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:

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

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

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

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

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

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

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

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

(c) "data set" shall mean a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form; and

(d) "publishable MTA data" shall mean data that is collected by the metropolitan transportation authority, its subsidiaries and affiliates where the authority, subsidiary or affiliate is permitted, required or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the publishable MTA data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be publishable MTA data if making such data available on the open data website would violate statute or regulation, including, but not limited to, disclosures that would constitute an unwarranted invasion of personal privacy, endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the authority or its subsidiaries or affiliates.

3. As required by Executive Order 95 of 2013, the metropolitan transportation authority shall designate a data coordinator, who shall:

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

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

(c) be responsible for the compliance of the authority, its subsidiaries and affiliates with the order.

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

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

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

(c) The metropolitan transportation authority shall create schedules for publishing all publishable MTA data within three years of the effective date of this section.

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

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

(b) The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; **a committee on technology and open data;** and a committee on safety. In addition to such appointed members, each of the non-voting members referred to in subparagraph two of paragraph (a) of subdivision one of this section shall serve on the committee on capital program oversight, the committee on finance, the committee on safety, the committee on operations of the Triborough bridge and tunnel authority, and the operations committee relevant to the commuter council that recommended such member. The alternate non-voting members shall each serve on the respective operations committee relevant to the commuter council that recommended each member. The committee on capital program oversight and the committee on safety shall include not less than three members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, and the committee on operations of the Metro-North commuter railroad. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services. The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan

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

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

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

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

(i) single-ride tickets;

(ii) unlimited-usage weekly tickets;

(iii) unlimited-usage monthly tickets;

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

(v) student tickets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) "additional journey time" means for the subways **and buses** comparison of measured or estimated actual journey time compared to schedule.

(g) "journey time" means for the subways time on platform and the time on train**, and for buses time at the bus stop and the time on the bus**. Journey time is calculated as either actual journey times that customers experience, or as scheduled journey times. Journey time and its components may be based on a manual or an automatically generated sample.

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

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

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

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

(l) "terminal on-time performance" means (1) for the subways **and buses** the percentage of trains **and buses** arriving at their destination terminals as scheduled with a train **or bus** counted as on-time if it arrives at its destination early, on time, or no more than five minutes late, and has not skipped any planned stops, and (2) for the commuter railroads the percentage of trains arriving at their final destination terminals as scheduled with a train counted as on-time if it arrives at its destination early, on-time or no more than five minutes and fifty-nine seconds late. Provided that the percentage of trains **and buses** not arriving at their final destinations shall include unscheduled cancellations.

(m) "additional data" means (1) for the subways **and buses** the percentage of trains **and buses** arriving at their scheduled terminals between

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

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

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

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

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

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

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

(a) service delivered;

(b) bus speeds;

(c) additional bus station and bus stop time;

(d) excess journey time;

(e) additional travel time;

(f) customer journey time performance;

(g) journey time metric;

(h) staff hours lost to accidents; and

(i) terminal on-time performance.

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