

# STATE OF NEW YORK

1442--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 § 5. This act shall take effect immediately; provided, however, that  
23 the amendments to paragraph (b) of subdivision 4 of section 1263 of the  
24 public authorities law made by section four of this act shall not affect  
25 the expiration of such paragraph and shall be deemed to expire there-  
26 with.