STATE OF NEW YORK

4625--A

Cal. No. 1237

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sens. COMRIE, HOYLMAN, RAMOS, RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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-i to read as follows:

§ 1279-i. 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

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

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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:

(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. This act shall take effect immediately.