the public  
5 authorities law, as amended by chapter 425 of the laws of 2018, is  
6 amended to read as follows:

7 (b) The chairman shall establish committees to assist him in the  
8 performance of his duties and shall appoint members of the authority to  
9 such committees. Among such committees, there shall be a committee on  
10 operations of the New York city transit authority, the Manhattan and  
11 Bronx surface transit operating authority and the Staten Island rapid  
12 transit operating authority; a committee on operations of the Long  
13 Island Rail Road and the metropolitan suburban bus authority; a commit-  
14 tee on operations of the Metro-North commuter railroad; a committee on  
15 operations of the Triborough bridge and tunnel authority; a committee on  
16 finance; a committee on capital program oversight; a committee on tech-  
17 nology and open data; and a committee on safety. In addition to such  
18 appointed members, each of the non-voting members referred to in subpar-  
19 agraph two of paragraph (a) of subdivision one of this section shall  
20 serve on the committee on capital program oversight, the committee on  
21 finance, the committee on safety, the committee on operations of the  
22 Triborough bridge and tunnel authority, and the operations committee  
23 relevant to the commuter council that recommended such member. The  
24 alternate non-voting members shall each serve on the respective oper-  
25 ations committee relevant to the commuter council that recommended each  
26 member. The committee on capital program oversight and the committee on  
27 safety shall include not less than three members, and shall include the  
28 chairpersons of the committee on operations of the New York city transit  
29 authority, the Manhattan and Bronx surface transit operating authority  
30 and the Staten Island rapid transit operating authority, the committee  
31 on operations of the Long Island Rail Road and the metropolitan suburban  
32 bus authority, and the committee on operations of the Metro-North commu-  
33 ner railroad. The committee on safety shall convene at least once annu-  
34 ally and each committee chairperson, that is a member of the committee  
35 on safety, shall report to the committee on safety any and all initi-  
36 atives, concerns, improvements, or failures involving the safety of: (1)  
37 customers; (2) employees; and (3) the public at large, in relation to  
38 authority facilities and services. The capital program committee shall,  
39 with respect to any approved or proposed capital program plans, (i)  
40 monitor the current and future availability of funds to be utilized for  
41 such plans approved or proposed to be submitted to the metropolitan  
42 transportation capital program review board as provided in section  
43 twelve hundred sixty-nine-b of this title; (ii) monitor the contract  
44 awards of the metropolitan transportation authority and the New York  
45 city transit authority to insure that such awards are consistent with  
46 (A) provisions of law authorizing United States content and New York  
47 state content; (B) collective bargaining agreements; (C) provisions of  
48 law providing for participation by minority and women-owned businesses;  
49 (D) New York state labor laws; (E) competitive bidding requirements  
50 including those regarding sole source contracts; and (F) any other rele-  
51 vant requirements established by law; (iii) monitor the award of  
52 contracts to determine if such awards are consistent with the manner in  
53 which the work was traditionally performed in the past provided, howev-  
54 er, that any such determination shall not be admissible as evidence in  
55 any arbitration or judicial proceeding; (iv) review the relationship  
56 between capital expenditures pursuant to each such capital program plan

1 and current and future operating budget requirements; (v) monitor the  
2 progress of capital elements described in each capital program plan  
3 approved as provided in section twelve hundred sixty-nine-b of this  
4 title; (vi) monitor the expenditures incurred and to be incurred for  
5 each such element; and (vii) identify capital elements not progressing  
6 on schedule, ascertain responsibility therefor and recommend those  
7 actions required or appropriate to accelerate their implementation. The  
8 capital program committee shall issue a quarterly report on its activ-  
9 ities and findings, and shall in connection with the preparation of such  
10 quarterly report, consult with the state division of the budget, the  
11 state department of transportation, the members of the metropolitan  
12 transportation authority capital program review board and any other  
13 group the committee deems relevant, including public employee organiza-  
14 tions, and, at least annually, with a nationally recognized independent  
15 transit engineering firm. Such report shall be made available to the  
16 members of the authority, to the members of the metropolitan transporta-  
17 tion authority capital program review board, and the directors of the  
18 municipal assistance corporation for the city of New York.

19 § 5. The public authorities law is amended by adding a new section  
20 1269-h to read as follows:

21 § 1269-h. Ridership reports. 1. Definitions. For the purposes of this  
22 section, the following terms shall have the following meanings:

23 (a) "type of fare media used" shall refer to the type of ticket used  
24 to purchase the authority's railroad, bus and subway services, includ-  
25 ing, but not limited to:

26 (i) single-ride tickets;

27 (ii) unlimited-usage weekly tickets;

28 (iii) unlimited-usage monthly tickets;

29 (iv) tickets purchased via the authority's shared internet website,  
30 mail and ride programs or mobile phone applications;

31 (v) student tickets;

32 (vi) tickets for senior citizens or people with disabilities; and

33 (vii) all other kinds of fare media used by the authority on its  
34 services;

35 (b) "fare data" shall refer to ridership data recorded by MetroCards,  
36 OMNY, railroad tickets, or any other fare media used by the authority on  
37 its subway, bus and railroad services;

38 (c) "origin and destination data" shall refer to the amount of round  
39 trips taken between any two railroad, bus and/or subway stations within  
40 a given timeframe, as measured by fare data; and

41 (d) "joint ticket" shall refer to a single ticket or fare medium  
42 allowing a passenger to ride on both a railroad and subway and/or bus  
43 service operated by the authority in a single trip.

44 2. No later than eighteen months after the effective date of this  
45 section, the authority shall take all practicable measures to collect,  
46 compile and publish four ridership reports for its services. One rider-  
47 ship report shall be for the stations of the New York city subway, one  
48 shall be for the bus lines operated by the authority, one shall be for  
49 the stations of the Long Island rail road and one shall be for the  
50 stations of the Metro-North commuter railroad. Such ridership reports  
51 shall be updated on a weekly basis, except for the report on buses,  
52 which shall be updated on a monthly basis.

53 3. The ridership report for the New York city subway shall include,  
54 but not be limited to:

1 (a) ridership per subway station, which must be sortable by rank,  
2 year, month, week, date, hour, type of fare media used, and direction,  
3 for stations with separate entrances for each direction;

4 (b) a listing of the amount of people boarding at each subway station  
5 after transferring from a bus line, which must be sortable by bus route,  
6 borough, rank, year, month, week, date and hour, direction, and type of  
7 fare media used;

8 (c) a listing of the amount of people boarding at each subway station  
9 after transferring from a different subway station, which must be sorta-  
10 ble by borough, rank, year, month, week, date and hour, direction, and  
11 type of fare media used;

12 (d) a listing of the amount of people boarding at each subway station  
13 after transferring from a Long Island rail road or Metro-North commuter  
14 railroad train, sortable by rank, year, month, week, date, hour, and  
15 type of fare media used;

16 (e) origin and destination data between all pairs of subway stations,  
17 sorted by rank, year, month, week, date and hour;

18 (f) origin and destination data between each subway station and Long  
19 Island rail road and Metro-North stations where riders utilize joint  
20 tickets, sortable by railroad branch, borough, rank, year, month, week,  
21 date, hour, direction, and type of fare media used; and

22 (g) origin and destination data between each subway station and each  
23 bus stop on select bus services and other bus routes for which the  
24 authority collects ridership data on a per-stop basis, which must be  
25 sortable by borough, bus route, rank, year, month, week, date and hour,  
26 direction, and type of fare media used.

27 4. The ridership report for the bus routes operated by the authority  
28 shall include, but not be limited to:

29 (a) a listing of ridership for each bus route, sortable by rank, year,  
30 month, week, date and hour;

31 (b) a listing of the five stops with the greatest number of passengers  
32 boarding and alighting in each direction for each route, for bus routes  
33 for which the authority estimates ridership via observation, which shall  
34 be updated on an annual basis;

35 (c) a listing of ridership at each bus stop for all select bus service  
36 routes and any other bus routes for which the authority collects fare  
37 data on a per-stop basis, sorted by route, rank, direction, year, month,  
38 week, date, hour and type of fare media used;

39 (d) a listing of the amount of transfers between bus routes, sortable  
40 by borough, direction, rank, year, month, week and hour;

41 (e) a listing of the amount of transfers between each bus route and  
42 each subway station, sortable by borough, subway trunk line, rank,  
43 subway route, bus route, year, month, week, date, hour, direction, and  
44 type of fare media used;

45 (f) a listing of the amount of transfers between each bus route and  
46 each Long Island rail road or Metro-North commuter railroad station, for  
47 riders using joint tickets, sortable by direction, railroad branch,  
48 rank, year, month, week, date, hour, and type of fare media used;

49 (g) origin and destination data between every pair stops for select  
50 bus service routes and any other bus routes for which the authority  
51 collects fare data on a per-stop basis, sorted by bus route, borough,  
52 rank, year, month, week, date, hour, and type of fare media used;

53 (h) origin and destination data between each subway station and each  
54 bus stop on select bus services and other bus routes for which the  
55 authority collects ridership data on a per-stop basis, which must be

1 sortable by borough, bus route, rank, year, month, week, date and hour,  
2 direction, and type of fare media used; and

3 (i) origin and destination data between each railroad station and each  
4 bus stop on select bus services and other bus routes for which the  
5 authority collects ridership data on a per-stop basis, which must be  
6 sortable by borough, bus route, railroad branch, rank, year, month,  
7 week, date and hour, direction, and type of fare media used.

8 5. The ridership report for the Long Island rail road shall include,  
9 but not be limited to:

10 (a) a listing of ridership at each station, sortable by rank, year,  
11 month, week, date, hour, and type of fare media used;

12 (b) a listing of the origin and destination data between stops, sorta-  
13 ble by railroad branch, rank, year, month, week, date and hour, and type  
14 of fare media used;

15 (c) origin and destination data between each subway station and Long  
16 Island rail road stations where riders utilize joint tickets, sortable  
17 by railroad branch, borough, rank, year, month, week, date, hour, direc-  
18 tion, and type of fare media used;

19 (d) a listing of the amount of people boarding at each subway station  
20 after transferring from a Long Island rail road train, sortable by rank,  
21 year, month, week, date, hour, and type of fare media used;

22 (e) origin and destination data between each station on select bus  
23 service routes and any other routes where the authority collects data on  
24 a per-stop basis and Long Island rail road stations where riders utilize  
25 joint tickets, sortable by railroad branch, borough, rank, year, month,  
26 week, date, hour, direction, and type of fare media used; and

27 (f) a listing of the amount of transfers between each bus route and  
28 each Long Island rail road station, for riders using joint tickets,  
29 sortable by direction, railroad branch, rank, year, month, week, date,  
30 hour, and type of fare media used.

31 6. The ridership report for the Metro-North commuter railroad shall  
32 include, but not be limited to:

33 (a) a listing of ridership at each station, sortable by rank, year,  
34 month, week, date, hour, and type of fare media used;

35 (b) a listing of the origin and destination data between stops, sorta-  
36 ble by railroad branch, rank, year, month, week, date and hour, and type  
37 of fare media used;

38 (c) origin and destination data between each subway station and  
39 Metro-North commuter railroad stations where riders utilize joint tick-  
40 ets, sortable by railroad branch, borough, rank, year, month, week,  
41 date, hour, direction, and type of fare media used;

42 (d) a listing of the amount of people boarding at each subway station  
43 after transferring from a Long Island rail road train, sortable by rank,  
44 year, month, week, date, hour, and type of fare media used;

45 (e) origin and destination data between each station on select bus  
46 service routes and any other routes where the authority collects data on  
47 a per-stop basis and Metro-North commuter railroad stations where riders  
48 utilize joint tickets, sortable by railroad branch, borough, rank, year,  
49 month, week, date, hour, direction, and type of fare media used; and

50 (f) a listing of the amount of transfers between each bus route and  
51 each Metro-North commuter railroad station, for riders using joint tick-  
52 ets, sortable by direction, railroad branch, rank, year, month, week,  
53 date, hour, and type of fare media used.

54 7. The authority shall set up its ridership reports so that users can  
55 easily access data on individual stations and routes on individual  
56 screens on its shared internet website. However, the reports should be

1 set up so that users can easily compare multiple stations and/or routes  
2 side-by-side.

3 § 6. Subdivisions 1 and 2 of section 1276-f of the public authorities  
4 law, as amended by section 1 of part A of chapter 39 of the laws of  
5 2019, are amended to read as follows:

6 1. Definitions. For the purposes of this section, the following terms  
7 shall have the following meanings:

8 (a) "additional platform time" means for the subways the average added  
9 time that customers spend waiting on the platform for a train, compared  
10 with their scheduled wait time.

11 (b) "additional [~~train~~] travel time" means for the subways and buses  
12 the average additional time customers spend onboard the train[~~r~~] or bus  
13 compared with their scheduled [~~on-train~~] onboard time.

14 (c) "customer journey time performance" means for the subways and  
15 buses the percentage of customer trips with an estimated total travel  
16 time within five minutes of the scheduled total travel time.

17 (d) "elevator availability" means percentage of facilities that  
18 require the use of stairs and have an operational elevator.

19 (e) "escalator availability" means percentage of facilities that  
20 require the use of stairs and have an operational escalator.

21 (f) "additional journey time" means for the subways and buses compar-  
22 ison of measured or estimated actual journey time compared to schedule.

23 (g) "journey time" means for the subways time on platform and the time  
24 on train, and for buses time at the bus stop and the time on the bus.

25 Journey time is calculated as either actual journey times that customers  
26 experience, or as scheduled journey times. Journey time and its compo-  
27 nents may be based on a manual or an automatically generated sample.

28 (h) "major incidents" mean (1) for the subway incidents that delay  
29 fifty or more trains where a train is considered delayed if it is more  
30 than five minutes late or skips planned stops, and (2) for the commuter  
31 railroads incidents that delay ten or more trains greater than five  
32 minutes and fifty-nine seconds.

33 (i) "lost time accidents" means a job related incident that results in  
34 the inability of an employee to perform full job duties for at least one  
35 working day beyond the day of the incident. Rates are based on lost time  
36 accidents per one hundred employees.

37 (j) "employees' lost time days" means for the commuter railroads the  
38 total number of calendar days employees' treating medical professionals  
39 have determined that they cannot work due to an occupation injury or  
40 illness.

41 (k) "employee lost time rate" means for the commuter railroads the  
42 number of occupational injuries or illnesses per two hundred thousand  
43 employee hours worked.

44 (l) "terminal on-time performance" means (1) for the subways and buses  
45 the percentage of trains and buses arriving at their destination termi-  
46 nals as scheduled with a train or bus counted as on-time if it arrives  
47 at its destination early, on time, or no more than five minutes late,  
48 and has not skipped any planned stops, and (2) for the commuter rail-  
49 roads the percentage of trains arriving at their final destination  
50 terminals as scheduled with a train counted as on-time if it arrives at  
51 its destination early, on-time or no more than five minutes and fifty-  
52 nine seconds late. Provided that the percentage of trains and buses not  
53 arriving at their final destinations shall include unscheduled cancella-  
54 tions.

55 (m) "additional data" means (1) for the subways and buses the percent-  
56 age of trains and buses arriving at their scheduled terminals between

1 four and five minutes after their scheduled arrival time; (2) for the  
2 commuter railroads the percentage of trains arriving at their scheduled  
3 terminals between four and five minutes and fifty-nine seconds after  
4 their scheduled arrival time; and (3) for commuter rails the percentage  
5 of cancelled trains.

6 (n) "bus speed" means the average speed of a bus calculated by the  
7 authority throughout the duration of its route.

8 (o) "additional bus stop time" means the average added time that  
9 customers spend waiting at the bus stop for a bus, compared with their  
10 scheduled wait time.

11 (p) "service delivered" means the actual percentage of service on a  
12 bus or rail route that operates during peak hours as calculated by the  
13 authority, compared to the amount of service scheduled.

14 2. Reporting on rail services. The authority shall take all practica-  
15 ble measures to collect, compile and publish meaningful and informative  
16 performance metrics for all customer trips provided by the New York city  
17 transit authority subways, Long Island rail road and Metro-North commu-  
18 ter railroad on a monthly basis including all applicable performance  
19 metrics as defined in subdivision one of this section. If the authority  
20 cannot practicably collect and compile any such performance metric for a  
21 customer trip type, it may, subject to the approval by the chairman of  
22 the metropolitan transportation authority, substitute an equivalent  
23 performance metric based on international public transport benchmarking  
24 and best practices that comparably measures system performance and  
25 service delivery.

26 § 7. Subdivision 3 of section 1276-f of the public authorities law, as  
27 amended by section 1 of part A of chapter 39 of the laws of 2019, is  
28 renumbered subdivision 4 and a new subdivision 3 is added to read as  
29 follows:

30 3. Reporting on bus services. No later than eighteen months after the  
31 effective date of this section, the metropolitan transportation authori-  
32 ty shall take all practicable measures to collect, compile and publish  
33 performance metrics of all bus services it provides on an individual  
34 per-route basis on a monthly basis. These metrics shall include but not  
35 be limited to:

36 (a) service delivered;

37 (b) bus speeds;

38 (c) additional bus station and bus stop time;

39 (d) excess journey time;

40 (e) additional travel time;

41 (f) customer journey time performance;

42 (g) journey time metric;

43 (h) staff hours lost to accidents; and

44 (i) terminal on-time performance.

45 § 8. This act shall take effect immediately; provided, however, that  
46 the amendments to paragraph (b) of subdivision 4 of section 1263 of the  
47 public authorities law made by section four of this act shall not affect  
48 the expiration of such paragraph and shall be deemed to expire there-  
49 with.