

# STATE OF NEW YORK

4625

2021-2022 Regular Sessions

## IN SENATE

February 8, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

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

14 § 1279-j. Open data reporting. 1. The metropolitan transportation  
15 authority and its subsidiaries and affiliates, including the New York  
16 city transit authority and the Triborough bridge and tunnel authority,  
17 shall fully comply with the provisions of Executive Order 95 of 2013,  
18 "Using Technology to Promote Transparency, Improve Government Performance  
19 and Enhance Citizen Engagement," and shall provide the New York  
20 state office of information technology services and legislature all data  
21 as defined in this section.

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

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.

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

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