BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

JOINT LEGISLATIVE HEARING
In the Matter of the
2022-2023 EXECUTIVE BUDGET
ON TRANSPORTATION

Virtual Hearing
Conducted via Zoom

February 15, 2022
9:37 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Senator Timothy M. Kennedy
Chair, Senate Committee on Transportation

Assemblyman William B. Magnarelli
Chair, Assembly Committee on Transportation

Senator Leroy Comrie
Chair, Senate Committee on Corporations,
Authorities & Commissions

Assemblywoman Amy Paulin
Chair, Assembly Committee on Corporations,
Authorities & Commissions

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Transportation
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PRESENT: (Continued)

Assemblyman Jonathan G. Jacobson

Senator George M. Borrello

Assemblyman Charles D. Fall

Assemblywoman Emily Gallagher

Senator Pete Harckham

Assemblyman Edward C. Braunstein

Senator Shelley B. Mayer

Assemblyman Kenneth Zebrowski

Senator Joseph A. Griffo

Assemblywoman Jessica González-Rojas

Assemblyman Harry B. Bronson

Senator Jessica Ramos

Assemblyman Joe DeStefano

Senator Diane J. Savino

Assemblyman Steven Otis

Senator Sue Serino

Assemblywoman Jo Anne Simon

Senator Anna M. Kaplan

Assemblywoman Alicia Hyndman

Assemblyman Robert C. Carroll

Senator John C. Liu

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PRESENT: (Continued)

Assemblywoman Gina Sillitti

Assemblywoman Marcela Mitaynes

Senator Brad Hoylman

Assemblywoman Taylor Darling

Senator Roxanne Persaud

Assemblywoman Rebecca A. Seawright

Assemblyman Fred W. Thiele, Jr.

Senator Jeremy A. Cooney

Assemblyman Mark Walczyk

Assemblywoman Patricia Fahy

Assemblywoman Sandy Galef

Senator James Gaughran

Assemblyman Philip A. Palmesano

Assemblywoman Yuh-Line Niou

Senator Elijah Reichlin-Melnick

Assemblywoman Pamela J. Hunter

Assemblyman John Lemondes

Assemblywoman Monica P. Wallace

Senator Mario R. Mattera

Assemblyman Joe Angelino

Assemblywoman Stefani Zinerman

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Assemblyman Christopher S. Friend

Assemblywoman Karen McMahon

Assemblyman Karl Brabenec

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CHAIRWOMAN WEINSTEIN: Good morning. I'm Helene Weinstein, chair of the New York State Assembly Ways and Means Committee and cochair of today's hearing, along with the chair of the Senate Finance Committee, Senator Krueger.

Today we begin the 11th in a series of hearings conducted by the joint fiscal committees of the Legislature regarding the Governor's proposed budget for fiscal year 2022-2023. The hearings are conducted pursuant to the New York State Constitution and the Legislative Law. Today the joint committees will hear testimony concerning the Governor's budget proposal for transportation.

I will introduce the members of the Assembly majority, and then I will have Senator Krueger introduce her colleagues.

So we have with us Assemblywoman Paulin, chair of our Corporations Committee; Assemblyman Magnarelli, chair of the Transportation Committee; Assemblyman Bronson, Assemblyman Carroll, Assemblywoman

Darling, Assemblyman Fall, Assemblywoman Gallagher, Assemblywoman Hyndman, Assemblyman Otis, Assemblywoman Simon, Assemblywoman Sillitti, Assemblyman Thiele.

And I'm sure there will be other members joining us as the hearing proceeds.

Senator Krueger, do you want to introduce your colleagues?

CHAIRWOMAN KRUEGER: Sure. Thank you. And good morning, everyone.

So I'm joined today by our Transportation chair, Senator Tim Kennedy; our Public Authorities chair, Senator Leroy Comrie; Senator John Liu, Senator Pete Harckham, Senator Roxanne Persaud, Senator Anna Kaplan -- oops, just going down -- Senator Diane Savino, Senator -- you know, it's harder to do when you don't look at the boxes. It's easier this way. Sorry. Senator Jim Gaughran. Senator Jeremy Cooney.

I think that's it for the Democratic Senators. If you don't mind, I will turn it on to -- hand it over, excuse me, to today's ranker in Finance, a fill-in ranker in

Finance, Senator Borrello, to introduce the Republican members.

SENATOR BORRELLO: Thank you, Madam Chair.

I'm looking on my screen here and I see, in addition to myself, Senator Joe Griffo. And I am looking to see if I see anyone else here. If any of my other Republican colleagues are around here, if you could just call yourself out. I'm not as good at this as Tom O'Mara is, so -- all right, I think that's it. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Back to you, Helene.

CHAIRWOMAN WEINSTEIN: We also -- I missed Assemblywoman Niou and Assemblywoman Fahy.

Assemblyman Ra, would you like to please introduce the members of your conference who are here.

ASSEMBLYMAN RA: Thank you, Chair. Good morning, everybody.

We're joined by Assemblyman Lemondes,

who is ranker on the Corporations Committee, and Assemblymembers DeStefano and Palmesano.

CHAIRWOMAN WEINSTEIN: Thank you.

So just to review time limits, the governmental witnesses that we'll be hearing from first this morning -- and possibly this afternoon -- will have 10 minutes to make their presentation. The testimony has been distributed to all members in advance.

Nongovernmental witnesses, who will be in panels, will each have three minutes to make their presentation.

In terms of legislators, the chairs of the committees relevant to the governmental witness will have 10 minutes and a second round of three minutes if desired. Ranking members of these committees will get five minutes each, and all other members of the relevant committees will get three minutes each.

As I mentioned, all the written testimony has been submitted to the legislators in advance. So for witnesses, you do not need to read your written

testimony, you can summarize it. And just everybody keep an eye, as I mentioned previously, on the Zoom clock. Note that when the clock is down to zero, you will be alerted your time is up. And please be considerate and respect the time so we have a chance for everybody to be heard.

And just a reminder to the legislators that the clock time is both for questions as well as your answers, as the witness's answers.

So with that, let's get to the meat of today. And I'm pleased to introduce the Metropolitan Transportation Authority chairman and chief executive, Janno Lieber.

MTA CHAIR LIEBER: Thank you. Thank you, Madam Chair. And thank you to all of the members and especially the chairs for having us this morning: Senator Krueger, Assemblymember Weinstein, Senator Kennedy, Senator Comrie and Assemblymembers Paulin and Magnarelli.

I'm Janno Lieber. As you said, I'm the MTA chairman and CEO. And I'm here today

with our Deputy CFO Jai Patel. This is my first time back with -- before the Legislature since I was confirmed last month. Fortunately, in those few weeks, ridership has started to return now that Omicron is receding. Weekday subway ridership surpassed 3 million riders last Tuesday and we had three days in a row of over 3 million. That was, you know, a high point since early December. And including all the modes, we're over 4 million customers a day. Good news.

Good news for our efforts to get New York back to work and to get our economy back on track. But it's also important for MTA financial stability. The MTA's budget is heavily reliant on farebox revenue and tolls, as you all know. We need every rider we can get. Dedicated taxes and government subsidies also are a significant element of the MTA's budget. And thankfully, we've received generous aid from Congress -- thank you again to Majority Leader Schumer. That aid offsets the revenue hit the MTA took and is still taking from COVID.

More help for the MTA and its riders is coming from Governor Hochul's proposed budget, which increases the state's contribution to the operating budget by $337 million for the 2022 fiscal year alone. This financial lifeline allows us to cancel, once and for all, the planned fare increase for 2022 that was included in the November Financial Plan our board approved. That's a major relief, since a fare hike would obviously make no sense when we are working hard to woo our customers back. It's just bad business logic. And we again thank the Governor for making it unnecessary.

But this is short-term support, and we're staring down a very substantial structural deficit in the outyears – actually $2 billion, more than $2 billion in 2025. The MTA's financial plan is out of balance, even with state funding and federal support, because expense growth -- which, you know, our budget -- our expense growth, which is mostly labor costs, has far outpaced revenue growth. And that's been true for some years,

even before COVID.

We need to start talking about a plan now, while we have time to figure it out. I've already begun discussions with the Governor's office and spoken with several of you individually about this issue. The MTA is committed to identifying cost savings and working with our partners in labor to become more efficient. But with COVID alone increasing the structural deficit in excess of a billion dollars per year, it's clear we're going to need to work with Albany to identify new sources of recurring revenue to close that budget gap and avoid the fiscal cliff.

Promoting public safety. This isn't just about the MTA's bottom line, it's also about the City and the state's economic recovery. The region needs strong mass transit to support its revival. That means the MTA has to provide the safest, most reliable and most affordable service that we can in order to win back our riders.

First, on safety. Customers have made

very clear -- and we do surveys that include hundreds of thousands of customers. They've made it clear they're not going to return to transit unless they feel safe. And right now a lot of people don't, which is a huge, huge problem. You've all read about the violent and tragic and upsetting episodes that occurred in the last few weeks, capped by the tragic killing of Michelle Go, but also including incidents where shopping carts have been set on fire or thrown onto the tracks in front of trains. Just last night someone threw one of those metal police barriers onto a train. These types of events cannot be tolerated.

Governor Hochul and Mayor Adams have committed to working with us to restore a sense of order and safety underground and, relatedly, to provide assistance to the homeless and other New Yorkers who are struggling with mental health issues in our public space. I'm very encouraged by the commitment we're seeing from the NYPD. We're starting to see cops on platforms and on

trains, which is something I've been asking for for a while. We need our police to help make the subways safer by being on those platforms and on subway cars, which is where our riders feel vulnerable -- and also by enforcing the rules of our system.

Apart from safety, our greatest priority is improving the system, especially in making it more accessible and more affordable. That's where the historic 2020-2024 Capital Program comes in. We are in a great place. Despite effectively losing an entire year to the pandemic, where we had to pause the majority of the capital plan -- actually, in 2021, the MTA had one of its best years ever in terms of new commitments, adding up to more than $8 billion worth of work of new projects started underway.

Ongoing work never stopped during the pandemic. All the major projects -- East Side Access, Third Track -- remained on schedule. We're about to break ground on Metro-North Penn Access, which is going to add four new railroad stations in the

East Bronx, cutting commutes for those people living in the East Bronx, in a transit desert, by cutting their commutes by up to 50 minutes each way.

And there's also Governor Hochul's Interborough Express proposal, which we are starting environmental review on right away.

But it’s not just about the megaprojects. The MTA is moving aggressively to expand ADA accessibility systemwide, modernizing our signal system and bringing our $1 trillion-plus of assets into a state of good repair.

On affordability, not only are we freezing fares, we're launching new fare pilots starting literally the end of this month in order to make transit even cheaper. As I said, set to launch this month, these new fare promotions include our first-ever fare tapping pilot for subway and bus costs to customers paying with OMNY.

And on the commuter railroads, Long Island Rail Road and Metro-North customers will see a new 20-trip ticket option and

discounts for monthly ticket holders, plus expansion of the City Ticket to include all off-peak trains throughout the week, which takes advantage of capacity the railroads currently have and provides more options for areas of the boroughs outside of Manhattan that even with buses and subways do lack sufficient transit access.

We're also looking for the city's cooperation on transit affordability. You may have read that yesterday the City Council and the mayor announced that they're increasing funding for Fair Fares, that program that provides discounted MetroCards to our lowest-income New Yorkers. We'd like to see it fully funded; the increase only takes it back -- about halfway back to the original $100 million-plus number. And we just have to be on it, but right now the program is wildly underutilized.

I am concerned that the folks in the social service agencies who are providing this eligibility to low-income New Yorkers need to market it more aggressively. Because

even the people who are enrolled are only using it -- only half of them are actually using these discounted MetroCards, and not all that frequently. The city ought to expand eligibility for Fair Fares, both by marketing it but also by raising the income ceiling to make it affordable to New Yorkers who are above the federal poverty line but still qualify for Medicaid and other low-income assistance programs under city and state standards.

The Governor's proposed budget also includes a number of MTA legislative priorities, and we want to work for your support on those as well, especially the worker assault proposal, which would expand the list of protected employee titles covered by the existing felony assault law and reclassifying so-called lesser assaults -- things like kicking, punching or spitting at a transit worker. Those don't seem like lesser assaults to me -- but to reclassify those as Class A misdemeanors.

We also want to update our existing

design-build mandate after using for two years under the rules that the Legislature and the prior governor enacted. We're seeing great results from design-build on larger capital projects, but on the smaller and more straightforward rehab and replacement work, we are successfully using traditional design-bid-build and also A+B project delivery, which uses not just price but also schedule as a variable.

We saw great savings in those --

THE MODERATOR: Pardon me, sir, your time is up.

MTA CHAIR LIEBER: I'm almost done, thank you.

What Governor Hochul has proposed will help us diversify the contractors who can bid on MTA projects, making these projects more achievable for smaller firms, especially MWBE and service-disabled veteran businesses, who may not have the ability to take on design risk which is associated with design-build work.

So with that, I'm looking forward to

continuing to work with these committees and everybody in the Legislature to bring back ridership and to restore the MTA's financial health. And I'm happy to take your questions.

CHAIRWOMAN WEINSTEIN: Thank you, Chair.

So we are going first to our Corporations chair, Assemblywoman Paulin, for 10 minutes.

ASSEMBLYWOMAN PAULIN: Thank you.

So first I want to talk a little bit about the structural operating deficit that you spoke about in your testimony. The operating deficit kicks in -- or it's actually in there now, but we will see, because of the depletion of the federal money, a problem in 2025, in that range.

I wondered, you know, what that exact amount is and -- you know, so that we can begin to plan for that time period. Since taxes, if we're going to implement any, and dedicate revenue, could take a year or more to kick in.

MTA CHAIR LIEBER: Thank you, Chair Paulin. And thank you for your leadership in general on this issue.

Where we are, thanks to the Governor's Executive Budget, the adjustments to MMTOA and the gas tax that were made in the Executive Budget proposal, the exact shortfall -- you know, we have a $2 billion structural deficit that's evident in 2025. But the amount that we actually have to fill -- that's when the federal money -- again, these are projections based on ridership projections that we're all not actually certain about. But right now we would have to fill the last 500 million in 2025 with that borrowing from the federal Municipal Lending Facility, which would be deficit financing.

None of us wants to be in the deficit financing business. But starting in 2025, it's a $500 million deficit financing hole to plug right there. And then in 2026, because of the federal money, the COVID relief money would have been exhausted, you're facing the

full $2 billion-plus hole in the budget. That's the fiscal cliff.

ASSEMBLYWOMAN PAULIN: And that assumes fare increases of 4 percent or whatever the --

MTA CHAIR LIEBER: Yes, exactly. We've now put off a fare increase in 2021 and again in 2022, but the budget that we presented to you, the five-year plan, is assuming that -- going back to those 4 percent every two year increases starting in '23.

ASSEMBLYWOMAN PAULIN: And will we anticipate a greater increase in fares in 2023 because of the need to fill in the 2022 fare increase that was projected?

MTA CHAIR LIEBER: No.

ASSEMBLYWOMAN PAULIN: And without the fare increase of 4 percent, what kind of deficit would we anticipate in 2026 if we held fares stable for the next few years?

MTA CHAIR LIEBER: I need to turn to my colleague Jai Patel on that. I mean, obviously our fare increase pattern has

always been -- we're just trying to catch -- you know, keep up with inflation in some rough way. This has been a pattern of small increases to keep over inflation since going back to the Ravitch Commission in I think 2010. Obviously that has not -- because we're also giving wage increases that are a little higher than 2 percent a year over the last, you know, period, that has widened the fiscal cliff and it's part of what we need to address over time.

But Jai, can you answer the question?

MTA DEPUTY CFO PATEL: Sure. Every fare and toll increase we estimate is at 4 percent -- and it can be greater with inflation, as our law dictates to us -- generates about $250 million, which compounds every year as ridership increases and decreases. But upon each other, right, every two years.

So if we were to skip the '23 and the '25 fare increase, that would be approximately an added $500 million need to the budget in 2026. And then the outyear

fare increases as well, we would want to make sure inflation-based compounding is accounted for.

ASSEMBLYWOMAN PAULIN: So it would be an extra billion dollars if you didn't increase the fares in '23, '24, '25 and '26, approximately.

MTA DEPUTY CFO PATEL: Approximately. We do biannual fare increases.

ASSEMBLYWOMAN PAULIN: No, just wanted to get an understanding.

The East Side Access, is it anticipated or was it anticipated -- I guess it's harder now to know what ridership is going to look like. But was it anticipated that the ridership in Long Island overall would increase? And what do those projections look like now?

MTA CHAIR LIEBER: So we have not -- the assumption was that roughly, you know, 30 to 40 percent initially of the Long Island Rail Road commuter population would move from Penn to Grand Central when East Side Access opened. We have not revisited that presumed

split as between the two major terminals.

Where we are right now is the projections -- again, they're all -- projections are projections. But the projections are that Long Island Rail Road would get back to somewhere between 80 and 85 percent of its pre-COVID ridership. So the split would remain roughly the same. We would assume 100,000 -- roughly 100,000 people would be going to East Side Access on a daily basis.

ASSEMBLYWOMAN PAULIN: So we're talking a split and not an increase in ridership for East Side Access.

MTA CHAIR LIEBER: The projections have always been that the overall ridership of the railroad would follow the same trajectory, it's just that it would go to different terminals, correct.

ASSEMBLYWOMAN PAULIN: I see.

And is it the same assumption for Metro-North at the 85 percent level, and the subways?

MTA CHAIR LIEBER: Yes. Yes, ma'am.

ASSEMBLYWOMAN PAULIN: Yes. So, you know, back to the operating deficit a little bit, the wage growth assumed in the financial plan, because of the difficulty of filling positions and retaining the workforce, is that -- has that been reevaluated? Is it still -- are we basing our financial plan on the same assumptions?

MTA CHAIR LIEBER: You know, we are using the -- what has historically been our assumption, which is 2 percent wage growth. But in candor, the contracts that have been agreed to in the last couple of contract cycles have exceeded that amount and have averaged between 2.25 and 2.5, on average, percentage per year.

ASSEMBLYWOMAN PAULIN: Okay. Thank you. And on the -- just jumping to the capital plan a little bit, the capital plan was based on projected ridership. And I wonder if that has been -- or you anticipate to reevaluate the capital plan since ridership may have changed or shifted.

MTA CHAIR LIEBER: Yeah. I mean, more

than half -- you know this well, but more than half of the capital plan is state of good repair. It's simply to make sure that the -- you know, this hundred-year-old-plus system doesn't fall apart and can be maintained in operation.

So the capacity expansion is more in the new projects, as you're aware. You know, system expansion projects like Penn Access, like Second Avenue Subway, like Long Island Rail Road Third Track.

But the lion's share of the program continues to be state of good repair. And, you know, system expansion growth is probably going to hit more a few years out. At which point we're hoping and expecting that ridership will be back close to pre-COVID levels. I hope that makes sense.

ASSEMBLYWOMAN PAULIN: It does. And I think I'm only going to have time for one more question, so I reserve the right to come back later.

What is left of the two earlier capital plans? Like what do we still have to

complete for I guess the plan that we just finished, you know, technically, 2015 to '19. And I think there even might still be projects from the plan before. And I just wondered what are those projects, and do we have -- are we anticipating that we are going to complete those?

MTA CHAIR LIEBER: Yeah. I mean, we -- you know, we're over 90 percent awarded for the '15 to '19 projects. And honestly, when you get into the 90 to 95 percent, usually what's remained is either projects that depend on other government agencies to do something to allow the project to move forward. Sometimes it's real estate, sometimes it's shared funding, whatever.

So we're in pretty solid shape on the '15 to '19 program. You know, great work by our workforce, even right through COVID, to make sure we knocked out all of that remaining work. And some of what remains in '15 to '19 is Second Avenue Subway, which as you know, you know, we're still waiting for the feds to give the go ahead to that

project. Just part of what hasn't been --

THE MODERATOR: Pardon me, but the time is up.

ASSEMBLYWOMAN PAULIN: Thank you.

CHAIRWOMAN WEINSTEIN: Before we go to the Senate, we've been joined by Assemblymembers Mitaynes, González-Rojas, Braunstein and Walczyk.

CHAIRWOMAN KRUEGER: Thank you very much.

And we've been joined by Senator Sue Serino and Senator Joe Griffo, who's the ranker for Transportation.

So just a reminder, Joe, raise your hand if you want me to call on you for a question.

And our first questioner will be Senator Leroy Comrie, our chair of Public Authorities.

SENATOR COMRIE: Good morning. Good morning, Madam Chairs, good morning members.

Good morning, Chairman Lieber. Thank you for being here this morning and answering some questions.

I'll get right into it. Under the MTA Small Business Mentoring Program, in 2019 we granted a 10-year extension after an initial sunset, and that from 2009. Now that the MWBE program has been around for over a decade and it's been a -- how has it been working? What can you tell us about the metrics that you're using for measuring the mentoring portion of the program? And can you provide us with a list of MWBEs that have participated in the program, how we've gotten to 30 percent and how we can continue to expand that program.

MTA CHAIR LIEBER: So on the overall MWBE program, the MTA is the number-one New York State agency by a lot in terms of its MWBE participation. We hit the 30 percent goal that was established a few years ago for minority and women-owned businesses. We are doing -- last year I think we did close to a billion dollars worth of MWBE contract awards.

We are 30 percent of the overall New York State MWBE participation, a huge

success. A credit to the Legislature and the Executive for getting these programs going, but also to our team at MTA, both Michael Garner's team at DDCR but also the folks who run the project. We have --

SENATOR COMRIE: This opportunity for increasing the discretionary bidding threshold for MWBEs, do you expect that that will create a higher percentage than the 30 percent participation now? And how do you expect that that increase from 1.1 million to 1.5 million will be able to expand participation of MWBE?

MTA CHAIR LIEBER: I think that what we're seeing is that if you -- well, first of all, the Small Business Program has been really successful. We hit 70 million this year. You're talking about very small projects. If we can grow the projects, we actually are inside the threshold for MWBE small business projects. This will allow us to increase the opportunities for them to act as prime contractors on MTA projects.

And part of what we're trying to do is

not just give business to MWBEs, but also to help mentor them so that they can function as prime contractors and actually run jobs themselves rather than being subcontractors. So that's the reason for that proposed increase.

SENATOR COMRIE: Thank you.

You also are asking for the use of camera enforcement, to authorize the MTA in the city to deal with traffic regulations. Can you give us some details about what this traffic enforcement and additional cameras would be? Would these be cameras specifically on buses and bus lines? Or is this to put more cameras up to gain revenue?

MTA CHAIR LIEBER: Look, the fact that -- you know, I have made one of my huge priorities getting us moving towards a faster bus system, especially for Queens. And, you know, looking at not just you, Mr. Comrie, but Mr. -- Senator Liu is on my screen as well. People all over Queens know that for a lot of people, mass transit is the bus system, because they're not right by the rail

system.

So we have to have faster buses. The way to do that, bus lanes and busways. We have to do them effectively so they don't disrupt normal operation. But we have to have busways. And we need cars and trucks, delivery trucks, not to park in the bus lanes. Cameras on buses and cameras at intersections, which are run by the city, are the best way to do it. And we're asking the Legislature to give us the authority to equip buses with cameras and to use those cameras and the photo evidence they collect as a basis for issuing tickets.

And one other point. All the evidence is very few people, percentagewise, get a second bus-lane-violation ticket. A tiny percentage get a third one. This is the way we're going to get the bus lanes cleared, is to have camera enforcement to issue tickets and make people understand you've got to stay out of the bus lane.

SENATOR COMRIE: Thank you.

Just on the busways, I know that the

bus redesign for Queens is coming up, and I hope that we can make sure that the bus redesign, as I've spoken to you before, looks to send buses to the Long Island Rail Road so that people can make that option happen and that we can continue and expand the Atlantic Ticket throughout the entire system.

But definitely we would need -- buses directly to Long Island Rail Road stops within Queens would make a marked difference for people that will be commuting from an area that -- especially our transportation deserts in Bayside in Queens and Southeast Queens and Rockaways. And I would hope that finally this year we could get the Rockaway Station as part of the Atlantic Ticket program.

Could you give us an update on how that could happen?

MTA CHAIR LIEBER: So the Queens bus redesign -- which is, you know, starting fresh right now -- we're going to be issuing a new draft proposal that will be the kickoff to 14 community district meetings and a whole

mess of other outreach. And we're going to do it in consultation with the electeds and with the community boards and everybody.

Part of the premise of that, the core principle of that redesign is to have fast connections to the rail system, right? And you just made that point.

So this is not -- I want to emphasize, this is not the final plan. We are going to take your input, electeds, we're going to take the communities' input, we're going to make adjustments. It's the basis for discussion. But we're starting fresh and we're starting with the premise that it does not have to be revenue-neutral, because we've got to make the bus system really successful in Queens especially.

SENATOR COMRIE: Thank you. Thank you.

I'm going to shift to a different topic, East Side Access. Has a subsidiary been created for East Side Access that the board voted for in 2021? And can you give us a status on -- has that been created? How

many people are employed, if anything? And what is the update on East Side Access, what's the status?

MTA CHAIR LIEBER: Yeah, sure. the East Side Access project is, you know, on schedule, racing towards completion by the end of this year. That subsidiary that you alluded to was created, and I think that the required notification was given to the comptroller and the rest of the elected officials in the community.

We have also worked out an arrangement with our Long Island Rail Road unions about which jobs they are going to fill so we can move quickly to make sure we have the training and the hiring. And that is taking place in a partnership manner.

So I think we're headed in the right direction, that there isn't -- you know, as I think I may have told you, Senator, that there isn't going to be some huge new bureaucracy. It's going to be, you know, a half a dozen to a dozen people who are basically responsible for overseeing the

contractor, the unionized outside contractor who's going to manage some of the public concourses and the retail space and the mechanical systems. That's all that new entity is really supposed to be doing.

SENATOR COMRIE: Gotcha. All right, I know you've had some changes in personnel. Can you give us an update on the Transformation Office? Did you guys hire the 120 consultants that were originally planned? And if so, what are they doing? And I know that, you know, we lost Phil Eng, who was a great addition to the Long Island Rail Road and did a lot to improve not just the on-time but the way the construction was being done there.

And can you give us an idea on how we are standardizing construction to accelerate projects? And what's the status of that?

MTA CHAIR LIEBER: So on the so-called transformation, you know, that was -- in my view was only partially successful. What it did do is something pretty conventional for big organizations. It consolidated the

overhead groups, like legal and finance and HR, into a single group.

But as I said again and again, not entirely successful in creating new super-high-functioning groups in every case. You know, the finance group is in great shape. The legal group's in great shape. The IT group is in decent shape. The HR group was a disaster. I brought in a new leader, a woman named Lisette Camilo, who used to run DCAS, and she is retooling that operation. So I declared an end to the so-called transformation.

And, you know, I think that the one thing we have to be honest about was the idea that this was going to be a radical savings of cost and jobs was not accurate, and we're adjusting accordingly.

SENATOR COMRIE: Thank you. I'm out of time.

I just wanted to remind you again to look at subway guards for people that are getting pushed off. I know Bobby Carroll is going to bring that up in detail. And also

the expansion of the Freedom Ticket, the Atlantic Ticket.

I'll come back on a second round. Thank you.

MTA CHAIR LIEBER: You bet. Thank you, sir.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We have been joined by Assemblywoman Wallace.

And we go to our Ways and Means ranker, Assemblyman Ed Ra, for five minutes.

ASSEMBLYMAN RA: Thank you, Chair.

Good morning, Chairman. Just wondering if you can give me a little bit of information about the Elmont Long Island Rail Road Station, how it's going so far in terms of, you know, ridership utilizing the arena and whether we are on track for next summer for full access to it coming from the east.

MTA CHAIR LIEBER: So I think -- thank you for the question, Assemblymember. We hit the deadline for the opening of the one platform. And, you know, that was a success

done in I think less than a year, built that.

And the other platform is on schedule. I don't have the exact date at my fingertips, but it's this year as well.

So that project has been a success. I'll have to get back to you with the exact ridership numbers, but I know it has been -- you know, it has made -- been consistent with the projections that people are going to events there would in fact start to use the railroad rather than exclusively driving. And we're happy with the outcome.

And we're really happy that in this case we're able to demonstrate that MTA, you know, the new MTA Construction and Development organization can deliver projects on time and on budget. That's what we did.

ASSEMBLYMAN RA: Excellent. Because I think especially once it's successful from further east, you know, we're kind of really trying to change behavior amongst Long Islanders. We're used to driving, you know, to sporting events and all that type of stuff, but hopefully it will get utilized by

people going to events.

In terms of fully open, what are the plans in terms of, you know, its utilization by commuters? As I'm sure you know, you know, the Hempstead line, the main line, for the most part the stations are in incorporated villages, which makes it very difficult for those living in unincorporated areas like Elmont and Franklin Square to be able to get parking passes for those stations.

So what is the plan with regard to that once this station is fully finished?

MTA CHAIR LIEBER: Okay. So I'm out of my depth on the parking issue. There is parking at the arena. But I'm going to honestly -- I just don't want to waste time, I want to get back to you on the specifics of parking -- a parking plan and get into dialogue with your office about that, because it's not something I know a ton about.

ASSEMBLYMAN RA: Okay, great. I'd appreciate, you know, following up and speaking about that. It's definitely been an

issue, you know, that I've heard a lot about in Franklin Square from residents, you know, wanting access to someplace that they can actually park their car and make their commute. And I know certainly my neighbor Assemblywoman Solages as well, with regard to Elmont. So thank you for that.

Just shifting focus -- congestion pricing. You know, early on -- and obviously this is all pre-COVID -- the revenue estimates, from what I remember, were somewhere around a billion. Have those numbers been revised? Do we have an idea of what we think that will bring in with kind of the current or new landscape in terms of people utilizing, you know, their cars to come in and out of New York City right now?

MTA CHAIR LIEBER: Well, you know, for better or worse, traffic is basically at a hundred percent pre-COVID levels. As, you know, our -- we're getting basically a hundred percent of our pre-COVID revenue out of our friends at MTA Bridges and Tunnels.

So, you know, what that's telling us

is, one, that the projections about potential revenues, you know, continue to make sense, but two, it sort of reinforces the need for congestion pricing, because the city can't need the space on the street to be prioritized for buses, ambulances, police vehicles, paratransit and the delivery vehicles that make our city function. And the rationale for -- you know, both the environmental rationale and the congestion rationale and the financial rationale is all in place relative to what we thought pre-COVID.

ASSEMBLYMAN RA: Thank you, Chairman.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Back to the Senate, thank you.

Our next questioner will be Transportation Chair Tim Kennedy.

But Janno, some people don't like that they --

(Zoom interruption.)

CHAIRWOMAN KRUEGER: Brad Hoylman,

mute, please. Thank you.

Before Tim starts, Janno, is there any way for you to be closer to a camera? People are complaining that they don't actually get to see you.

MTA CHAIR LIEBER: They're working on it in the -- I've got the Capitol -- the executive branch IT team and -- who set it up here. We're in the Capitol. And I'm told they're working on it. I apologize.

CHAIRWOMAN KRUEGER: That's all right. But I have officially pointed that out for those of you who have been sending me notes why can't we see him.

Tim Kennedy, your turn, 10 minutes.

SENATOR KENNEDY: Thank you, Chairwoman.

And Chairman Lieber, good morning. Great to see you again -- or not see you, however your angle might be. I suppose it's a good thing that people actually want to see your face rather than the alternative.

(Laughter.)

SENATOR KENNEDY: You know, I'm going

to take over where Assemblyman Ra left off, and that's just with the congestion pricing. Can you just give an updated timeline on that, please?

MTA CHAIR LIEBER: Sure. The timeline is unchanged. We have the same timeline we agreed to with the Federal Highway Administration within USDOT about, you know, six months ago, which is that the environmental review is on schedule right now -- which is a really complicated process -- to be finished by the end of this year. Fingers crossed that USDOT blesses our environmental process, and at that point we will begin to implement congestion pricing in the first three quarters of -- to be implemented in the first three quarters of 2023.

SENATOR KENNEDY: And just assuming that that's going to happen, is good, is there a contingency plan in place if that is not approved in that timeline?

MTA CHAIR LIEBER: Well, it would obviously impact on our ability to achieve

the $15 billion in capital program, you know, revenue that is needed for the -- assume for the 2020 to 2024 capital program. So that's -- you know, that is one of the issues.

And the other issue is what I mentioned to Assemblyman Ra before, which is the urgency of dealing with the impacts of congestion on New York City and air quality, as well as just our ability to function as a city.

SENATOR KENNEDY: Thank you.

Shifting gears to capital, two major projects I want to talk about, a few -- I know we've covered a number already. I want to talk about Gateway. Governor Hochul proposed $2.35 billion to cover our share. Can you give an update on this project and, you know, where we are moving forward?

MTA CHAIR LIEBER: Sure. I'm pretty sure what you're alluding to -- I'm not on the Gateway Development Commission. You know, that project is not in my chain of command. But I'm pretty sure I can answer

the question.

The money that is budgeted for Gateway is the New York 25 percent of the cost of the new tunnel. And that was a commitment that was made earlier this year -- or in 2021, rather. And the feds are providing half of the cost of those tunnels, and New Jersey is providing the other 25 percent. So that's what that goes to.

What I -- you know, as an MTA leader, what I think of as the core element of this broader focus is something that's not technically included in the Gateway Program, which is rehabilitation of existing Penn Station. Which we all know is not the kind of place, in terms of passenger experience or vertical circulation or safety, that it ought to be.

So my focus is not on the tunnels -- which will be done by the Gateway Development Commission in some other arrangement between New York, New Jersey and the feds -- but rather on how do we get going with rebuilding existing Penn, which is where all the

New Yorkers are going and are going to be going for a long time.

SENATOR KENNEDY: Right. So let's stay on that. Let's talk about Penn Access. What is your timeline for that, and how many riders do you expect to serve with that project?

MTA CHAIR LIEBER: Well, you know, Penn Access is the connection for the East Bronx that Metro-North is going to provide on the Amtrak Hell Gate Line, a line that now carries 25 to 30 trains a day through the Bronx, never stopping in the Bronx, not providing any connections to the people in the East Bronx who are the neighbors.

Instead, we're going to improve that two-track railroad into a -- for almost all of its length -- a four-track railroad and to have four new stations at the Bronx. And we're going to run, instead of 25 trains a day, like 175 trains a day, with the balance being Metro-North commuter rail.

I said it before: Someone from

Co-Op City going to a job in Manhattan, if they want to do that, is going to cut their travel time from 80 to 90 minutes to 35 minutes. And they can also pursue jobs in education or whatever north, in Westchester or Connecticut. So a big game-changer for the East Bronx. That's why we're doing Penn Access. That's why it's a megaproject worthy of, you know, the Legislature and the Governor's investment.

The exact projections of ridership are somewhat in flux, but the main thing is those are communities of 50-plus -- there are hundreds of thousands of people in those East Bronx communities who don't have meaningful transit access. This is what's going to change that.

SENATOR KENNEDY: Great. Speaking of game-changers, the Interborough Express. We were very pleased to hear the Governor announce this, and looking forward to the connection of the boroughs. What's the timeline for that project?

MTA CHAIR LIEBER: So the Governor --

you know, we've been studying this project a little while. The Governor got really excited about it because it speaks to a couple of things that are focuses for her.

One, adapting our mass transit system to where the real, you know, lines of desire for where people want to travel to and from. And all of a sudden when we presented it to her, she focused on the fact that there are more people who are going from Brooklyn and Queens who are going to jobs in Brooklyn and Queens than were crossing the East River to go to Manhattan.

But it's really complicated to go between Brooklyn and Queens. So she got excited about the Interborough, which uses an existing -- I wouldn't call it abandoned, but almost abandoned rail line that runs from the Brooklyn waterfront up to Jackson Heights, to turn it into Brooklyn-Queens interborough travel.

And that project is going through environmental review right now so that we could position it potentially as a project

that gets funded in the next capital program, the '25 to '29 program.

SENATOR KENNEDY: That's exactly what I was going to ask, the funding source.

Now, that would be included as an amendment or it would be included in the capital plan out of the gate?

MTA CHAIR LIEBER: You know, Governor Hochul doesn't -- you know, is a woman in a hurry, so when I explain this stuff I'm not always welcomed -- but it takes a couple of years to complete a federally compliant environmental review. And the realistic outcome is going to be included in the next capital program, the '25 to '29 capital program.

So that's going to be decided on by the Legislature sometime in 2024. You guys will -- it will come to you at that time for -- you know, we'll make a recommendation, the Governor will make a recommendation and then it comes to you for ultimate determination with the CPRB.

SENATOR KENNEDY: Excellent.

Chairman, I know you and I have spoken about this a number of times, including in past hearings and everything else, and you are committed to spending this capital money in New York State as much as possible. So I wanted to ask you about the standard for considering local business and locally eligible businesses for bidding preference on buses and railcars.

It's something that, you know, we've been really focused on in spending as much of this capital funding in New York State to create the jobs here in New York. Can you talk to that, what the standard is?

MTA CHAIR LIEBER: So, you know, I think you're aware that 90 percent, broadly speaking, 90 percent of the capital program, both labor and materials together, get spent in the State of New York. And you've been, you know, a passionate advocate for making sure those numbers remained high and even moved higher over time. So nobody forgets about that issue, ever.

We've got 7300 jobs per billion

dollars of spending throughout the state. And although the feds continue to say you cannot explicitly require that, you know, cars or buses be purchased in a particular state, I think that in New York State we are well positioned to make those subway car and commuter railcar and bus purchases within the state. Because Nova and New Flyer are in the State of New York, and so it's -- what used to be Bombardier is now Alstom in Plattsburgh, and the Kawasaki facilities in Yonkers and elsewhere. You know, we have the railcar and the bus manufacturing {inaudible}.

My biggest concern, honestly, Chair, is that we have to move fast enough with all this new money coming from Washington for zero-emissions buses. I don't want New York to get crowded out, so I have directed our team to, you know, go, go, go in developing new procurements that could nail down some of the manufacturing capacity in those New York State facilities, make sure that those are done for MTA railcars and buses rather than

for, you know, some other jurisdictions, however worded.

So we're all about trying to use up that manufacturing capacity on our projects.

SENATOR KENNEDY: Great. And I do certainly appreciate your commitment to that, and you've been out in front on that.

One last thing. I just wanted to ask for an update on capital improvements for accessibility for both stations and cars.

THE MODERATOR: Pardon me. Your time is up.

MTA CHAIR LIEBER: Okay. Well, I'd just answer the question by saying --

CHAIRWOMAN KRUEGER: We're being very strict about time. You'll have to continue this conversation offline --

CHAIRWOMAN WEINSTEIN: I'm sure there will be more questions along this --

SENATOR KENNEDY: I'll hold that for later. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman.

CHAIRWOMAN WEINSTEIN: So now we go to

Assemblymembers for three minutes, and we start with Assemblyman Fall.

ASSEMBLYMAN FALL: Thank you, Madam Chair.

Thank you, Chairman Lieber, for joining us.

First I want to acknowledge and thank all of the MTA staff for keeping our city moving during this period.

There has been talk from the Executive to address transit deserts across the state. You know very well Staten Island is a transportation desert, and it's clearly not a priority for this Governor. My priority since day one has been the bus rapid transit. There was no mention of it during the State of the State, although there is billions of funding available from the federal government.

When you look at the Executive Budget proposal, there is a slight mention of the bus rapid transit. I understand that the environmental review process is underway, and I want to understand why the MTA has not

committed funding to bus rapid transit to date. And if I can't get a straight response on that, will the MTA support my bill I recently introduced which will eliminate tolls for Staten Island residents?

MTA CHAIR LIEBER: Well, respectfully, let me go back over -- and I think we are demonstrating serious interest in that bus rapid transit project in proceeding aggressively within the process that is always followed for major MTA capital projects.

We restarted the EIS for the North Shore BRT. So we're happy that that was able to happen. It's no secret to you that during the high point of COVID during 2020, all of our capital projects that were going forward were placed on hold because as the Legislature empowered us, we all knew we might have to use capital to keep the lights on and keep the trains running, because we didn't know what was coming from Washington.

So the hold on BRT was no different than lots of other capital projects. But

we're happy we've been able to resume it. The EIS is going to be completed in 2023. And then, as I said about Governor Hochul's Interborough Express idea, it will be in a position to be considered for the next capital project. That's our program -- that is our normal process.

So it can't be -- no project is being added, no matter how widely supported, to the existing capital program for construction.

The other thing I would say to you, I know I may be going --

ASSEMBLYMAN FALL: Mr. Chairman, I apologize, I only have 30 seconds. I do want to just get this last point in.

MTA CHAIR LIEBER: Okay.

ASSEMBLYMAN FALL: I just want to add that Staten Islanders, you know, pay their fair share. They deserve a level of relief. And, you know, they're just tired of hearing a study needs to be done, a study needs to be done. They need to see some results at the end of the day.

And lastly, you know, as far as

congestion pricing, Battery Park City and the Financial District will now be included in the 61st Assembly District starting January 2023. I just want to know, can the residents of Battery Park City get in and out of their community without getting hit with tolls? And has there been any thought given to that matter?

I know the time is up and you may have to respond to me offline, but thank you for your time and taking my questions.

MTA CHAIR LIEBER: I will respond to you offline. It's a fair question. Thank you.

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And we go to Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

Thank you, Janno, for joining us today.

Janno, you talked about the -- I guess the fiscal cliff that is anticipated in 2025 if we don't take actions now. That is the

fiscal cliff due to the fact that all the federal stimulus money and assistance will have dried up by then?

MTA CHAIR LIEBER: That's correct. There was $14.5 billion in COVID relief bill money in three bills, and that we expect will run out in 2025.

SENATOR LIU: And how much of that structural deficit is due to the continued low ridership, or relatively low ridership?

MTA CHAIR LIEBER: Much more than half. There has been a growing gap between our fare -- revenue increases due to fare increases, 4 percent, and our labor cost increases. That's increased over time. But more than half of that structural deficit is due to the COVID ridership impact.

SENATOR LIU: And by 2025 there's still -- it's still -- isn't the -- didn't your highly paid consultants at McKinsey project that by 2025 the ridership levels will be back up to about 91 percent of pre-COVID?

MTA CHAIR LIEBER: No, that was I

think for the -- for the -- for the subways and buses. The numbers were lower for the commuter railroads. So the net net is between like 85 and 90 percent overall. So we're down 10 to 15 percent overall of ridership across the system.

SENATOR LIU: So it sounds like the structural deficit is more weighted towards the commuter rail operations as opposed to the subway system.

MTA CHAIR LIEBER: Yeah. I mean, there's lower numbers of riders, but they pay a -- you know, commuter railroads pay a little more individually, individual riders. So you're right in that sense.

But remember, the commuter railroads are only 300,000-plus riders each one, whereas the subway system and the bus system is 7-plus million daily.

SENATOR LIU: Last year we talked about how if the MTA kept its fares low that ridership -- the increased ridership would actually result in greater revenue. This has been the experience of the MTA in the past

when we got rid of the two-fare zones and when you went to MetroCard discounts. So again, I encourage you to keep the fares low so that the revenues can actually be greater.

And the other thing is that the Governor's budget does have a little bit of a sweetener, no fare increases through 2022. I am standing with many of my colleagues to say that the fare increase should be held off for five years, not for one year. And again, that is about raising, not depleting but raising revenues for the MTA by keeping the fares low.

MTA CHAIR LIEBER: I'm just going to -- go ahead. Go ahead.

SENATOR LIU: I don't have a whole lot of time, so I just want to say thank you for addressing the bus redesign in Queens for explicitly saying that more resources, more money, more operating funds are necessary to expand and increase the frequency and the routes of bus service in Queens.

And finally, thank you for your humanity in the tragedy that we saw with

Michelle Go. I really appreciate your sympathies. And, you know, you've never been known for being a big teddy bear, Janno, but you did well. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Yes. We've been joined by Assemblywoman Galef, Assemblyman Jacobson, Assemblywoman Zinerman, Assemblyman Angelino and Assemblyman Brabenec.

And we go now to Assemblywoman Gallagher.

ASSEMBLYWOMAN GALLAGHER: Hi, Janno. Nice to see you.

MTA CHAIR LIEBER: Assemblymember Gallagher, I just need to share with the committee I've just been informed the IT people cannot fix the camera. I apologize. But, you know, I work in New York so this just ain't my scene.

ASSEMBLYWOMAN GALLAGHER: Okay. Well, I am really excited to hear this enthusiasm around Brooklyn and Queens connections. As

you know, my district is home to the G Train, and the G Train follows along a line of incredible population growth in Brooklyn and Queens. And we are still being served by stubby little cars that were promised to be extended in 2013 during the L Train shutdown but then never were when our former governor changed his plan around that.

So I'm wondering what I need to do to get this G train extended. Because if we add four more cars, we'll increase the capacity by 160 percent in my district. And the districts near my district on the G Train have the ridership that you are looking for. So we really need this extension.

So I'm interested in hearing what you're thinking about with the G Train.

MTA CHAIR LIEBER: Okay. So I think there are some platform-related issues. I'm not totally conversant in it, but what I'd really like to do is to follow up and get into it with you.

One thing I would say that I think is relevant for your G Train riders is that we

are prioritizing it to get new signals.

ASSEMBLYWOMAN GALLAGHER: Ah, excellent.

MTA CHAIR LIEBER: And one of the ways to get more and better service is by fixing the signaling system, and that is on deck as one of the next signaling projects we're going to attack. But I will get into the issue of cars with you; I just don't know it well.

ASSEMBLYWOMAN GALLAGHER: Great. I would do anything to get those cars -- well, not anything, but anything within reason.

And additionally, I remember the G train going much further into Queens in the past, and it would be great if we could restore that in the future since we're really looking to connect these boroughs more deeply. Thank you.

MTA CHAIR LIEBER: Okay, we'll look into it. Thank you.

CHAIRWOMAN WEINSTEIN: We've joined by Assemblywoman Seawright.

Now back to the Senate.

CHAIRWOMAN KRUEGER: Great. We've joined by Senator Ramos, Senator Gaughran, Senator Shelley Mayer. I think I've gotten everybody.

And we go next to Senator Borrello, who is today's Finance ranker. Thank you.

SENATOR BORRELLO: So Madam Chair, I believe that means I get five minutes?

CHAIRWOMAN KRUEGER: Yes.

SENATOR BORRELLO: Okay, thank you.

Good morning, Commissioner. Thank you for being here.

You know, obviously there are lots of concerns about the waste, fraud and abuse that the MTA experiences, and the lots of wasted money. When Sarah Feinberg first became president of the New York City Transit authority in 2020, she stated that there was no organizational chart detailing what the 70,000 employees of your agency do, and she said that "There are people who do not work here who we are paying. It's crazy." That's her quote. "I absolutely believe there are a lot of people wandering around and no one

knows who they report to."

So in the last two years, what steps have been taken to address this waste, fraud and abuse in that system.

MTA CHAIR LIEBER: Well, I would say anytime you're talking about the productivity and effectiveness of MTA workers, we've just got to say right off that MTA workers at the height of the pandemic and right through the pandemic showed up every day, at a time when we didn't know or understand how COVID was transmitted and what were the consequences, and before there were vaccinations. So anytime you're going to talk about the MTA, especially the New York City Transit team, I just want to go on record that our essential workers were heroic and they continue to serve. But as to --

SENATOR BORRELLO: I agree a hundred percent, sir. I agree a hundred percent. There's a lot of frontline workers. I'm more concerned about the no-shows, the people that actually didn't show up and still get paid. That's the question.

MTA CHAIR LIEBER: Yes. So I think we have -- one of the ways that we were asked to deal with this -- and this is a more complicated issue -- is by having a more effective and consistent timekeeping system where everybody had to swipe in.

And that was in fact implemented, and we have made some progress on the overtime front. And we're continuing to keep making progress on that front by using modern timekeeping.

The Kronos system has recently had some problems; we're not going to go into that right now. But the main thing is that we have a system which is, you know, the overwhelming majority of workers are swiping in, their time is being monitored, and they're in operating positions where, you know, whether they show up or not is closely monitored.

So while I will go back and look at what Sarah Feinberg was talking about, I'm not sure that's the dominant theme of the New York City Transit organization right now.

SENATOR BORRELLO: So let me ask you straight up. So since implementing this new system, have you found, have you discovered that there were people getting paid that are no longer on the payroll, hopefully? How many of those positions have been -- how many ghost positions have you eliminated?

MTA CHAIR LIEBER: The answer is I -- honestly, I don't know of any ghost positions. I'm happy to look into that right now and get back to you promptly on that, because that has not been my experience at all.

SENATOR BORRELLO: Yeah, I'm an employer myself, sir, and I really would not want to be paying someone who's actually not showing up to work, and neither should the MTA or, more importantly, the taxpayers and farepayers of New York.

MTA CHAIR LIEBER: Amen.

SENATOR BORRELLO: So let's move on.

It's been widely reported that the MTA construction costs have frequently been up to seven times more expensive than the global

average. Why is that the case, and what steps are the MTA taking to address these out-of-control costs?

MTA CHAIR LIEBER: Okay, we've got a minute and a half left and I'm probably going to take it, because I ran this effort since I got to the MTA in 2017.

One thing we did -- you will understand this as a businessperson -- we changed the contracts to eliminate ridiculous incentives for contractors to impose a premium on the MTA where the contractors were being asked to take all kinds of risks of the MTA canceling outages, canceling their access to tracks and so on.

We did a ton of other things to create a much -- you know, to eliminate change orders and to make sure that change orders didn't drag on and on and on. So there's a ton of work going on.

So the bottom line is since the MTA -- the 2024 program came in, we've come in on the design-bid-build in A plus B contracts, we've come in 20 percent under engineers'

estimates on the design-build contracts, 2 percent under estimates.

The bigger issue of how we compare to the rest of the world, I have a longer conversation. But when people throw those numbers around they frequently don't even, you know, look at what's covered. So comparing a mile of New York City transit -- of a subway car tunnel to a rubber wheel facility where they have three cars to carry a hundred people is nonsense. So if these comparisons are going to go on, you have to do apples-to-apples work.

There's a lot of work to be done to manage and reduce MTA construction costs. I've spent a lot of time on it. I'm passionate about it. But when you look at those kinds of comparisons, frequently they're informed by kind of nonsensical lack of effort to really compare projects based on scope and technology and the conditions of work. You and I can get into it if you're interested.

SENATOR BORRELLO: Thank you. I would

appreciate --

THE MODERATOR: Pardon me, your time is up.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We're going to go to Assemblyman Carroll now for three minutes.

ASSEMBLYMAN CARROLL: Thank you, Chair Weinstein.

And good morning, Chair Lieber.

I fear that the MTA maybe be in a perfect storm where increasing of fares, fears about safety and lack of -- you know, lack of reliable train service will chill ridership for years to come. Why won't the MTA commit today to re-looking at whether or not -- or requesting the Legislature to allow the MTA to use congestion pricing funds, future congestion pricing funds to shore up your operating funds so that you do not have to increase fares in 2023?

Why won't the MTA commit today to looking at track sensors, platform doors, to make sure that straphangers feel safe in our

subway system? And will the MTA further commit to bringing back subway levels to pre-pandemic levels? I can't tell you how many times -- I take the subway regularly -- that I am on an F Train platform and there is not another F Train for 8, 10, 12 -- the other day I had to jump in a cab because the next F Train was in 22 minutes. This is unacceptable.

Will the MTA address these three huge issues? Because if you don't, I fear that we will see depressed ridership for years and years to come.

MTA CHAIR LIEBER: Okay, thank you, Mr. Carroll, for the question. Let me address your points one by one.

We're not increasing fares. And thanks to the Governor, that's been not just put off in 2021, but now put off to late '22. Number one.

Number two, we're actually reducing fares with the fare promotions that we've enacted. Namely, that OMNY fare tapping -- all of a sudden, for the first time, somebody

doesn't have to decide if they need to buy a weekly pass, they just tap their way. And that every ride after 13 a week is free. There are discounts on the commuter railroads for New York City. Within New York City, in addition -- I know you represent the city, so I highlight that. So discounts, now reducing fares, reliability.

MTA subway on-time performance has been in the year or two higher than even before COVID. What you're talking about is a problem related to crew shortages, which definitely have hit the F Line. It hits a lot of what we call the B division, the letter lines.

And we can talk about why, but we've attacked it, and we have brought the level of crews back with some innovative things that even shortcut the fact that it takes nine months to train a train operator or a conductor.

So reliability and not increasing fares.

But as far as taking congestion

pricing money and not using it for state-of-good-repair and deciding to use it for some of these other things that you're talking about is a discussion we can have --

THE MODERATOR: Pardon me, your time is up.

MTA CHAIR LIEBER: -- but there are consequences and I'm not prepared to tell you that we're changing the capital program to eliminate state-of-good-repair.

But I want to be very clear, and I have to be honest with you. I've said again and again in public we are studying track intrusion technology. And we have been studying platform doors for several years -- in fact, did a 4,000-page study. So the idea that the MTA doesn't take those technologies and safety advances seriously I'm going to push back on, respectfully.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. To the Senate.

CHAIRWOMAN KRUEGER: Senator Diane Savino.

SENATOR SAVINO: Thank you, Senator Krueger.

Good to see you, Janno. I'm going to be brief because the Assembly moderator is wicked with that time clock.

I want to echo the comments of my young colleague Assemblyman Charles Fall with respect to the North Shore BRT. But I do know that on Friday we have a meeting with your staff to go over the environmental impact study on the North Shore BRT. We need to get that for the people of Staten Island because as we talk about closing the gap in the transit deserts, we live in the Sahara Desert with respect to the MTA service region in Staten Island.

I'm excited about the idea of this Interborough Express, and I've said this to you in the past: I'm just curious as to why we can't figure out how to bring it over the Verrazano Bridge to serve the people of Staten Island. The bridge was designed to handle a subway, it was just never added to it. And it would really help an area that is

desperately in need of transit options. That's one question.

And then the other thing -- that you may not be able to answer today -- but we're all concerned about subway safety, we're concerned about the level of crime that we're seeing in the subway. For several years we in the Senate have passed legislation that would elevate the penalties for people who are what we call serial sexual perverts on the subway -- they call them "subway grinders" -- working with many of the people who worked at the MTA, and Sarah Feinberg was pivotal in helping me draft the legislation. But unfortunately the Assembly would never join us in this effort.

But two years ago we did do something in the budget that would allow for the banning, the MTA to petition a court to ban people who were found to be serial perverts in the subway. And I'm just curious if you know how many times that has happened. Has the MTA banned people from committing -- from riding a subway because they have been

convicted of assaulting women and groping women on the subway?

If you don't know that today, that's fine, you can get back to me. But I don't know if that law is actually as effective as it should be because the penalties are still not high enough, it's still only a misdemeanor.

MTA CHAIR LIEBER: So, you know, I don't know the answer today, but I support what you're saying. And we would like to see more aggressive enforcement of a lot of the subway crimes that we're encountering.

But I'm mostly concerned about it not criminalizing individual, you know, offenses but making sure that recidivists, people who attack people and who are predators in the subway, whether it's by robbery, by violence or by sexual misconduct, that they get -- that they don't come back into the system. So we are focused very much on using our partnership with law enforcement to attack this problem of recidivists who are the -- you know, and frequently they have warrants

out on them anyway. So we're very much with you.

On your point about the Staten Island -- I know time is short -- we're happy to work with you on options for hypothetically extending the so-called Interborough Express. The idea was to use this existing underutilized rail --

THE MODERATOR: Pardon me, your time is up.

MTA CHAIR LIEBER: -- especially options for a ferry connection, because you're right there at the Brooklyn Marine Terminal, and that's an option that will be studied in due course. So thank you.

SENATOR SAVINO: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman González-Rojas.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank you, Chairman, for being here.

Under an idea to flip the allocation of the gas tax, which was proposed by both the previous and the current New York City comptrollers and embraced by many transit

advocates, the MTA would reap two-thirds of the gas taxes collected in the 12-county MTA service region, instead of the current scenario where the transit agency only gets one-third and the Highway and Bridge Trust Fund gets two-thirds of the funds, known collectively as the petroleum business gas taxes.

If the state decides to invert the way that the gas tax is allocated, it would mean in 2022 that the MTA would get $1.115 billion from the fund, which would be an increase of 513 million this year and could further project over 1 billion for 2023 to 2025.

So this proposal can assist in providing the six-minute off-peak service without fare hikes over the next five years, which, as you know, coming out of this pandemic the last thing our riders need is to pay more.

So I want to ask if the Governor or the MTA leadership have seriously considered this proposal.

MTA CHAIR LIEBER: Thank you for the

question, Assemblymember.

Where we are -- I can't speak for the Governor, who is proposing an Executive Budget that increases funding for the MTA. But what we've said is that the fiscal cliff that we're all talking about, which hits in 2025, in excess of $2 billion, we're asking the Governor and the Legislature, who control the outcome where there's funding to meet that structural deficit, to consider a range of different options.

We are agnostic about which strategies you choose -- how you give the MTA money, how you fill that deficit. You've just outlined the case for one particular solution. But we welcome the fact that people like you, Assemblymember Paulin, and others are talking about that we have to deal with this. But we're agnostic about what strategy you ultimately decide on, just as long as we figure out how to fill the gap.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: All right, thank you. I urge you to really consider this and maybe work with the

Governor's team.

The other thing I want to underscore is also the Queens bus redesign. As you know, the last rollout was a disaster, quite honestly. There was a lot of uproar on this. So I know others have asked about it, but can you repeat the timeline and the timeline by which we'll be able receive public comment and engagement?

MTA CHAIR LIEBER: So we'll be briefing electeds -- first of all, we're starting from scratch. It's a clean slate. So we understand that there were problems in the first version. We're going to meet with you and some other electeds in the coming weeks. We're going to then roll out a draft, an initial draft. It will be subject to many, many, many public outreach sessions.

There is no timeline on the completion of that public outreach and the issuance of the final version. So get ready to have dialogue, lots and lots of dialogue. We've got to get it right this time. And you know, you've heard me. I'm very focused on making

the bus system faster and better, especially in Queens where so many people depend on it. So we're going to take our time. We'll get it right.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Brad Hoylman.

SENATOR HOYLMAN: Thank you, Madam Chair. Good to see you, Janno.

A couple of quick questions about Penn Station redevelopment. Do we have a price tag yet on that?

MTA CHAIR LIEBER: You know, what we've said -- and it's consistent with the normal status of, you know, when you're throwing price tags at a project that hasn't been fully designed.

Based on the concepts and the master plan for the rehabilitation of existing Penn, which is what I'm most focused on -- you know, that's the Governor's priority, fix

existing Penn for the New Yorkers now. But the price tag for that we believe is in the range of $5 billion to $7 billion for that one element. There are other elements, as you know -- the proposed expansions for the Gateway Project -- but I'm focused on existing Penn, and there is a price tag for that.

SENATOR HOYLMAN: Okay. So I think 5 to 7, with all due respect, is higher than what you quoted at the last hearing we had in the fall. But that's fine.

So what's going on in Penn Station now? Is that part of the Penn Station redevelopment, the current construction?

MTA CHAIR LIEBER: Well, what's happening in Penn Station now is the MTA is -- you know, we're not waiting for anybody to try to make the conditions better for the people who use existing Penn Station. But subway riders can --

SENATOR HOYLMAN: But if I could just interject, because I'm getting questions --

MTA CHAIR LIEBER: That's not the

whole fix of existing Penn. What we're doing now is --

SENATOR HOYLMAN: But is that part of the 5 to 7 billion that you just quoted?

MTA CHAIR LIEBER: No. That's already funded in the budgets you've approved. There's $700 million for the new entrance and for the expansion of the existing Long Island Rail Road concourse.

The $5 billion to $7 billion is for the idea of turning existing Penn Station into a station that has both height and the ability to navigate it, just like Moynihan Station. Turning it into something much more like Moynihan Station.

SENATOR HOYLMAN: Yes. Hopefully with more seating, which is another area of inquiry.

But do you have an estimation as to when we will see plans for the new Penn Station?

MTA CHAIR LIEBER: Well, again, we have to -- because the station is owned by Amtrak, the Governor has said this is her

priority. She wants to get that piece going now, now, now. But we have to deal with Amtrak, who owns the station. It ain't fair if 50,000 riders a day -- and the New Yorkers on the commuter rails and the subway are, you know, 500,000 or 600,000.

So we're -- but Amtrak owns the station, we have to work out a deal with Amtrak to get that project --

SENATOR HOYLMAN: Any estimate -- any estimate, Janno, when we might see the plan get final --

MTA CHAIR LIEBER: We need a funding strategy, and that comes back to the Governor and the Legislature and others.

THE MODERATOR: Pardon me, your time is up.

SENATOR HOYLMAN: Thank you very much. And really appreciate your answers.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblywoman Mitaynes.

But beforehand, we've been joined by

Assemblywoman Mahon, Assemblyman Friend, and Assemblyman Zebrowski.

Now to Marcela for three minutes.

ASSEMBLYWOMAN MITAYNES: Thank you. Can you guys hear me?

MTA CHAIR LIEBER: We can.

ASSEMBLYWOMAN MITAYNES: Thank you so much.

The U.S. Department of Justice, the National Institute of Justice has issued research showing that, one, sending an individual convicted of a crime to prison isn't an effective way to deter crime and, two, increasing the severity of punishment does little to deter crime.

Why is it necessary to create a new felony and misdemeanor offense for harassment and assault of transit officers? Are the crimes not punishable under existing assault and harassment laws? And given the academic research showing that harsher sentences do not deter crime, what possible effect could these harsher sentences possibly have?

MTA CHAIR LIEBER: I'm not a criminal

justice expert, so I concede that to others on this panel. But every day I look at reports that our transit workers who -- you know, train conductors who pull into stations and stick their head out of doors or bus drivers are being beaten and attacked and assaulted. And we cannot ask people who are putting -- you know, especially essential workers who put their lives on the line during the worst part of COVID and continue to work so hard, to do that when the penalties for physically attacking them are not what they ought to be -- you know, comparable to other kinds of assaults.

Last week, Assemblymember, I had a train conductor who was attacked, as she pulled into a station and stuck her head out, with a tree branch. Someone, you know, bashed her with a tree branch. We have people coming home from, you know, trying to move New Yorkers around and rescue our economy -- which is, by the way, essential to essential workers most of all -- who cannot -- who are coming home with injuries

as if they've been in an MMA fight.

So it makes no sense to me as a transportation professional -- not a criminal justice professional -- that those kinds of assaults should somehow be treated at a lower level of seriousness than other comparable physical assaults. That's my view. And we hope that you will, you know, together with your colleagues in the Senate, come back to that issue.

ASSEMBLYWOMAN MITAYNES: So I think we agree that these offenses should be punishable. I think that we need to have a further discussion of how we actually do that and make it effective.

But while I have 40 seconds, what is the authority's plan for implementing the MTA bike access legislation that was just passed by the Legislature, and improving bike and pedestrian connectivity at stations?

MTA CHAIR LIEBER: Thank you. We've spent $150 million on the bike access on the RFK. We've spent another 50 million on other bike and pedestrian access on other

facilities. We're going to keep investing in it.

I believe passionately that we have to have the last mile-first mile connections that bike and other personal transportation provide. So we're going to do a better job. Last week I rolled out the Grand Central Station bike parking initiative. We're going to push bike parking all around the system. And we are going to work with, consistent with the --

THE MODERATOR: Pardon me, your time is up.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Ramos.

SENATOR RAMOS: It's Rah-mos. Thank you.

CHAIRWOMAN WEINSTEIN: Rah-mos. Oh, I'm sorry.

SENATOR RAMOS: That's okay. Good morning, everybody --

CHAIRWOMAN WEINSTEIN: It's Assemblyman Ray-mos and -- just please restart the clock at 3 minutes.

SENATOR RAMOS: Yeah, thank you. okay, great. Thank you.

So good morning, everybody. Good morning, Janno. I want to start by piggybacking a little bit on what my colleague Assemblyman Bobby Carroll was talking about. I'm a big believer that if we drive the quality of the MTA into the ground, it's not necessarily going to keep us any safer.

Our subway needs to look nice. It needs to smell nice. It needs to give us pride in riding it. And this is why I've been so insistent in talking to you about reopening these public bathrooms. And on February 7th we saw that the MTA website actually put up, very briefly, a page and then quickly took it down; it listed a bunch of supposed open and available restrooms.

And I'm wondering if you could elaborate on what the thinking was there. Are you doing anything to actually make this a reality?

MTA CHAIR LIEBER: I don't know what

happened with the website or not. That's not a thing I'm familiar with.

But the bathrooms are -- remain closed, as I think you and I have discussed, for the reason that we do not have enough cleaners right now. We do not have enough cleaners to clean the stations, and adding another scope of cleaning, especially in a COVID-intensive cleaning environment, is not -- it's just not accomplishable right now.

But the other thing that's going on -- and I'm sure you and I don't entirely look at this the same way -- is that our station personnel -- I went out to the end of the E and J Line a week or two ago and walked around with the station manager at night. And it's an end-of-line station with the E and the J, and they're terrified of us reopening the bathrooms because their people can't -- won't go into them to clean because of the --

SENATOR RAMOS: I understand that concern -- sorry, I'm going to cut you off in

the interests of my time.

MTA CHAIR LIEBER: Okay.

SENATOR RAMOS: So I understand those concerns, but those are all solvable concerns if we actually prioritized the quality of the situation. Happy to discuss more of that with you.

I want to follow up on one more thing from your confirmation hearing, where I asked you and you indicated that you would revisit the laws surrounding using passenger facilities charges, that you would clarify and confirm that this money can be used to extended existing lines to create access to LaGuardia Airport.

Have you been able to reconfirm what your predecessors have been able to communicate to me that this can be done?

MTA CHAIR LIEBER: I'm pretty sure -- I'm pretty sure that if we sent this to you, it may not have gotten through -- that since that dialogue and my confirmation hearing, that the PFC can -- will support the portion that provides for airport access.

And we've shared that information, I'm told, with your office. So I'm happy to go over it again, but I think if you check with your team you may find that we've responded to that inquiry.

SENATOR RAMOS: All right, that's good. Thank you.

I just want to comment that I know you're -- you seem very far away, and that seems very impersonal to me. I would want to be able to see your face and your gestures and your expressions. Thank you very much.

MTA CHAIR LIEBER: And I think earlier on we explained that the IT department of the --

SENATOR RAMOS: I know. I heard it.

MTA CHAIR LIEBER: -- Governor's office has not been able to fix that.

CHAIRWOMAN WEINSTEIN: We go to the Assembly. Assemblywoman Simon I believe is in a committee meeting, so we'll come back to her. And we go to Assemblywoman Zinerman.

(Pause.)

CHAIRWOMAN WEINSTEIN: Assemblywoman Zinerman, are you here? She's not.

How about Assemblyman Jacobson? Jonathan, go ahead.

ASSEMBLYMAN JACOBSON: All righty. Thank you, Madam Chair.

Thank you for your testimony. I represent Beacon, Newburgh, also Poughkeepsie, so I have just a few questions.

Has the doomsday clock been turned off for Metro-North going up the Hudson and also on the West Side?

MTA CHAIR LIEBER: I apologize, I don't understand the question.

ASSEMBLYMAN JACOBSON: In other words, there were -- last year there were threats -- not threats, but there was indications that maybe service was going to be severely cut and eliminated on the West Side and severely cut on the East Side of the river. Are we -- are we away from that now?

MTA CHAIR LIEBER: If you're talking about West of Hudson service, is that -- Port Jervis and Pascack Valley Lines, sir?

Are you -- are you?

ASSEMBLYMAN JACOBSON: All right, I know there's --

MTA CHAIR LIEBER: Let me just say there's no cuts in the financial plan right now. So I just want to be clear, there are no cuts in the financial plan. We worked out a deal with New Jersey that they would resume full service on the West of Hudson lines, and we're going to keep pushing to make sure that that's delivered by New Jersey.

ASSEMBLYMAN JACOBSON: That's good to hear.

I know there's been increased ridership from Beacon and also in Poughkeepsie, but we're still on the limited schedule. So -- and it's good that the rates have not gone up recently. Is there any plans to increase the schedule towards what we used to have?

MTA CHAIR LIEBER: Yes. We are making adjustments to add some trains. I think it's going to go into effect in March, mindful of that issue of -- you know, the train service,

the schedule that we have now is based on the fact that we have to serve every station in the system at a certain level of frequency. We're going to be adding a few more express trains to try to cut some of the travel times.

ASSEMBLYMAN JACOBSON: Well, that's good to hear. It's like what comes first, the chicken or the egg. If people can make better plans and the rates stay the same, then you'll get increased ridership and increased revenue.

That's all I have. Thank you very much.

MTA CHAIR LIEBER: We are -- just to remind you in terms of we're not only keeping the fares the same, we're actually cutting them. So there's a new 20-ticket option which is reduced-price for people who are more hybrid commuters. And there's a 10 percent cut on monthly tickets as well.

ASSEMBLYMAN JACOBSON: Well, that's good, because it is expensive. I mean, when you go for a one-shot deal, it's very, very

expensive and -- thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Jim Gaughran.

SENATOR GAUGHRAN: Thank you, Madam Chair.

And Mr. Chairman, good to see you.

Senator Anna Kaplan and myself and some colleagues recently held a meeting with some Long Island business leaders, and there is a looming crisis about garbage and construction debris and recycled materials, particularly out in Suffolk County, because one of the last remaining landfills is closing. And just putting all these materials and a massive amount of trucks that go on our Long Island Expressway and then over our bridges is going to create a nightmare.

So I know there is still freight capabilities for the system. I'm just wondering if you have, you know, looked at that problem and what we're going to do

moving forward. Because I know we're a commuter rail system, but this is the only option in town. And if we can get some of this stuff off the roads, it probably would make more sense.

MTA CHAIR LIEBER: I appreciate the question. And there's no question that, you know, rail transportation for freight can be, you know, much more environmentally efficient than putting all those trucks on the road with the pollution and traffic consequences.

So I don't know the issue well, but I'm happy to get into it. We obviously have grown the capacity of the railroad as a result of the Third Track Program and East Side Access and otherwise. So maybe there is a place for freight in that. I know it's sometimes controversial as well. But I'm happy to get into a discussion with you and your team about it.

SENATOR GAUGHRAN: Sure. So perhaps maybe we could even set up a meeting with some of these leaders. And maybe it even might be a revenue enhancement for the

system. So I'll follow up with you. Thank you very much.

That's all, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you very much.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: So we go now to Assemblywoman Zinerman.

ASSEMBLYWOMAN ZINERMAN: I'm here.

CHAIRWOMAN WEINSTEIN: Okay, there you are.

ASSEMBLYWOMAN ZINERMAN: All righty. Good morning, all. Thank you, Madam Chair.

Commissioner Janno, thank you for your testimony today.

I have two questions for you this morning. As we all know, by 2030 there will be over 72 million Americans age 65 and older and about 11 million over the age of 85. In addition, New York City's population of people living with disabilities is about 11 percent. So only 114 of the current MTA stations are considered accessible, out of 472. And in my district, which is considered

a NORC, a naturally occurring retirement community, we only have three stations.

Can you discuss your plans to prioritize accessibility and the proposed improvements in your Fast Forward plan? That would be question number one.

And then if I could talk to you about workforce development, as the chair of the Subcommittee on Emerging Workforce. We all work to ensure that New Yorkers develop the right skills and experiences and credentials to find stable jobs at living wages with benefits. And I certainly consider the MTA a partner in that work.

Can you just provide us with a status report on your current internships with New York City high schools, where they're located, what are the outcomes? And do you have plans to expand those programs into BIPOC communities?

MTA CHAIR LIEBER: So on the second question, I don't have a ton of information to give you. All I could tell you is honestly I have kind of prioritized, with our

HR team, making sure that we're doing more in high schools. We historically have this close relationship with the New York City Transit Tech High School, but I think you're right and we do need to do more. And it's an area for us to grow.

And again, there's a lot of job opportunities, and we should be drawing from all kinds of schools. So it's a follow-up discussion.

The first question was to do with ADA investments. We are -- the 2020 to 2024 capital program, Assemblymember Zinerman, has over $5 billion set aside for just that purpose. And we are doing elevator and ADA projects at a faster rate than ever before in MTA history. We finished 14 of them just during COVID. And we have, you know, in the last month or two started another 26 stations. And we are doing a first-in-the-nation public/private partnership to build another eight-plus ADA stations.

So this is an area that we are making

a huge priority, for all the reasons that you just outlined -- you know, the demographics of the population aging and the fact that New York City's subway system at least does not have adequate accessibility right now. The bus system is fully accessible, but we have to do more in the subway system.

So I'm with you, and I think everybody at the MTA supports what you've just said.

ASSEMBLYWOMAN ZINERMAN: I definitely want to work with you and your team on acceleration, and especially as we talk about implementing more bike accessibility as well and how that impacts the elderly in the city.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: I believe we have no Senate hands, so why doesn't the Assembly keep rolling.

CHAIRWOMAN WEINSTEIN: Okay, appropriate for the transportation system, we are going to next roll with Assemblywoman Niou.

ASSEMBLYWOMAN NIOU: Thank you so much, Chair Helene and also Chair Krueger.

I just -- I wanted to kind of echo a little bit about my concerns as well as my colleagues have already stated about, you know, when can we -- you know, funding-wise, when can we get some platform barriers up? As you know, Michelle Go was murdered in our train station.

And also I want to echo the safety concerns I have, you know, and that Senator Ramos had about our public bathrooms not being open. I think it's really crucial that we do that.

And as a disabled New Yorker I wanted to echo what Assemblymember Zinerman had just said about ADA accessibility. We need all of our stations to be accessible. And this has been a very long wait for New Yorkers, and the ADA laws had passed a long time ago and we are very overdue for this change. And every single time we've been asking, it's always been about, you know, the grandfathering-in of stations and how, you

know, if we change this one thing in the station then we have to change everything.

So I just wanted to give the rest of my time for you to answer those three points -- platform barriers, public restrooms, and ADA accessibility. Thank you.

MTA CHAIR LIEBER: Okay. I'll go in reverse order.

On ADA, you know, there -- I don't know what your experience has been, Assemblymember, but we're not -- you know, obviously putting in ADA elevators in hundred-year-old stations is engineering complicated, but we're not offering up excuses. We're actually attacking it at a pace that has never been seen before.

We did more -- we finished more stations during COVID than in the five years between 2012 and 2017. Right? So we're going 100 miles an hour consistently. The capital program set aside 5 billion for ADA accessibility projects, and we're going to go, go, go. And we're -- I think we're on the same page on that. It can't happen too

fast.

On the safety issue, platform barriers are a technology that's been successfully deployed elsewhere. Our goal is to figure out if they can be implemented here and at what pace. We have the reality -- nobody likes to talk about the engineering study showed that -- and there was 4,000 pages of study long before the, God forbid, Michelle Go accident -- not accident, I want to say murder. And what it showed is there are real engineering issues -- a lot of the outdoor platforms can't support the additional weight, there are ADA accessibility issues, and so on.

Nevertheless, I have asked a group that I chartered, which is the Track Trespass Working Group, to figure out where do we pilot platform doors and where do we introduce new interdiction technology to make sure we know about people getting on the tracks as quickly as possible.

So we are going to be trying to come out with some pilots along those lines in the

next couple of months. And it's an expensive undertaking, but we're going to work with you and the Governor to try to figure out how quickly we could deploy some of these technologies and where.

ASSEMBLYWOMAN NIOU: Thank you. I do want to remind everyone that our station is just as old as Japan's, our train lines are just as old as Japan's, but it doesn't look like it or feel like it.

CHAIRWOMAN WEINSTEIN: I think there's a road trip in our future.

Assemblywoman Seawright, are you here? There you are, Rebecca.

Just for people listening, there are -- and for the MTA -- we're having committee meetings at the same time -- at least in the Assembly, I know -- so members are leaving and coming back. So that's why we sometimes are skipping people.

So now to Assemblywoman Seawright.

ASSEMBLYWOMAN SEAWRIGHT: Thank you, Chair Weinstein.

Many residents in my district utilize

the Roosevelt Island tram as their primary way of commuting to and from Manhattan. The tram's two terminals have yet to have their OMNY installed. So what is the timeline that the MTA will have contactless fare pay available for riders?

And additionally, I have many senior citizens that are eligible for the reduced-rate-ridership MetroCard. Will the same discount-rate program be available for OMNY? And if so, when and how would it be implemented?

MTA CHAIR LIEBER: So I think you know, on the issue of the tram, which is -- I rode many years and I know it's an important feature of the Roosevelt Island community -- the Roosevelt Island Operating Corporation operates that, not the MTA.

But I'm happy to -- we'll make sure that there's a plan to get it OMNY-equipped. I don't know why it hasn't been yet. But it's not part of our system. That may be the explanation, but it's a fair point, and we'll make sure it gets done.

ASSEMBLYWOMAN SEAWRIGHT: What about for the senior citizens' reduced rate?

MTA CHAIR LIEBER: Yeah. Yeah. So one of the -- this is a good news/bad news story. We are introducing OMNY as quickly as we can, even when not every aspect of it has been worked out, because we want to get New Yorkers accustomed to it and start the transition.

One of the things that we're still in the process of doing is getting the software accommodations so all those reduced-fare transactions can be accommodated in OMNY. We're going to be having that effectuated -- we're piloting it right now, and we're going to hope to broadly launch it in the next three to six months.

So the answer is yes, OMNY will be coming for these reduced-fare disabled and senior customers. And we're in the process of building it out with the contractor to make sure we have special software for that.

ASSEMBLYWOMAN SEAWRIGHT: It looks like I have a minute left, so I'll be quick.

I've heard from constituents that are still concerned about platform safety. Has there been a study done about possibly putting barriers up that could be implemented to prevent falling or being thrown onto the subway?

MTA CHAIR LIEBER: Yeah. Long before this horrible incident with Michelle Go a couple of months ago, the MTA did -- this is before my time -- in the last couple of years did a 4,000-page study of what it would take to install platform doors in every station in the system. And it found some serious engineering challenges.

Nevertheless, with respect to the number that could accommodate it, we're going to find some and work with the Governor and other members of our team to figure out the funding and try to actually pilot platform doors in some of the stations where we can accommodate it where there are not, you know, these engineering barriers to it.

So we are moving forward. We're also moving on other technologies that could keep

people off the tracks, because that is a huge number right now of people voluntarily getting on the tracks and in the tunnels, and it's a problem.

THE MODERATOR: I'm sorry, your time has elapsed.

ASSEMBLYWOMAN SEAWRIGHT: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We're going to go to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, thank you, Mr. Chairman, for being here.

I kind of wanted my question to kind of spin off of what Chairman Kennedy said earlier about making that connection with the upstate/downstate bridge with our manufacturing. And you had mentioned a number of the companies -- you mentioned Kawasaki, you mentioned Bombardier, now Alstom. And Alstom happens to be in my region and my district where I was born and raised, in Hornell, which is obviously manufacturing the high-speed Amtrak railcars.

We are known nationally for -- as a

Center of Excellence for our rail manufacturing. But, you know, as with any industry, as you were talking about, it's important to have that pipeline to feed those projects and those contracts. I know we have a number of old, you know, railcars, I mean, with Long Island and the city. Can you kind of talk about some of the major projects that are in the pipeline for the MTA that might help to feed that pipeline and possibly, hopefully, some of these companies in our upstate area to continue that upstate/downstate bridge?

MTA CHAIR LIEBER: Look, you know, our capital program touches every part of the state. You know, you mentioned a couple of manufacturing facilities we use. But we use -- I will provide to you, and I'm asking staff to make a note of it, a list of all those upstate companies. There are a lot of them. And it's not just railcars, it's bus manufacturers, it's all kinds of materials and systems.

Look, I was planning to go to Hornell

actually a couple of weeks ago to take a look at some of those facilities. But, you know, the weather intervened and even though Senator Kennedy tried to stop the weather, that got in the way of that visit.

So I'm going to be up there, I'm going to be looking around to learn more about that facility. I have a daughter at the University of Rochester. I'm definitely coming, and I definitely want to make sure that we build that bridge, as you stated, to manufacturing all over the state.

ASSEMBLYMAN PALMESANO: Yeah, they're doing a tremendous job there obviously with the high-speed rail for Amtrak. I mean, it's got national notoriety. And then obviously the work they've done on the subway systems for the mass transit in the city and other mass transits around the country.

But -- and I understand it's not just mass transit, not just the rail, the buses. I have a company, Penn Yan, that does the same thing on downstate contracts on a number of issues. So it's definitely something --

MTA CHAIR LIEBER: Well, I hope you'll join us when I'm upstate, whenever it happens --

ASSEMBLYMAN PALMESANO: Yeah, I'll be happy to do that.

MTA CHAIR LIEBER: -- because there's a ton of stuff to see and talk about. So we'll get together on that.

ASSEMBLYMAN PALMESANO: That would be great, because we have a gem there for sure. Thank you so much. Appreciate your time.

Oh, real quick, though, as far as any of those projects in the pipeline that might impact these businesses that -- whether it's a --

MTA CHAIR LIEBER: We have -- we have -- right now we have very big car acquisition issues we're trying to work through in --

THE MODERATOR: Sorry, your time is up.

MTA CHAIR LIEBER: -- and we want to -- you know, railcar and bus procurements are top of the list.

ASSEMBLYMAN PALMESANO: Okay, thank you, sir.

CHAIRWOMAN WEINSTEIN: Senator Krueger, I see you do have some Senators.

CHAIRWOMAN KRUEGER: I do. I was just writing you a note saying suddenly we have some more Senators.

So let me allow Tom O'Mara in for three minutes, because he's just joined us. And then we have our chair, who wants his second round.

Hi, Senator O'Mara.

SENATOR O'MARA: Good morning. Sorry I was late, but I got here in time.

Good morning, Mr. Lieber. Good to see you. I just wanted to follow up on some of Assemblyman Palmesano's questions regarding the upstate manufacturing of railcars.

Certainly it's a major industry across the Southern Tier and in other parts of the New York State. So I'm just wondering -- and when you do visit, please let me know, I'd like to get together with you and see some of those facilities both in Hornell and in

Elmira, where they're not doing so much MTA work as they are others I think right now. But still, it's very important.

What if any advantages to -- does it factor in to be a New York State manufacturer of your railcars when you're letting contracts out?

MTA CHAIR LIEBER: Well, I mean, the complexity is that the federal government actually bars -- prohibits us from advantaging, you know, businesses in one state versus the other.

But nevertheless, New York is rich in this railcar manufacturing and bus manufacturing category. And honestly there aren't that many car manufacturers other than China at this point. So we're very much inclined to use Kawasaki in New York and Bombardier-Alstom in New York State. You know, on top of everything else, it just -- those are two of the leading companies. There's also Nova and New Flyer in the bus category.

So I would say although the feds

prohibit it, we don't really need the advantage, you know, to create some artificial advantage. They're right here for us.

SENATOR O'MARA: Well, great. I'm glad that we're very competitive here, because there's a lot of jobs relying on an industry.

And as you probably know, Alstom in Hornell really is the bedrock of that community for the past decade or more. And they're building a new facility; they're actually going to be doing the shells themselves, which I believe nowhere else in the USA do they actually do the shells or whatever it's technically called.

But I appreciate that, and I look forward to seeing you up in the Southern Tier. Thank you.

MTA CHAIR LIEBER: Absolutely. Thank you, sir.

CHAIRWOMAN KRUEGER: Thank you.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: So I believe

it's to me, for 10 minutes on the clock.

Okay. So Chairman, I have a couple of questions. How much revenue is currently being lost to fare evasion?

MTA CHAIR LIEBER: I'm going to look to my colleague Jai Patel for that, because I don't know the exact -- it's roughly $300 million. Jai?

MTA DEPUTY CFO PATEL: Between both our subways and bus fare evasion rates, we estimate about 150 for each annually that we lose to fare evasion.

MTA CHAIR LIEBER: But I have to comment, Chair, that fare evasion has gone up during COVID. There's no question that -- you know, we had a very confusing fare payment period with the bus system in particular where we were -- you know, we closed down the front door to protect the drivers, and then everybody got on the back. They didn't pay for a while. Now there's OMNY.

So people are just -- the whole fare payment system has slightly broken down on

the buses, in my view. So we're losing a lot of money.

Fare evasion is fundamentally unfair. You know, when I do a fare hearing, this gets me agitated. People stand up and say, I can't afford an extra quarter. And then they say "And it really burns me that three people go in the gate next to me for free."

And we're at the risk right now of demoralizing the riders who want to pay and want to comply because they're seeing so much fare evasion. And it's not a -- I'm not interested in criminalizing anything. I just want to create a system where compliance is the norm and, you know, we have a system that produces the revenue so people can have a system that runs well.

CHAIRWOMAN WEINSTEIN: Thank you. Let me move on to a different topic.

How much money does the MTA plan to spend to address stormwater and flooding issues? And when will capital plan amendments be proposed to address these issues?

MTA CHAIR LIEBER: And I apologize, on the -- what I didn't mention in my last answer is that for people who have problems economically paying the fare, there is a program, it's called Fair Fares. The mayor and the City Council just increased the funding yesterday. So people ought to get enrolled. Let poverty not be a reason for fare evasion, that's our motto.

The other question that you just raised was -- I'm sorry, I'm so sorry. Stormwater --

CHAIRWOMAN WEINSTEIN: Regarding stormwater and flooding --

MTA CHAIR LIEBER: Coming out of Hurricane -- what Hurricane Ida taught us is that, one, the MTA system is very resilient because it was able to accept all that water and we were running rush-hour service, you know, three hours later in the morning. And the only lines that didn't run in the subway were ones where literally the city sewer system couldn't take the water that we were pumping out. So the subway itself is

incredibly resilient.

We are looking at fixes that are like raising the stair a notch so you keep water from flowing down stairs. You know, raising up breaks and vents and so on, dealing with those small things. Those things can be done.

We've spent billions to protect coastally, against coastal surge. And that's been very successful, those investments. And it's important because saltwater kills electrical systems and concrete and steel. Freshwater doesn't have the same permanent damaging effect.

That said, we learned about storm -- about flash flooding, and we have now formed a task force with the city of all the agencies that control this -- especially DEP, which controls the drainage at the street level -- to look at every -- we looked at 150 stations, and we're divvying up among the agencies who has to make the fix based on what the condition is. A lot of it is DEP, where the drainage system at the street level

has to work better -- if the curb has disappeared because there's been too much asphalt put in, whatever. You know, the DEP in many cases has to invest.

The final point, which is the big investment that needs to be made in the era of climate change is for the stormwater system at the city to grow its capacity, because it cannot take 3.5 inches an hour without flooding the rest of the world, which is what Ida proved. Everything about mass transit is about this antidote to global climate change. So we are the antidote, and we hope that we won't have other conditions harm the subway system.

But I think we're in decent shape to address it.

CHAIRWOMAN WEINSTEIN: Thank you.

And just to expand -- to go back to an area that's been raised by a number of my colleagues in terms of ADA accessibility, I'd just like to know what's been done -- let me ask just a couple of questions together -- what's been done to improve Access-A-Ride?

What's the status of the E-Hail program, and how long has the pilot been in place and when can we expect to see an expansion? And how does this interrelate to the newly launched DFTA My Ride program that I believe just got off the ground? I'm not sure if it's actually running. I know they were taking applications, and my district is one of the ones where people qualified for eligibility.

MTA CHAIR LIEBER: Okay. So number one, we've got a brand-new leader of Paratransit coming into the MTA, his name is Chris Pangilinan. He's a transit expert, but he's also worked in the private sector running policy for Uber.

So a very sophisticated guy vis-a-vis how do you run a system that is dependent on, you know, responding to rider requests for service. Right? So -- and he happens to be a long-time disability advocate as well. So we're proud of that, and we're looking forward to having him. He's joining at the end of the month.

Access-A-Ride. The principal thing

that sometimes gets lost is that we are now providing 70 percent of our paratransit rides through these for-hire vehicles -- the taxis, green cabs, black cars. It's not the blue-and-white vans for 70 percent of our rides.

That is an important step forward, because that allows us to be frankly, you know, shorter travel and less meandering, you know, having to stop in multiple locations and so on. That's good news.

We've also increased the number of broker companies that are providing us with these for-hire vehicles. And that helps us to muscle through what has otherwise in the rest of the country been a terrible driver shortage in paratransit and cabs in general. So that's all for the good.

We do have to improve reliability of service, there's no question. Part of that is congestion pricing. Because right now it's the traffic that is killing our ability to deliver paratransit rides, you know, on time, actually, because drivers get caught up

in traffic. Congestion pricing, which will prioritize paratransit rides, is a big key to the solution, and we hope we're going to get there. The --

CHAIRWOMAN WEINSTEIN: Just if I can interrupt.

MTA CHAIR LIEBER: Please.

CHAIRWOMAN WEINSTEIN: In my district, congestion isn't the problem that my seniors are experiencing.

But can you comment how the DFTA My Ride program is just based on eligibility -- age eligibility, so it doesn't really include the Access-A-Ride people. But it is targeted to these transit deserts. And I'm wondering if you were working with New York City DOT and Aging to see how successful that program is. And it's something that we had talked about in the past, about a call for car service, effectively, for people in transit deserts.

MTA CHAIR LIEBER: Honestly, I don't know the program, so I'm going to have to get educated. It sounds like it's a city

initiative, a DOT initiative. And we'll have to get back to you on how we're interacting with it. I just don't know it, I'm sorry.

CHAIRWOMAN WEINSTEIN: Okay. Thank you. Just -- it was brought up earlier by one of my colleagues, the interborough plan on the Bay Ridge line. And a number of Brooklyn colleagues did meet with MTA last week virtually.

And I would just say that one of our concerns -- we were happy to finally have that meeting to talk about that track, because a lot of us have had issues of dumping along the track, lack of fencing, and a dispute between MTA and DOT as to who controls the underpasses in terms of lighting.

So if there could just be follow-up on those conversations that we had last week. And I know there's concerns about whether eminent domain would be used to expand the track in order to accommodate additional tracks. So with that, I look forward to continuing to have follow-up on that and on

the Access-A-Ride and My Ride.

MTA CHAIR LIEBER: Okay, we will follow up. My team is listening, and we will follow up.

CHAIRWOMAN WEINSTEIN: Great.

So I'm going to turn it back to the Senate.

CHAIRWOMAN KRUEGER: Thank you. And we're going to turn it back to Chair Leroy Comrie for three minutes.

SENATOR COMRIE: Thank you.

Janno, can you give us an update on how much you've been able to glean back from the capital program for the 2015-2019 and 2020-2024? How much has been committed and how much cash has been disbursed and what remaining projects still need to be completed in the '15 to '19 capital plan?

MTA CHAIR LIEBER: Senator, I think that we've committed 90 percent of it. Of the remaining 10 percent, a big significant chunk is Second Avenue subway money, which is now, you know, obviously waiting to be deployed when the federal government

belatedly, hopefully, gives us the go-ahead on the federal grant that will be, you know, at least half of the Second Avenue Subway cost.

So I think we're in pretty solid shape in terms of getting all that '15 to '19 money out. I'd just remind all of us that the '15 to '19 problem wasn't funded until mid-'16. So we're at 90-plus percent about halfway -- you know, about five and a half years out.

SENATOR COMRIE: Thank you.

And then can you give us an update on your borrowing? You borrowed 2.9 million from the Federal Reserve in 2020, and you plan to issue long-term bonds. What is the status of this borrowing twice over for operating costs on the operating and capital budget?

MTA CHAIR LIEBER: So it's a really important question.

So we took advantage of the Municipal Lending Facility, that 3.9 billion, because it was about to run out and go out of business. And we wanted to make sure --

before we knew what we were going to get from Washington, the COVID relief money, we wanted to make sure we had that additional backstop.

So we banked it, and we're going to bond it out so it has permanent financing. But we don't want to spend it, and here's why. None of us want to go into the deficit financing business. That's what got New York City into the financial crisis. It will crowd out our ability to invest in capital.

So our hope is that with your leadership and the Legislature and the Governor's leadership, that we'll have a solution to the fiscal cliff and we can repay that borrowed money so we don't use it on deficit financing. That was the, you know, direction of some of the dialogue I had with Chair Paulin at the beginning of this hearing.

SENATOR COMRIE: Okay. And just can you give us the status on the open data legislation that was signed? Can you give us an update on the progress on that?

MTA CHAIR LIEBER: Yeah, absolutely.

We've selected somebody to be the data coordinator; that's Sarah Meyer, our chief customer officer. We have already published 22 new data sets and we've submitted another seven-plus to the New York State ITS, which runs the open data process. And we're on track to publish our program plan, the data catalog, the schedule and everything, by mid-April for the act. And we've also convened a panel of experts to advise us on it.

So we're going to comply, and hopefully this will be something that you don't have to worry about, that your constituents and the advocates and everybody can just use, because we're in the open data business.

THE MODERATOR: Pardon me, your time is up.

SENATOR COMRIE: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Back to you, Helene.

CHAIRWOMAN WEINSTEIN: Yes. And we go for a second round, three minutes, to our

chair, Assemblywoman Paulin.

ASSEMBLYWOMAN PAULIN: Thank you.

I have two questions. The first is on the design-build proposal in the Executive Budget. The change would be from 25 to 400 million as to the requirement for design-build.

The engineers were pretty adamant that there should be no outside limit because design-build should be accommodated per each of the projects and evaluated at the time.

So I wondered why 400 was picked, because I noticed on the list that needed an exemption, there was one project that was over that.

MTA CHAIR LIEBER: So thank you.

Look, we're trying to -- it's a little bit of a Goldilocks approach, honestly. The broad findings of the last couple of years have been design-build works really well for big projects. It is -- it's advantageous for smaller projects, especially rehab, things that are already --

ASSEMBLYWOMAN PAULIN: So you're --

sorry to cut you off, but I have another question.

So the feeling is 400 will do your job for you? I mean, that's the -- that's why you picked it?

MTA CHAIR LIEBER: At this point -- at this point we're -- that is the consensus, basically, of our team. But I wouldn't rule out continuing to adjust it over time in tandem with the Legislature. But we're trying to figure out the right, as I said, Goldilocks solution -- just right -- and to let those smaller projects.

The important thing is --

ASSEMBLYWOMAN PAULIN: So you know what, Janno, I have another question, I'm sorry.

MTA CHAIR LIEBER: Go ahead.

ASSEMBLYWOMAN PAULIN: Okay. So congestion pricing. There's a timetable established in the statute. Sixty days after the law, the MOU had to be signed with the city. I'm assuming that took place. I just wondered if there was any problem with that

or that did it take place.

And the second is the toll, which would need to be established 30 days prior to implementation. And if it's September or, you know, 2023 third quarter, that would mean August.

So where are we on the toll and the mobility whatever, the mobility review board that needs to be established to deal with the possible exemptions or whatever?

MTA CHAIR LIEBER: Okay. So the initial draft of the environmental assessment document is being looked at by the feds right now. It includes some general options for tolling. The ultimate decisions on tolling, discounts and exemptions included, will be made by the TMRB. That group is going to be empaneled by our board in the spring, probably contemporaneous with the draft environmental document being issued to the public for comment, review and discussion. So that --

ASSEMBLYWOMAN PAULIN: And the MOU with the city is done?

MTA CHAIR LIEBER: You know, I don't know that exact document. The answer is we have been working in tandem with the city DOT on every step throughout the environmental review process, I don't know that there's any issue, but I'll check on the MOU. I'm not familiar with that --

THE MODERATOR: Pardon me, your time is up.

CHAIRWOMAN WEINSTEIN: Perfect timing. So thank you, we have no further member questions.

Thank you, Janno, for being here. We look forward to some of the responses that there wasn't time for us to hear. If those could be sent to both Chair Krueger and myself so we can distribute to all of the members as well as the individual member who may have asked that question. And we look forward to continuing to work together with you and your staff.

And we're going to move on now to the New York State Department of Transportation.

MTA CHAIR LIEBER: If you would

indulge me, Chair, just in saying, one, I apologize for the wacky video. That's -- you know, we certainly wouldn't have wanted it that way, and I apologize for that too.

I just want to thank the committee, everybody participating in helping us to get focused on this issue of our financial future and our ability to deliver great service for New Yorkers as we come back. So I just do want to express my appreciation for this, especially among the chairs. It's been a great partnership. So really appreciate it, thank you.

CHAIRWOMAN WEINSTEIN: Thank you for that.

CHAIRWOMAN KRUEGER: Thank you for your work.

CHAIRWOMAN WEINSTEIN: Is the DOT commissioner here, Ashley or --

DOT COMMISSIONER DOMINGUEZ: Good morning. I am indeed.

CHAIRWOMAN WEINSTEIN: Oh, okay. Okay, hold on one moment. So let me formally introduce you.

So our next witness is the New York State Department of Transportation, represented by the commissioner, Marie Therese Dominguez.

And I just -- Commissioner, I just wanted to remind you that your testimony has been distributed to all of the members. There's 10 minutes; feel free to summarize, and then there will be questions from the Assemblymembers and Senators who are with us today.

So the floor is yours, and just keep an eye on the clock.

DOT COMMISSIONER DOMINGUEZ: All right, good morning. Thank you all very much.

Chairs Krueger, Weinstein, Kennedy, Magnarelli and distinguished members of the Legislature, on behalf of the Department of Transportation, thank you very much for the opportunity to discuss Governor Hochul's 2022-'23 Executive Budget.

In early January, Governor Hochul detailed a bold new agenda for investing and

building a better and more inclusive New York through historic investments in our people, our communities and our economy. The Department of Transportation has and will continue to play a pivotal and critical role in helping to realize this vision. This includes investing in revitalizing and reconnecting communities, facilitating regional economic development and competitiveness through safe and reliable transportation systems, and supporting New York State's position as a national leader in advancing climate action.

Frederick Law Olmsted, who's considered to be the father of landscape architecture, is renowned for designing an integrated network of majestic public parks statewide but also nationwide, from Central Park in Manhattan to the grounds of the United States Capitol. Historic Delaware Park in Western New York is also included amongst his marvels.

The Humboldt Parkway in Buffalo was recognized to be among the grandest parkways

designed by Olmsted in New York State. Tragically, however, the replacement of the tree-lined Humboldt Parkway with the Kensington Expressway scarred the region, severed adjoining neighborhoods and demolished family homes and local businesses. It also limited social and economic opportunities for those left behind.

I wish I could say that this was an isolated occurrence, but sadly it is not. This same fate has played out across New York State, from Buffalo and Brookhaven.

Under the Governor's leadership, New York will begin the process of repairing the devastation to communities as a result of transportation mistakes that were made decades ago. The new five-year capital plan for the department includes nearly $3 billion to right these wrongs.

Instead of propagating loud, polluting highways, the Executive Budget directly invests in these community revitalization projects that will prioritize community cohesiveness, enhance pedestrian and bicycle

safety and mobility and mitigate the impacts of highways in terms of our air quality as well as harmful carbon emissions. It will also facilitate development and provide new green spaces designed to tie together neighborhoods and small businesses.

Examples of community reconnection projects included in this year's budget are restoring the Humboldt Parkway in the City of Buffalo; constructing the new Community Grid in the City of Syracuse; raising the Inner Loop in the City of Rochester; and beginning the process of covering portions of the Cross-Bronx Expressway in the City of New York.

The Governor recognizes that investing in local infrastructure helps to sustain and grow communities. In addition to these larger projects, the new capital plan will invest in revitalizing communities in every region across New York State.

Despite significant and sustained investments in our state and locally owned infrastructure, New York's renewal and

modernization needs continue to outpace the work that has been done. These needs have been exacerbated by the immediate and long-term impacts of climate change. The increased intensity and frequency of extreme weather events has resulted in record-setting rain and flooding.

Moving forward, New York must take a more aggressive stance to mitigate the impacts of climate change and prioritize investments in the resiliency and hardening of our state and local roads and bridges as well as our public transportation systems, passenger and freight rail systems, ports, airports and all of our infrastructure.

To address these priorities, and with the passage of the new five-year federal surface transportation bill, Governor Hochul is advancing a new, historic $32.8 billion five-year capital plan for the New York State Department of Transportation. The new capital plan is fully aligned with federal funding commitments included in the recently passed bipartisan Infrastructure Law.

This unprecedented level of investment provides DOT with resources necessary to renew, modernize and continue to drive economic development in local communities. The new capital plan represents a generational opportunity to fundamentally enhance safety, improve reliability, and promote climate-smart polices, all while advancing mobility alternatives.

One of the cornerstones of the new capital plan is the record level of investments directed towards local roads and bridges, especially in smaller municipalities throughout New York. Under the proposed capital plan, direct support for local roads and bridges increases by $550 million over last year's Executive Budget recommendation. In parallel, the budget provides resources necessary for the department to maintain and renew state-owned assets. Under the proposed plan, every region of the state will realize benefits.

The New York State Department of Transportation has played a prominent role in

developing recommendations in support of New York's nation-leading Climate Leadership and Community Protection Act. As noted in the recently released Climate Action Council's Scoping Plan, transportation systems have served as a catalyst for economic growth, productivity, and land use and development patterns. Transportation investments have significantly influenced where economic growth comes about, as well as the rate at which it occurs and the design and density of the built environment.

The challenge, therefore, that we face today is how do we balance continued growth while facilitating transportation and mitigating harmful greenhouse gas emissions. One of the more impactful supporting strategies for achieving these important goals, whether it be in energy efficiency, housing, land use or greenhouse gas reduction initiatives, is through enhancing the availability, accessibility, reliability and affordability of public transportation services, especially in unserved and

underserved communities.

The Executive Budget recommendation for this fiscal year recommends $7.4 billion in direct and state-authorized revenues to support enhanced public transportation services across our state, including more than $749 million for systems other than the MTA -- an increase of $158 million, or nearly 27 percent. In addition, the budget proposal includes almost $700 million over the plan period to support capital requirements of systems other than the MTA, which is an increase of $245 million, or nearly 54 percent.

These capital funds will be directed towards making public transportation easier to use. They'll facilitate use of public transportation, which in turn supports the goal of reducing vehicle miles traveled.

In addition to these strategic investments in public transportation, the budget increases investments in freight rail and seaports, with almost $450 million to be allocated over the plan period, as a means of

reducing the projected growth in movement of goods by truck.

The challenge of achieving the Climate Act requirements should be approached strategically and with an eye toward recognizing the opportunity and delicate balance of facilitating transportation's role in economic growth with the need to address adverse community and environmental as well as human health impacts.

In closing, Governor Hochul's Executive Budget and new capital plan embraces the work and really addresses both the challenges and the opportunities before New York State. These fiscal commitments build upon Governor Hochul's extraordinary efforts to reconnect communities severed by interstates and other high-speed highways. It really helps to strengthen the state's infrastructure and enhance its reliability, and it invests in nation-leading efforts to confront climate change.

Transportation is an integral part of everyday life in New York, and by taking the

steps outlined in the Governor's budget, New York State DOT is ensuring a better New York for all of our future generations. Thank you, and I would be happy to take your questions.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner.

We go to our Transportation chair in the Assembly, Assemblyman Magnarelli.

ASSEMBLYMAN MAGNARELLI: Thank you.

And thank you, Commissioner, for being here today, and I look forward to our questioning period here. Again, thank you for being here.

Let me start out by saying the Executive proposal of a few new five-year DOT capital plan of $32.8 billion, with its increase of 5.3 billion, a 19.2 percent increase, it's great to see. Okay? But I'd like to know, how was the proposed road and bridge capital plan developed? What factors did you consider in determining the right level of investment? How did this plan come about?

And I think what I'm going to get at, as my questioning goes on, is I really don't know exactly what we're talking about in terms of this plan, and somewhere along the line I think -- I would hope you're going to tell us.

DOT COMMISSIONER DOMINGUEZ: Good morning, Mr. Chairman.

So as we've had the chance to talk through, fundamentally what we look at is the age and condition of our roadways and all of our assets, whether they're bridges or roads. And what DOT undertakes is a very informed asset management system. We look at, again, age, condition, use. And these are all requirements that not only do we have to conform with but they're also dictated by the U.S. Department of Transportation and the Federal Highway Administration.

So we look at all of that. We look at where the needs are, we look at some of the -- making sure that fundamentally we're taking care of those assets that need to be addressed first. But, one, let me assure you

that our assets are indeed fundamentally safe.

But then we take all of this information, we analyze the data and we put that together in terms of the larger look at what the opportunities are for investment. And we match that up with, again, some of these criteria that we're talking about in terms of making sure that we're enhancing resiliency and reliability of our transportation systems writ large. And that's what you see come forth, the projects that are ultimately shared with the Legislature.

ASSEMBLYMAN MAGNARELLI: That is the issue that I have at the moment, which is that I don't know what the projects are.

Has the DOT set any regional targets to improve road and bridge conditions over the next five years? What are those regional targets? And do these targets help determine the level and regional allocation of funding in the proposed capital plan?

I'm trying to figure out, what are we

spending the money on?

DOT COMMISSIONER DOMINGUEZ: So we're in the process of doing that right now.

ASSEMBLYMAN MAGNARELLI: And where?

DOT COMMISSIONER DOMINGUEZ: Right. We're in the process of literally working through with all of our regions right now, collecting all that information and analyzing it. And we hope that in the next few weeks here we'll be in a position to share that, the bulk, if you will, with the Legislature.

ASSEMBLYMAN MAGNARELLI: Hopefully prior to the budget?

DOT COMMISSIONER DOMINGUEZ: Yes.

ASSEMBLYMAN MAGNARELLI: Okay. The capital plan increases total funding to municipalities for the various local capital programs by over 50 percent above the previous five years -- that's great -- while funding for contracted projects on state highways and bridges remains relatively flat.

Will DOT be able to improve conditions on the state roads and bridges with this level of funding?

DOT COMMISSIONER DOMINGUEZ: Absolutely. I mean, fundamentally this level of investment is historic. And what we're looking at while -- you know, fundamentally, we live in the Northeast, our roads get a lot of wear and tear given our weather conditions. And this level of investment over the next five years will indeed yield improvements in our road conditions as well as our bridge conditions.

ASSEMBLYMAN MAGNARELLI: So as we talked about just a few minutes ago, so at some point in time in the next few weeks we'll have a project list available telling us where the projects are going to be in the plan, where they're located, how much they'll cost? I can look forward to that, right?

DOT COMMISSIONER DOMINGUEZ: It's the traditional process that we've undertaken, sir. So the book, as it's known as, will be ready in the coming weeks.

ASSEMBLYMAN MAGNARELLI: Can you also break down for us in the capital plan the 4 billion that's going to be spent on the

megaprojects that you've alluded to earlier? Can you provide a breakdown of how the $4 billion is allocated among those different projects?

DOT COMMISSIONER DOMINGUEZ: Yes.

ASSEMBLYMAN MAGNARELLI: Okay. A big question in my mind -- and I get asked all the time, okay -- is how will the Pave Our Potholes program differ from other local capital programs such as CHIPS and local PAVE-NY? And what is the formula that will be used to determine the allocation of funds? What types of projects will be eligible?

Can you tell us something about this new project?

DOT COMMISSIONER DOMINGUEZ: So one thing I think that is something to kind of think about in terms of the roads and bridges, one of the things that I think is important about this budget proposal -- because it really does get to, you know, fundamentally the elements of our infrastructure that need the most attention, which is our bridges and our roads -- when

we're looking at this, the other thing that the Governor included was paving our potholes, and she called it Operation Pave Our Potholes.

And what it is is an additional $500 million annually to look at critical needs and addressing those first. So the criteria is still being developed. We'll look to the Executive and the Legislature to continue to discuss exactly how that criteria will come about. But given where we're -- you know, some of the programs that we have, we've got some, you know, I think some good opportunities to move this forward. The bottom line is that it's an additional level of investment in a critical area, and that is our roadways.

ASSEMBLYMAN MAGNARELLI: Well, I understand that. I'm just trying to understand, will this go to the municipalities, such as CHIPS and like that? Would there be some kind of a formula? Would you have to apply for these funds for certain projects? I mean, when you're talking about

roadways with potholes, it's kind of like very general maintenance just to kind of fix the road so you don't break an axle.

But, you know, the bottom -- I live in Syracuse. I know of what I speak, okay? The -- you know, how -- what you're saying to me is you haven't really figured out how this money is going to be divvied out yet.

DOT COMMISSIONER DOMINGUEZ: Well, I would say that as part of the budget negotiation process, we'll look at some of the traditional ways that we've looked at how to do this. But, you know, the bottom line is is that the department will implement what the Legislature and the Executive negotiate. But obviously there's opportunity, whether that be formula funding -- right now it's a line item, and we can move from there so that --

(Overtalk.)

ASSEMBLYMAN MAGNARELLI: I'm happy to see it. I'm happy to see it. I think we're all happy to see it. It's -- you know, when you say potholes in upstate New York, we know

what you mean.

Just moving on a little bit here -- I know I'll run out of time during the middle of it -- but the -- let's talk about other modes of transportation. The proposed capital plan allocates 4 percent of funding combined to non-MTA transit, rail, aviation, virtually unchanged from the previous five years. Of the proposed $32.8 billion plan, what share is dedicated to rail and mass transit?

DOT COMMISSIONER DOMINGUEZ: So right now we're looking at -- we have approximately, let's see -- for public transportation operating assistance for all systems, it's about 7.3 billion in new direct state assistance for state authorized dedicated revenues for public transportation systems statewide. That's about an 18.5 percent increase, or about a $1.2 billion increase.

For assistance other than MTA, it's about $749 million for operating assistance, which is an increase of about 1.75 billion or

26, almost 27 percent over last year's enacted levels. So that's for transit.

For freight rail, it provides 450 million to support passenger and freight rail development, which is about a 28 percent increase over the prior year. And for airports, it's an increase of 60 million, or 66.7 percent over the prior year plan.

ASSEMBLYMAN MAGNARELLI: And are any of these -- how are the requirements of the Climate Leadership and Community Protection Act being --

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYMAN MAGNARELLI: Okay. I will be back. Thank you, Commissioner.

DOT COMMISSIONER DOMINGUEZ: Okay. Thank you.

CHAIRWOMAN KRUEGER: Thank you. And I'm now going to move us to Senator Tim Kennedy, chair of Transportation for the Senate.

SENATOR KENNEDY: Thank you, Chairwoman.

Good afternoon now, Commissioner Dominguez. Great to see you, as always.

DOT COMMISSIONER DOMINGUEZ: Good to see you.

SENATOR KENNEDY: First of all, thank you for your testimony. Thank you for your leadership.

I want to start by recognizing the Governor's visionary plan here that she has unveiled -- a historic level of funding, but also how that money will be spent. I want to get down to that a little bit. I was very excited to hear out of the gate in your testimony today your discussion about reuniting a community that I represent right in the heart of the City of Buffalo that was devastated by an injustice decades ago, and that is the reunification of the East Side of Buffalo through the restoration of the 33 Expressway into a community space that our community has been fighting for for many years. So thank you for your leadership on that and, again, to the Governor.

And I know that injustice is

replicated across the entire state, as you mentioned, as well as across our nation. So we have to do our part here in New York. This DOT capital plan addressing that is important to the people across the state but especially the people that I represent.

I was pleased to hear you talk about the needs assessment based from my colleague in the Assembly, his questions. I want to talk about the employees that you're going to be hiring to get this work moving, the 300-plus full-time employees that I believe will be a game-changer. Can you talk about that and why it's important that as we get this funding moving, that we're hiring up?

DOT COMMISSIONER DOMINGUEZ: Sure.

As you know, the Department of Transportation takes a lot of pride in the level of expertise that we have internal to our organization. And certainly every state agency has been challenged over the last couple of years, given the state's financial condition. So the fact that the hiring freeze has been lifted and that we have the

opportunity to hire and staff up is really transformative. It's one of the first things that Governor Hochul did.

And so in doing so, we have the opportunity to help enhance and bring on additional talent amongst our ranks. So whether that's CDL drivers or engineers, they're all part of the -- you know, our snow plow operators to our engineering and design experts, our policy experts, they're all part of the team at DOT that we're looking to literally further enhance.

And so we've requested that in the budget and, you know, are busy right now trying to recruit and bring people in. We've had a little bit of success, but we hope to have more moving forward.

SENATOR KENNEDY: Thank you.

You mentioned again in your testimony climate resiliency. How does the capital plan that's being put forward address climate change and resiliency issues? Specifically, if you could.

DOT COMMISSIONER DOMINGUEZ: So

specifically what we're looking at is making sure that -- we've done a few things. One, first and foremost, we've enhanced our engineering standards so that every single project that we look at, regardless if it's literally a road paving or reconstruction or full-scale reconstruction or a bridge replacement, whatever that is, those engineering standards are recognizing the best in terms of everything from flood levels to sustained materials. You know, what can we do to make sure that we're building in resiliency and -- into everything that we do.

An example that we just did was down in the Hudson Valley, we did Esopus Creek -- it had been completely washed out, the roadway, under Hurricane Irene, and we worked with the Army Corps of Engineers and everybody else. The bottom line is is that not only did we build back better, but we built back with enough resiliency to truly maintain the infrastructure for years to come. So that, you know, fundamentally, fire and rescue and everybody in the Catskills are

not cut off if we have that kind of extreme weather again.

So it's engineering standards all the way to literally how we view all of our work.

SENATOR KENNEDY: Does that include incorporating it into your long-term needs assessment?

DOT COMMISSIONER DOMINGUEZ: Yes.

SENATOR KENNEDY: Okay, great. I want to switch to the BRIDGE NY program. Again, a billion dollars by Governor Hochul committed to this important program, 200 million per year.

Can you talk about the qualifications of those dollars and if those qualifications are changing in any way?

DOT COMMISSIONER DOMINGUEZ: So for the BRIDGE program we're looking at not only, you know, making sure that we've increased the level -- it's going to $200 million annually in competitive funding, and it will remain that --

(Overtalk.)

SENATOR KENNEDY: And is this still

going to be done every two years? Is this a two-year application?

DOT COMMISSIONER DOMINGUEZ: What we are doing is we're actually kind of looking right now to see how we can better make sure that the funds get -- I'll be more direct -- get out there as quickly as possible. So we're kind of looking at that right now to make sure. We've got a very aggressive program on the budget with the BRIDGE program, and we do have a good solid process. But we're taking an internal look to see what more efficiencies could we garner to make sure that we get that money out faster.

SENATOR KENNEDY: Good. Good. And given the money on the table and given some of the applications that were denied in December, is it possible to reopen the application program as soon as possible? What is your timeline in that regard?

DOT COMMISSIONER DOMINGUEZ: So that's exactly what we're trying to look at to see like what the program could do. So that's one possibility.

There's some others that we could look at. We want to make sure that we give everybody equal access to the dollars, because there's a lot of great need and there's also a lot of great projects that can be executed.

SENATOR KENNEDY: Okay, I want to switch gears again. In early 2020 the Legislature passed a historic package of limousine safety bills that, as you know, became law, whether it was additional drug and alcohol testing, hotline, website reporting safety issues, limousine task force, seat belt requirements -- I could go on and on.

What is the DOT doing and what have you done to implement these laws? And can you report any initial feedback?

DOT COMMISSIONER DOMINGUEZ: Sure. I will tell you first and foremost that, you know, we have gone about with our partners at DMV and State Police in implementing all of the legislative requirements that have been passed by the Legislature. There was a

significant number of bills.

One of them decreed the task force on limousine safety. We launched the task force earlier this month. We got some really good feedback from the task force members, some very solid areas for the task force to really dig into. And so we're very excited about that.

I think fundamentally, you know, the bottom line is that we have taken this not only extremely seriously but, you know, New York really has the most aggressive laws on the books right now in terms of governing commercial vehicles. And the bottom line is is that we've taken our implementation of all of these requirements very seriously and the new -- you know, everything from passenger protections to, you know, strengthening our enforcement provisions, we've gone about it methodically and have put everything into place.

SENATOR KENNEDY: I think it was telling, I believe the laws that we created here in New York informed the laws that were

passed down in Washington, D.C. So a feather in all of our caps, especially those families that lost loved ones in those terrible crashes.

DOT COMMISSIONER DOMINGUEZ: Absolutely.

SENATOR KENNEDY: I want to talk about the right-of-way fee waiver proposal. Can you speak to that a bit?

DOT COMMISSIONER DOMINGUEZ: So I think fundamentally, you know, we're all -- I think we could all agree that access to broadband is something that we all want to see. And obviously the Governor put forward a very aggressive proposal in the budget to make sure that that happens for all New Yorkers.

And so what we're doing here at the Department of Transportation is we've been working with the fiber companies to make sure that we can do that as efficiently and as expeditiously as possible, recognizing that if you're -- you know, so some of the fiber companies are looking for access to the

state's right-of-way. We not only want to make sure that they have that to provide this level of service, but they do so in a safe manner.

And so part of what we've done is make sure that not only are we trying to make our systems a little bit more efficient here, we've really done an overhaul in providing information to the fiber companies so that they can apply for these permits to access our right-of-way.

But I just want to say really quickly, the bottom line is is that if you're a company and you're applying for a grant through this program, you know, all of the fees are waived. So if you're going specifically through the ConnectALL program, the fees are waived. But if you -- regardless if you're trying to access --

THE MODERATOR: Pardon me, your time is up.

SENATOR KENNEDY: I yield my time, Madam Chair.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Or non-time, okay.

We go to Assemblyman Ra, our ranker for five minutes.

ASSEMBLYMAN RA: Thank you, Chair.

Good afternoon, Commissioner. Good to see you.

Just a quick question regarding, you know, the questioning from Chair Magnarelli. And obviously there is, you know, an assessment that has been done of roads and all of that. But when is the last time the department, you know, made a publicly available report regarding our condition of our roads?

DOT COMMISSIONER DOMINGUEZ: All of our reports have been published, sir. So everything -- any and all required legislative reports as well as State DOT reports that we generate, whether it's on our behalf or on behalf of the Legislature, they're all out there. They've all been provided to leadership in the Assembly and the Senate.

ASSEMBLYMAN RA: Okay, great. And I'm aware there's a number of new reports that are coming, you know, over this next year from that piece of legislation last year. So thank you.

I wanted to shift back to actually what the previous -- what the Senator was talking about with regard to the permitting fee and right-of-way and all of that. I've heard some complaints from the industry as they're trying to roll these things out that the new process, it's taking six or seven months as opposed to, you know, prior they may have been able to get something done in two months.

So I'm just, you know, wondering what the department is doing to try to expedite this permit process so that people can build out this infrastructure that we all know we need.

COMMISSIONER ROSADO: So like I was trying to say before with Senator Kennedy's related question, the bottom line is is that we want to make sure that we achieve the goal

here of making sure that we provide access to everybody to make sure that they get, you know, broadband.

The permitting process that DOT looks at is really one that is fundamentally rooted in safety. We've had providers go out into our right-of-way and illegally accessing the right-of-way without a permit, and their employees have been killed. You know, not just once but multiple times.

So we need to really make sure -- the reason that we want to make sure, as you well know, that you've got to know what's in the ground before you dig. And the permitting process allows us to do that.

So the department continues to work with the fiber-optic companies to make sure that we have every opportunity to make sure that we're streamlining and, you know, making the permitting process as efficient as possible. You know, we're certainly implementing what the Legislature asked us to do in previous legislation. And we're just trying to make sure that that safety

framework is in place so that no one else is killed when doing this, and achieve the goal of fiber optics for all.

ASSEMBLYMAN RA: Thank you.

So with regard to the fee, is the fee -- that I know can cost as much as $2,000 per mile -- is that, you know, inhibiting the installation of the fiber-optic cables? And, you know, I mean, we have a proposal that would exempt certain projects. So is that a recognition that this fee may be inhibiting installing fiber-optic cables?

DOT COMMISSIONER DOMINGUEZ: So as -- I don't know the details, but I can tell you that any provider who receives, as I said before, a grant through the state's Broadband Program to assist really in developing fiber-optic availability for underserved communities, they're not going to be charged a fee for any lines that are installed under that program.

So the degree to which the Legislature takes up anything other than that -- you know, I just want to be really clear that's

what that -- that fee is waived right now under the grant program. And those really are getting at some of the most underserved communities in the state.

ASSEMBLYMAN RA: Sure, and I understand that. But really my question is should we be looking in a more broad scope at this fee? And is this, you know, inhibiting private investment by telecommunications companies?

DOT COMMISSIONER DOMINGUEZ: I would leave that to my colleagues at ESD and others that are looking at this more broadly in terms of accessibility.

ASSEMBLYMAN RA: Okay, great. Well, we do get the opportunity to talk to ESD tomorrow, so I will do that.

Thank you very much, Commissioner.

CHAIRWOMAN WEINSTEIN: Thank you. We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you. And we go to -- how embarrassing, I don't have my list in front of me. One second.

CHAIRWOMAN WEINSTEIN: I believe

Senator Kaplan is next.

CHAIRWOMAN KRUEGER: You are absolutely right. Thank you very much, Chairwoman.

SENATOR KAPLAN: Good afternoon, Commissioner. Thank you for your testimony.

I'm sorry to report that the conditions of the roads in Long Island right now are disastrous. Last year's budget included record-breaking funding for the roads, both on local level and on state level. But here we are again, the worst pothole season in recent history. What is it going to take to fix this situation? And is this budget doing enough to make sure Long Islanders have smooth roads that they deserve?

DOT COMMISSIONER DOMINGUEZ: So I very much appreciate your question, Senator. I think that the bottom line is is that yes, we're hoping that this level of -- record level of investment that's been put forth does improve the road conditions statewide.

I will tell you that just kind of

fundamentally, as I referred to in a previous answer, you know, we live in the Northeast. I've been down in Long Island and across the state, I've been everywhere in the state this winter, and with the freeze-and-thaw cycle that we're seeing -- I mean it's lovely to have the sun out right now, but it's really not helping our roadways because we go from a really nice day, the water seeps into our roadways, it freezes, and it just enhances the work that has to be done, fundamentally.

SENATOR KAPLAN: I would love to have some sort of a plan telling us what roads you're really targeting first and if there's a plan that we can work with and at least get back to our constituents and tell them a timeline.

DOT COMMISSIONER DOMINGUEZ: Absolutely.

SENATOR KAPLAN: I --

DOT COMMISSIONER DOMINGUEZ: I will tell you that we have a very -- okay.

SENATOR KAPLAN: Thank you. I'll follow up with your office.

Just piggybacking on Assemblyman Ra's question, last year I had legislation that the Governor signed asking for bridge conditions and also highway pavements. The report is supposed to be submitted to the Legislature. I just want to know, do we have your assurance that DOT is planning to comply with the June 1st timeline as required?

DOT COMMISSIONER DOMINGUEZ: Yes.

SENATOR KAPLAN: Thank you.

My next question is in my district I can tell you -- no, I'll ask this question first. How does DOT identify problem areas of roads containing potholes? How quickly after a pothole is identified is it fixed? And how are they fixed? How often are these fixes temporary or permanent fixes?

DOT COMMISSIONER DOMINGUEZ: So it's a very detailed question and a very -- there's a detailed answer that goes with it. But the bottom line is that we monitor the road conditions continuously. So we literally have eyes on the roads, we use technology, LiDAR and other technology to actually assess

the condition of the --

THE MODERATOR: Pardon me, your time is up.

SENATOR KAPLAN: You could finish just answering.

DOT COMMISSIONER DOMINGUEZ: And then we go --

CHAIRWOMAN WEINSTEIN: If you could send the detailed answer in writing so we can share that with all of our colleagues on the committee and send that to myself --

CHAIRWOMAN KRUEGER: And to me.

CHAIRWOMAN WEINSTEIN: -- and Senator Krueger.

CHAIRWOMAN KRUEGER: Because I'm going to bet that Senator Kaplan is probably not the only one with potholes on her roads.

CHAIRWOMAN WEINSTEIN: I was about to ask the same question later. So --

(Overtalk.)

SENATOR KAPLAN: I have a lot of them. Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Jacobson. Are you there,

Jonathan? I know a lot of -- yes, he's here. A number of members have left to go to committees, but we'll catch up with them.

ASSEMBLYMAN JACOBSON: Thank you, Madam Chair. Thank you, Commissioner.

I only have three minutes, so we've got to be fast here.

Where are we on Route 17? This project started before I'd been elected, and I'm hoping that it gets done while I'm elected and alive. So where are we now? And where are we with the -- I heard the report's done. Where are we with the Environmental Impact Statement?

DOT COMMISSIONER DOMINGUEZ: So the linkage study was completed last fall. And the Governor put forward in the State of the State that this project is indeed going to progress. And the next step of it is to go into the Environmental Impact Statement phase, which we hope to start here in the coming months.

ASSEMBLYMAN JACOBSON: I don't know why we -- I don't know why this came as a

surprise that you're doing an Environmental Impact Statement. It should have been started as soon as the last report. How long is this going to take, the Environmental Impact Statement?

DOT COMMISSIONER DOMINGUEZ: We're estimating about three years, given the complexity of the --

ASSEMBLYMAN JACOBSON: That's ridiculous. Are you going to be able to still use the federal money from the infrastructure bill?

DOT COMMISSIONER DOMINGUEZ: Indeed we will.

ASSEMBLYMAN JACOBSON: Well, three years is just unacceptable. I mean, it's just absurd.

Now, I represent Beacon-Newburgh-Poughkeepsie. One of the most heavily traveled intersections in the history of the planet is Interstate 84 and the Thruway. It is a disaster between there and the Newburgh-Beacon Bridge. I mean, you can't -- and the ramps are terrible too. Is this

going to be a priority this year to get it done, that stretch between that exit and the bridge?

DOT COMMISSIONER DOMINGUEZ: We are definitely -- based on our conversation, we're definitely looking to see like -- I know that you've raised this before. And we've been working with our colleagues at the Thruway to see what level of investment they're looking at as well.

ASSEMBLYMAN JACOBSON: Well, that's fine, but -- listen, I'll tell you what. Why don't you drive it for a while. Okay? You go off the ramps and you tell me if it's fine. If you had to do it every day, your teeth would not be in your head and neither would your front axle.

Now, the roads and bridges in the Hudson Valley, over 60 percent are considered unsafe. Why is it we're not getting our fair share? And if we are, why isn't anything -- why isn't it better?

DOT COMMISSIONER DOMINGUEZ: Assemblymember, I have to make one really

important clarification. The roads and bridges are indeed safe. The New York State Department of Transportation, we have one of the most aggressive bridge programs in the country. We inspect bridges --

ASSEMBLYMAN JACOBSON: Forty percent of the roads and bridges are considered unsafe.

DOT COMMISSIONER DOMINGUEZ: No, it's a condition rating I think you're referring to. It's not a safety rating per se.

If something is unsafe, it's closed immediately and we address it immediately. So I have to make that distinction.

ASSEMBLYMAN JACOBSON: What would you call it?

Well, my time's up. Thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Leroy Comrie.

SENATOR COMRIE: Thank you, Madam Chair.

Good afternoon. I wanted to know,

Commissioner, have you been able to give us an update on the Kew Gardens Interchange and where that is, and also where we are on a study to reset the -- widen the Cross Island Parkway?

DOT COMMISSIONER DOMINGUEZ: So good afternoon, Senator.

We are making -- we are on time for looking at wrapping up our work here on the Kew Gardens this year. We've done -- as you know, it's been a -- it's been a very large undertaking by the department, very complex. But as you know, some of the stock conditions were alleviated last fall so traffic is indeed moving in some of those fundamental improvements that we've been able to make at that very significant interchange with the deck, Jackie Robinson and the Van Wyck. They're yielding some of the benefits that we intended, so --

SENATOR COMRIE: It's an impressive project. Is it being -- is it being documented in any way, shape or form? Because it is a pretty impressive project in

that it hasn't stopped traffic while it's ongoing and changing. Is it being documented?

DOT COMMISSIONER DOMINGUEZ: We're flying drones fairly regularly, one, as part of our inspection process. But, two, it's interesting to see the amount of work that gets done in such a short period of time. So yes.

SENATOR COMRIE: Okay. Cross Island Parkway, do you have an update on the scoping plan for that and when that can be widened?

And then also MWBE goals. Is the department meeting its own MWBE goal of 30 percent?

DOT COMMISSIONER DOMINGUEZ: We are -- we -- I can tell you that we've done, on the MWBE goals, we're looking to -- at every opportunity. We've got WorkSmartNY, we're really reaching out aggressively. We've improved our MWBE goals over the last few years. We've gone -- we've broken our 20 percent threshold last year, and this year we're striving to do even better.

SENATOR COMRIE: Thank you.

And finally, Cross Island Parkway. Tell me you're going to start it next year.

DOT COMMISSIONER DOMINGUEZ: (Laughing.) We -- as we discussed, we're looking at it to see where the opportunities are, and we'll go from there and make sure that we communicate with you.

SENATOR COMRIE: All right. Thank you, Commissioner. Appreciate your feedback. And I'm going to be short and early this time. Thank you. Thank you, Madam Chair.

DOT COMMISSIONER DOMINGUEZ: Thank you, Senator.

CHAIRWOMAN KRUEGER: Thank you, Senator Comrie.

Back to the Assembly. And I'm just looking. I think -- Helene, are you there? I think she's on a phone call.

So let me see if I'm making a mistake by choosing Assemblywoman Simon. Let's go for it, Assemblywoman. Jo Anne, are you there?

ASSEMBLYWOMAN SIMON: I am. I've got

a committee meeting on the other computer, but so far so good.

CHAIRWOMAN KRUEGER: Okay.

ASSEMBLYWOMAN SIMON: So thank you, Commissioner, for your testimony.

I have two questions. Mostly I'm concerned about the BQE and the triple cantilever. I've encouraged the state to work with the city to repair and reimagine the roadway. And my bill to get illegally overweight trucks off the BQE is now law, but we need to roll it out ASAP. And we need collaboration at all levels of government to do that, and community involvement to plan for an environmentally sound future for the BQE.

So first, what is the state doing to work with the city on this project? And then my second question is connected to that; it's about funding.

The state withholds a share of federal funding formula funds for high-priority projects. And the City DOT estimates that given the influx of increased funds and past

practice, the state will potentially get about 1.5 billion to set aside over the next five years for this pot of projects. And City DOT has historically gotten very limited access to those funds, so I wanted to know whether the state would consider at least $300 million of those funds for this BQE project, because the triple cantilever is so precarious.

DOT COMMISSIONER DOMINGUEZ: So let me start, first and foremost, with the legislation I think that you referenced in terms of -- so bottom line is is that we've been working very closely with the city for a number of years both in terms of the engineering and some of the operating components to make sure that the BQE in its current condition, one, the greatest need is being addressed right now, and some of the maintenance issues on the BQE are now actually construction and the rehabilitation work that needs to get done is being done. And we've been working closely with the city to make sure that all of that happens.

You know, the triple cantilever portion of the BQE is actually owned by the city. So what we're doing is obviously partnering with them directly in terms of, you know, advice and, as I said, engineering expertise. But I think that the weight and motion legislation is something -- we didn't have a direct role in it, but we've certainly had the opportunity to help the city implement it in terms of traffic management and sharing some of the messaging that needs to happen for motorists as they're approaching the intersection and the triple cantilever. And we also worked with the city to make sure that they got all the permits that they needed to make sure that anything that's going on on the roadways is done so safely. We value that relationship with the city and making sure that motorists are safe no matter what's going on.

With regard to the city --

THE MODERATOR: Pardon me, your time is up.

DOT COMMISSIONER DOMINGUEZ: I'm

sorry.

(Overtalk.)

ASSEMBLYWOMAN SIMON: Can I get a response to that to follow up?

CHAIRWOMAN WEINSTEIN: We're going to send it to the Senate, thank you.

Oh, you'll get a response in writing that will be shared.

CHAIRWOMAN KRUEGER: Thank you.

And I apologize, Assembly, I was reading off an earlier list. I shouldn't have cut over several other Assemblymembers to go to Assemblymember Simon first. Oops. But I'm sure you will get back into order immediately.

And our next Senator is Senator Mattera.

SENATOR MATTERA: Hi, good afternoon, everybody. And thank you, Senator Krueger.

And thank you, Commissioner. Commissioner, I met you at the snowstorm, and I thank you so much for protecting our families. I saw you over there on the expressway at the DOT, and you did a great

job, and all the workers, they really were there for our families.

But Commissioner, me being in the construction field, you know, for a long time, you know, even if you went out east end of the expressway, you know, we have concrete on the Long Island expressway that's been there for years. What is -- you know, I'm the type of person that every five years where we're going and paving where -- nothing but a disaster. When are we going to finally put good money into good and you know what, use good materials and do the job right the first time instead of constantly doing this every five years?

You know, is there -- can you please explain to me -- I know costwise, but this isn't working.

DOT COMMISSIONER DOMINGUEZ: So I think that what we're trying to get at is that this level of investment that we're putting forward right now is the most significant that we've seen. It literally like -- it doubles everything that we've ever

done before. And so that's why this proposal is so significant.

I totally appreciate what you're saying about the LIE. It is a critical roadway. We have many critical roadways in the State of New York. That said, literally -- specifically for the LIE, we're going to be out there this spring. We've got about an $80 million investment that we're leveraging on some of the most critical spots on the LIE. We announced that last fall. And as soon as the weather clears up here we'll be out there.

And in the meantime, we're doing all we can to leverage these hopefully incoming funds with this five-year capital plan to further address those road conditions.

SENATOR MATTERA: All right, so you still didn't answer me. So we're not going to go concrete. We're not going to actually do better materials and try to get this so it will last a lot longer.

DOT COMMISSIONER DOMINGUEZ: The way that we look at it is literally depending on

each portion of the roadway, like what actually needs to be done, because we want to make sure that we're preserving what we can. And where we have to do full reconstruction, we will, and we'll determine what the best materials are to do that. I realize that you've got concrete out there --

SENATOR MATTERA: I've only got 36 seconds. Just quick about the CHIPS money. Please, local roads -- we have all these Prime trucks and all using our local roads. We need more money for CHIPS so this way they could do their job. Because the roadways are being used way, way too much for all these deliveries for all these drop-shipping companies. So please, we need more money going into our CHIPS fund.

I know we have too --

DOT COMMISSIONER DOMINGUEZ: So you'll be happy to know that this budget proposal not only maintains the $100 million that was there, but it is now $538.1 million is the proposal in annual local highway and --

THE MODERATOR: Pardon me, your time

is up.

SENATOR MATTERA: Good. Make sure they come to Long Island, please. We need Long Island money. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Gallagher.

ASSEMBLYWOMAN GALLAGHER: Hi, Commissioner. And thank you, Chairs.

I have a very serious question. So U.S. traffic deaths have hit an all-time high. They're surging across the country as reckless driving has hit a crisis point. Transportation Secretary Pete Buttigieg called for the need to build out alternative modes of travel to cars, under the infrastructure bill, because every other mode of transportation is safer.

Over the last 10 years in New York State over 10,873 people have died in traffic crashes, and motor vehicle crashes are also costly, costing about $18 billion overall every year.

So I'm wondering what is your plan to address New York's crisis of traffic violence and increase investment statewide. This is particularly of interest in my district, where we have a very high rate of traffic fatalities of pedestrians, cyclists and motorists.

DOT COMMISSIONER DOMINGUEZ: So I really appreciate the question, and I will tell you that we have seen an increase in fatalities across the state. We saw that certainly under COVID.

There's a lot of different factors, and one of the things that we're working closely with USDOT on is they're doing a lot of research to understand what's actually going on. Right? What are people doing?

I can fundamentally just anecdotally say people are distracted. Right? COVID didn't help. And fundamentally, you know, we've got a lot of distracted drivers out there. We see it in our work zones. You know, we're out there trying to maintain and put the roadways in good condition, and

unfortunately we've had our own employees killed, and our contractors, because people are distracted.

So you should know that, one, we do everything we possibly can to make sure that our work zones are safe. We've got a proposal out there right now under -- the Governor has the SLOW Act, which would enhance safety in the work zones. There's very, very specific recommendations in the SLOW Act that would further enhance safety for workers in the work zones.

The other thing is is that every project that we have we look at every mode of transportation and what the alternatives are. So we're looking to further build off of -- we're not just building roads, we're looking at shared-use paths, what else can we do under the enhanced bike and walker safety, whether that's signage designations for SUPs, whatever that is. We also have our Highway Safety Improvement Program.

But just know we've got a huge focus on it.

ASSEMBLYWOMAN GALLAGHER: Yeah, I know that many streets are not Complete Streets with well-lit crosswalks, with wide enough sidewalks and with other forms of safe passage.

So I'd really like to see that prioritized in the state. I don't feel like that is always a priority with the focus on --

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYWOMAN GALLAGHER: Thank you.

DOT COMMISSIONER DOMINGUEZ: I just want to assure you, Assemblymember, that indeed it is. We look for every opportunity to do that, and we've done it statewide.

ASSEMBLYWOMAN GALLAGHER: Great. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our next Senator is Senator Diane Savino.

SENATOR SAVINO: Thank you. For some reason my video won't come on. It says the host has stopped it. So I'll just be brief.

Wait, there it goes. Now they're open again. There you go.

Hello, Commissioner. Briefly, I just want to say thank you to you and your staff, particularly George Paralemos, for helping us resolve that very complicated problem in Staten Island and finally getting the people there the sidewalk. You know, it was a very long, complicated history dating back to the building of the Bayonne Bridge, and I just want to say that your staff was amazing, working with the city to solve that problem. So very happy about that.

DOT COMMISSIONER DOMINGUEZ: I appreciate that.

SENATOR SAVINO: I do want to echo the concerns that were raised by Assemblywoman Jo Anne Simon with respect to the BQE and the triple cantilever and its effect on the Gowanus. You know, the previous administration in City Hall, their answer to it was to narrow the three lanes down to two lanes, and it is literally crippling the region. What could be a 30-minute drive in

the middle of bad traffic in the morning is now an hour and a half. And it is having an effect on the entire region -- back across the Verrazano Bridge, down the expressway and into New Jersey.

And so that leads me to the other concern I have. Is there someplace, somewhere in the DOT budget that we can find a way to finally complete the Staten Island Expressway's HOV lane? Because it's like the road to nowhere now; it just stops in the middle of the expressway. And if we want to get people out of their own cars and into carpooling and utilizing the HOV lane, it doesn't make sense that it just stops.

And it's also a problem for the MTA. Their buses just -- you know, they have to merge over, and it's just -- what can we do to finally complete that HOV lane?

DOT COMMISSIONER DOMINGUEZ: (Laughing.) I think that --

SENATOR SAVINO: A real quandary, right?

DOT COMMISSIONER DOMINGUEZ: --

fundamentally, you know, that -- I know. We literally -- you know that we did some work in the last couple of years here to look at making some of the ramps a little more accessible and trying to enhance some of the traffic there.

Fundamentally it is a very large project. You know, it's something that we've talked about for a long time. It is one of those, you know, megaprojects that we have the capability of doing. I think that the bottom line is we just need to look at all of the opportunities and figure out what the balance of traffic and ridership and everything is going into the future and see where those dollars can best be leveraged.

So whether that's with the Gowanus and adding a lane or, you know, enhancing additional public transportation -- those are some of the debates that I think are well worth having with regard to how we apply those dollars.

SENATOR SAVINO: Well, I think we need to look at that. Because again, if we want

to get people out of their cars on the expressway coming in from Jersey, we need to keep them in the HOV lane, and the only way to do that is the lane has to run the entire length going over the outer bridge or out of the -- going over the Goethals Bridge and onto the New Jersey Turnpike. Otherwise, you know, we just disincentivize people from utilizing it.

(Overtalk.)

THE MODERATOR: Pardon me, your time is up.

DOT COMMISSIONER DOMINGUEZ: I certainly understand that this has been a priority for Staten Island. So thank you.

SENATOR SAVINO: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Darling. Taylor is there, I believe.

ASSEMBLYWOMAN DARLING: Oh, okay. Hi, I'm here. I think they stopped my video.

CHAIRWOMAN WEINSTEIN: No problem. But we can hear you, so you can -- ah, there you go.

ASSEMBLYWOMAN DARLING: Perfect. Hi, everyone. Thank you so much to our chairs, our Senate chair, our Assembly chair. And hello, Commissioner.

I am coming to you -- I didn't plan on speaking today, but I'm coming to you because I was informed to speak to you today as a member of the Transportation Committee. We are seriously in crisis in the Village of Hempstead. Our school bus situation is really reaching this point where we need an answer, we need the regulation to come down. I know the Child Safety Zone has been expanded as of last year.

We have a community with -- some parts of the community have high criminal activity. It's definitely not really a walkable community. We are a suburban community. We have seen an increase in children being hit by cars. We just had a 13-year-old being hit leaving school the other day because none of the children qualify currently for trans -- transpor -- excuse me. Sorry, there's a baby. None of the children qualify for

transportation currently.

And this is something that we absolutely need as soon as possible. I know there are two other districts that are definitely in dire need as well. This is an issue that definitely impacts tardiness, absenteeism. And I really feel like it just really says something when all the other children, all the other school districts have buses.

And no, I don't believe that they are reimbursable by student aid. This is something that the community decided to fund at some point in the past. But Hempstead really cannot afford that. And they have this crisis, like a war zone these children have to travel through, right by the Southern State Highway. I mean, I've witnessed children being pushed into traffic, I've witnessed children walking to school in, I don't know, 10 degree weather with hoodies. This is really something that I am pretty shocked is still going on and that the state has not addressed seriously up until now.

So I really want this to be a situation where with this new expansion that, one, we find out whether or not Hempstead qualifies -- I mean, from where I sit it does -- and, two, just what you plan to do and when you plan to pretty much release the regulations of what school districts, you know, we have to step in and provide transportation for.

I'm asking for a 1.5-mile change from the 3-mile state limitation. I think that that would be a very good start. And like I said, the district currently cannot afford that $6 million up front. So this is an important piece to making sure we can get that funding and that it is reimbursable by state aid.

DOT COMMISSIONER DOMINGUEZ: Assemblymember, I am not familiar with this project. But I'd be happy to look into it and get back to you.

ASSEMBLYWOMAN DARLING: Okay, wonderful. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And to Senator Ramos.

SENATOR RAMOS: All right, thank you, Chair Krueger. Hello, Commissioner.

I actually want to build on what my colleague Emily Gallagher was talking about in terms of how big and how dangerous cars have become. I agree with you that people are distracted, but unfortunately this is not -- this is an issue that's been plaguing communities before the pandemic. People don't yield to pedestrians. And we're having special trouble, in my district, along Northern Boulevard. I've been sounding the alarm now since I've been elected, and nothing seems to be done. It's technically a state highway; at least it's numbered that way. But really it's a neighborhood -- it's a boulevard that runs through our neighborhood, and where we've actually lost 12 children over the course of the last few years.

As a mom, when I cross the street

holding my kids' hands, I always have to look over my shoulder to make sure no one's, you know, turning on to us.

So I want to know what's being done, because enough with studies. We know -- we know what the issues are. How are we fixing them? What are your proposed solutions as the person leading the DOT?

And additionally, I would like to know how it is that we are promoting alternatives to cars such as e-bikes, e-scooters, what have you, and how we're even protecting all of these different vehicles from each other with climate goals in mind.

DOT COMMISSIONER DOMINGUEZ: Absolutely. So I think they go very well hand-in-glove in terms of the larger pedestrian safety component as well as achieving our larger climate goals. Because the bottom line is is that everything that New York State DOT looks to do, we want to make sure that we're looking at enhancing every mode of transportation.

And fundamentally, with regard to

pedestrian safety, we --

SENATOR RAMOS: Okay, but what -- Commissioner, what does that mean? What does enhance every mode of transportation --

(Overtalk.)

DOT COMMISSIONER DOMINGUEZ: So if we're looking at a -- I'm happy to look into the Northern Boulevard project for you, first and foremost, and make sure that -- I'm not familiar with it but I will look into it and see exactly what you're -- if 12 children have been killed, that's pretty significant. I'd be happy to look into it and get back to you.

But I want you to know what I mean by that is that we don't look at a project just as like a roadway project, right? What we look at is if we're going to go in and do work and if there's a history of accidents or anything else, we do an analysis to make sure that we understand what can we do beyond just reconstructing a road. How do we make sure that we put signage, curb cuts, ADA accessibility, bike lanes -- everything into

a particular roadway if it's able to accommodate, to make sure that not only are we making the road safe for motorists but fundamentally we're making it safe for bike users, pedestrians, wheelchair accessibility, anybody that needs access to those. And that's what I mean to --

SENATOR RAMOS: In these last few seconds, commissioner, I want to invite you to my --

THE MODERATOR: Pardon me, your time is up.

SENATOR RAMOS: Northern Boulevard runs west to east across Queens. You have to be familiar with it --

DOT COMMISSIONER DOMINGUEZ: I am.

SENATOR RAMOS: It's most important. So I really want you to come out so you can see what we're talking about. I would like more specific answers.

CHAIRWOMAN KRUEGER: Thank you. Thank you. Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Paulin. (Pause.)

Amy, are you available? (Pause.)

Why don't we go to Assemblyman Walczyk, then, and we'll come back to Assemblywoman Paulin.

ASSEMBLYMAN WALCZYK: Always ready, Madam Chair.

Commissioner, how are you?

DOT COMMISSIONER DOMINGUEZ: Hello, Assemblymember Walczyk. How are you?

ASSEMBLYMAN WALCZYK: Good. I just want to mostly thank you for all of the hard work you have done and the employees in your department have done. An incredible safety record that I think really just speaks volumes to your leadership in the Department of Transportation. Your regional leadership has been excellent. Your selections for leadership have been really great. So I just want to tip my hat to you and then all of those workers on the ground that have been continuously doing difficult and sometimes very dangerous jobs and have done so with a really tremendous safety record that keeps us New Yorkers moving every single day. So hats

off to you, and thank you.

DOT COMMISSIONER DOMINGUEZ: Thank you. I'll pass it on.

ASSEMBLYMAN WALCZYK: I also want to thank you for the consistent cooperation on the Brownville issue that we talked about.

And I would just give you at last two minutes of my time. If you could, for the members of these committees as we go into this budget yeah -- high-profile projects aside, can you give us some perspective on your five-year capital plan? What should our municipalities really be considering as they look to the future for transportation funding and what that looks like over the next five years?

DOT COMMISSIONER DOMINGUEZ: So thank you for the question and for the time.

I mean, fundamentally, direct support for local roads and bridges under this budget proposal increases by about $200 million per year over previously enacted levels. And that's more than $550 million a year over last year's proposal.

So what that means is is that local communities have and local aid is available at record levels. And, you know, DOT works very closely with communities across the state. You know, whether you're in Queens or you're in Watertown, the bottom line is is that we want to make sure that everybody's got access and capability to deliver on these critical road and bridge projects.

And so it's -- the Governor is not only putting forward a generational opportunity but the department is also looking to make sure that there's not just support but availability in every region of the state to make all of this happen.

ASSEMBLYMAN WALCZYK: Thanks very much, Commissioner. Good to see you.

Thank you, Madam Chair.

DOT COMMISSIONER DOMINGUEZ: Thank you.

CHAIRWOMAN WEINSTEIN: And let's go back to the Senate. You still have some --

CHAIRWOMAN KRUEGER: Yes, we do, we have a list.

Is Senator Gaughran here with us? Senator Gaughran? He may have had to go off to a committee meeting.

So I am jumping to Senator Reichlin-Melnick.

SENATOR REICHLIN-MELNICK: Thank you so much, Chair Krueger. And thank you, Commissioner, for joining us.

So I -- I actually know some of my colleagues have focused on, you know, we need action now on a lot of our roads -- and we do. I actually want to talk about the roads that we need studies for. Because one of the things that I hear most frequently from some of the local officials in my area is that there are major projects that are needed on some of our state highways, particularly Route 9A in Westchester and Routes 303, 304 and 306 in Rockland County, where they're not even in the queue because the study to identify the work that needs to be done and the costs that it would take haven't been done yet.

So I have talked to some of my

colleagues and would really love to see the DOT find a way to set aside a dedicated stream of money to try to get -- like bang out some of these studies so we can actually get these on the plans, you know, figure out what we need to spend, and start moving towards funding them. But we need to know what we need to spend first.

So I'm interested in your thoughts on that.

DOT COMMISSIONER DOMINGUEZ: So, happy to work with you and happy to sit down and kind of go through some of the methodology that we use. As I referenced earlier, we have a larger asset management set of criteria that we look at, and assess all of the roadways and the conditions and where we need to leverage investment based on need.

But as you said, the regions across the board, whether it's the Hudson Valley or the North Country or, you know, Long Island, we look at all of that and that's how we determine where the study money goes and then how do we develop those into actual projects.

So happy to review that with you some more and make sure that we have a good, clear understanding of what those projects are that you'd like to advance.

SENATOR REICHLIN-MELNICK: I appreciate that. And I think, again, just to note, the cost of these studies obviously is a fraction of the cost of the projects, and I understand finding the money to pay for the projects becomes much more challenging.

But when we can't even get the study done to know what the project would cost and to start getting it onto the list for future capital investment, I think -- more than anything else, that's what I hear from some of my mayors and supervisors. They understand it's going to be a long time before the project is completed. But to recognize that it can't even get into the queue until the study's done, and that might take years to even look at it, that's the frustrating part.

DOT COMMISSIONER DOMINGUEZ: Understand.

SENATOR REICHLIN-MELNICK: So I appreciate you taking the time, and thank you so much for joining us today.

DOT COMMISSIONER DOMINGUEZ: Thank you, Senator.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Paulin.

ASSEMBLYWOMAN PAULIN: Thank you, Helene.

I have one question. And I think, Commissioner, I've asked you informally, so I know that hopefully you're prepared -- you know, you're prepared to talk about it.

But the -- you know, as far as the Lower Hudson Transit Link, I know that the proposal includes $11 million for the operating costs of Phase 1. And I wonder, you know, if there's -- what the plan is for Phase 2 and how much Phase 2 ultimately would cost, knowing that there's $13 million sitting there waiting to be spent.

DOT COMMISSIONER DOMINGUEZ: So I

think that -- it's good to see you again, Assemblymember Paulin, and it was great to talk to you about some of the good service I think that the Hudson Transit Link is indeed -- now that it's fully operational and in place, you know, I do think it's providing a good deal of service, high-quality service to the area.

As we talked about, the service really is in response to some of the unmet needs in that portion of the state. And we're happy to provide that reliable east-west service across the Hudson Valley there.

You know, we're still looking at assessing all the ridership numbers. And obviously COVID didn't really help us. So as we look at kind of, you know, really making sure that we've got the data and everything in place to understand how the service is -- because it's fairly new -- is actually operating, that's what we're still at.

We're still in the formulative stage of looking at all that to determine if and when any additional -- you know, we've talked

about passenger growth and what the opportunity might be to go from there. But right now that's where we're at. We're still looking at assessing ridership and how we can actually help increase it, to be quite frank, because we do know that it does provide a good service. We want to make sure that it's in use and available so that if we look at anything moving forward, we've got the numbers to back it up.

ASSEMBLYWOMAN PAULIN: All right, thank you very much. That's it for me.

DOT COMMISSIONER DOMINGUEZ: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our next Senator is Senator Jeremy Cooney.

SENATOR COONEY: Thank you, Chair.

And good to see you again, Commissioner. As you know, I represent the great City of Rochester, and I would like to speak with you about high-speed rail, our favorite topic every year.

And as you know, Senator Kennedy, the

chair of our Transportation Committee, has been doing a great job at continuing to push forward this conversation, and I'm proud to join him in Western New York.

But years ago my former boss and great friend Congresswoman Louise Slaughter talked about high-speed rail as an opportunity for upstate New York to better connect with downstate. And I think now, with Toronto and New York City as economic hubs at either end of the state, this is a great opportunity to lift that Thruway corridor and all the cities along it up in terms of economic development.

With the new influx of federal dollars and the hope and promise that we have from our friends in Washington, is this an opportunity for us to really advance this conversation about what high-speed passenger rail could do for cities like Rochester and all across upstate New York?

DOT COMMISSIONER DOMINGUEZ: So it's always great to see you, Senator, and I love your advocacy on rail.

I think that the bottom line is is

that we are -- we've been at a Tier 1 EIS for high-speed rail, looking at what the alternatives might be for upstate for a little while now.

That said, we are making progress with the Federal Rail Administration. And it's back in their hands right now, assessing the comments that we got and what those opportunities are.

But I think that, you know, there are some alternatives. I think that it is difficult, quite frankly, to have actual high-speed rail, anything above 125 miles an hour upstate. It requires a huge investment.

But that said, you know, what's been articulated coming out of the bipartisan infrastructure law is that we do have a lot of opportunity going forward with rail. And the question is is, you know, how could we look at -- now that we've got a Tier 1 EIS pending with FRA, how could that be advanced.

Obviously it's -- I want to be clear it's not 225 miles an hour that we're looking at, it's really what are some of those

alternatives that could be done, recognizing that it is a quite significant investment that would have to be leveraged between Albany and Buffalo to get anywhere near that.

SENATOR COONEY: Well, I appreciate that, Commissioner. And I think it's well worth that level of investment. At least now in our history it could be absolutely transformational to not only Rochester and Buffalo, but all of the cities which I work with as part of the Cities 2 Committee in the Senate.

So thank you for your work on it, and I look forward to advancing this conversation with you. Appreciate it.

DOT COMMISSIONER DOMINGUEZ: Thank you, Senator.

CHAIRWOMAN KRUEGER: Thank you.

Assembly? Let me just see if I can find the newer list.

CHAIRWOMAN WEINSTEIN: We go to Assembly -- do you have anybody else?

CHAIRWOMAN KRUEGER: I have more, but you I think have --

CHAIRWOMAN WEINSTEIN: Yeah, we do have more also. So, Assemblyman -- I see that Assemblyman Brabenec has come back from his committee meeting. Karl? Yes.

ASSEMBLYMAN BRABENEC: Hello. Thank you, Madam Chair. And thank you, Commissioner, for being with us today.

I just have a very quick question concerning the Interstate 86-Route 17 expansion project. And I know this project has kind of been going back and forth for many, many decades, and we'd really like to see this thing move forward. We think it would be great for the community. We know there have been delays with environmental studies and things of that nature. But we'd like to see it start this year because the more we prolong it, the more it's going to cost.

But definitely do you have any updates on that? Can you give us even a firm date on when you would anticipate that starting?

DOT COMMISSIONER DOMINGUEZ: So the great news is is that Governor Hochul put

forward the Route 17/86 project in the State of the State and in the budget proposal. And so we can build off the environmental linkage study that's been completed and get into the EIS process here.

It's a very complicated area, as you well know. Lots of environmental challenges, I'll say, with a number of wetlands and other things. But that said, we're going to go at it and look to get this done. I think it's a big investment in this area.

ASSEMBLYMAN BRABENEC: Absolutely.

You wouldn't happen to have any anticipated firm dates in mind or anything?

DOT COMMISSIONER DOMINGUEZ: We're looking to get the EIS started as soon as possible. But as soon as you guys pass the budget, we're -- we'll be ready to spend it.

ASSEMBLYMAN BRABENEC: All right, great.

And one last thing is as with many other communities, a lot of the state roads in my district are just getting pummeled with craters and potholes and I'm getting a lot of

complaints at the office. I just wanted to see if you could put forward to the regional director, Lance, who's been fantastic -- but just definitely maybe communicate with him, see if we can get some of this stuff fixed over there for the residents.

DOT COMMISSIONER DOMINGUEZ: Okay. I will tell you that the Governor added into this budget a new program. In addition to the significant record levels of funding for roads and bridges and CHIPS and everything, she also added Operation Pave Our Potholes. So it's about $100 million annually in new funding. So just know that that's going -- we're looking to leverage that as well.

ASSEMBLYMAN BRABENEC: All right. Thank you, Commissioner.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you. We're up to Senator O'Mara, ranker, for five minutes.

SENATOR O'MARA: Thank you, Senator.

Commissioner, good afternoon --

DOT COMMISSIONER DOMINGUEZ: Good afternoon.

SENATOR O'MARA: -- at this point. A couple of quick questions for you.

I wonder if you could help me clarify my math, that shows me that we're getting a record $4.6 billion additional funding from the federal government, yet over the five-year plan, the total spending only increases by $2 billion. Can you tell me if my math is wrong? Or why is the state not keeping up with the level -- the level of spending?

DOT COMMISSIONER DOMINGUEZ: Actually, the state is keeping up with the level of spending. What we've looked at -- I don't know about the math, but I will tell you that going back for the last five -- previous five-year capital plan, this far exceeds it.

The last two years, as you well know, the federal government was not in a position to actually firmly commit, by any stretch of the imagination, to federal stable funding. And as a result of that, for purposes of our

transportation infrastructure budget, the state stepped up and contributed significantly to make sure that the Department of Transportation advanced our record level of investment across the entire State of New York.

So when we look at all of that and we factor it all in, we really are in not just a steady state, but advancing our investment in our core projects here.

SENATOR O'MARA: But what is the level of increase to the state funds that's going into the five-year capital plan?

DOT COMMISSIONER DOMINGUEZ: The -- what we're looking at in terms of -- it's an increase of 9.5 billion, or about 40 percent, almost 41 percent, over a five-year period.

SENATOR O'MARA: Okay. Thank you for that.

I know you testified earlier that you still don't have the details on how the pothole fund is going to be distributed. Do we expect that to come within the 30-day amendments?

DOT COMMISSIONER DOMINGUEZ: Yes.

SENATOR O'MARA: Okay --

DOT COMMISSIONER DOMINGUEZ: Let me just say -- let me just say, for the record, it's not mine to do. It really is something that -- you know, it's a proposal that's been put forward. It's a line item. And the question is really how does the Legislature and the Executive want to negotiate exactly how that -- how those dollars will be spent.

So I just -- I want to clarify that, that it's not the department's -- we'll implement and execute on whatever you all decide.

SENATOR O'MARA: So it may not necessarily just follow the CHIPS formula, then? It may not be evenly distributed?

DOT COMMISSIONER DOMINGUEZ: It literally is up to however the criteria that you develop comes about.

SENATOR O'MARA: Okay. One more question on the broadband state highway tax. I have a project within my district in Yates County where Yates County received I

believe the first ever USDA grant in the nation for a municipality to build out rural broadband.

And they're going to be hit with this tax. And my understanding is because of that, they're redrawing their maps to avoid state highways and thereby also likely the residences that live along our rural state routes. How do we justify that to Yates County, who's undertaking a project like this?

DOT COMMISSIONER DOMINGUEZ: So the Department of Transportation is actually implementing the requirements that the Legislature put forward with regard to the fiber optic installation and state right-of-way.

So I just want to be clear that, you know, our goal and what has been put forward is that we're trying to make sure that we enhance every opportunity possible to make sure that all New Yorkers, rural or urban, have access to broadband. And with regard to how that's actually done, again, the

parameters for that have been set forth in legislation.

SENATOR O'MARA: Okay. Well, I'll just use my last 20 seconds to just say to you and to the majorities that baked up this highway tax, it's time to get rid of it. It's probably one of the most counterproductive things I've seen in my time in the State Legislature, when an overarching goal of ours is to build out rural broadband yet we're going to tax probably the most efficient routes to get to that.

THE MODERATOR: Pardon me, your time is up.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Fahy.

ASSEMBLYWOMAN FAHY: Hi. Sorry. Thank you, it took a second.

Hello, Commissioner, and thank you to both of our chairs.

A couple of things, Commissioner, and thank you for reaching out in advance. But I

want to reiterate a couple of things, and I have two quick questions {inaudible}.

One, I want to reiterate that I missed some of this because I had multiple committee meetings today, but I do want to reiterate some of what we talked about yesterday, and that is I have many aging baby boomers as well as we're trying to attract and keep more millennials in my district and in the Capital Region too. {Zoom audio issues.} I thank you for your work and ask that we push as hard as possible on doing this from a safety point of view as well as -- as well as an economic development -- so I think we can't {Zoom audio breaking up}.

DOT COMMISSIONER DOMINGUEZ: Assemblymember Fahy, I'm really -- I'm very sorry, I can't hear you.

ASSEMBLYWOMAN FAHY: -- pedestrian and bike lanes and other multimodal paths.

We spoke yesterday about Wadsworth, which we are incredibly excited about. I want to work with you and multiple agencies -- okay, I apologize. I'm sorry,

I'm speaking -- I'm not in my office, I'm in -- I'm with my son. Is that better, Commissioner?

DOT COMMISSIONER DOMINGUEZ: Yes. Yes, thank you. Better.

ASSEMBLYWOMAN FAHY: So just very quickly, so I would like to talk to you more about Harriman Campus and how we redo or undo some of the economic development mistakes of decades ago.

Then 787, very, very interested in reclaiming the waterfront, as so many urban areas and other areas around this country are doing. I think there's some creative opportunities without necessarily impeding traffic much. But we do need at least a million or $1.5 million to look at multiple {inaudible} along Albany's waterfront -- Land Ridge {ph} or Cap Park, as I've mentioned, as well as even canals off 787 or off the Hudson River, I should say. So to be continued on that, but definitely working on -- interested in a capital grant.

And then I guess I'm down to one

question now, because I know I'm going to run out of time. Child safety regs. I understand that was brought up earlier today. That's a chapter -- {audio breaking up} it's 623. I mentioned it yesterday. And this is called School Busing for Children -- high crime areas or a lot of vacant land.

Do you have a sense of when those regs might be issued? This is a law that was signed into law last year. We spent many years on it, Commissioner, and it's something SED must implement, but they need the DOT regs.

And again, sorry for my time. That might be a -- I hope it's a quick question.

DOT COMMISSIONER DOMINGUEZ: So as I said before, I'll be happy to get back to you --

THE MODERATOR: Pardon me, but your time is up.

ASSEMBLYWOMAN FAHY: Can you just finish that sentence, just "happy to get back to you" --

(Unintelligible overtalk.)

DOT COMMISSIONER DOMINGUEZ: Yes.

ASSEMBLYWOMAN FAHY: Thank you. And thank you, both chairs. Thank you.

CHAIRWOMAN KRUEGER: Okay. Sorry about all that. I think we're up to John Liu. Yes indeed. There you are, John Liu. Hello.

SENATOR LIU: Thank you, Madam Chair.

And thank you, Commissioner, for joining us.

Commissioner, in your testimony you talked about the work that your agency is doing to enhance public safety. And a number of my colleagues have asked you about movement, both private as well as commercial vehicles, on state roadways.

My question has to do with these vehicles, particularly commercial vehicles when they are actually not moving but actually parked. And we've got these enormous numbers of tractor trailers that are parked on residential streets in residential neighborhoods, parked overnight, parked for weeks at a time, and they really don't belong

there.

My question is I know it's illegal for them to park on these residential streets, but does the State DOT have anything to do with this? And potentially, you know, what can be done about licensing or getting them State DOT permits or revoking such permits? What if anything can State DOT do to help curb this very dangerous and illegal practice of large tractor trailers parking in residential communities on residential streets?

DOT COMMISSIONER DOMINGUEZ: I would be happy to look into it. I am -- and if there's some specific examples that you'd like to look -- for us to take a look at. I realize that, you know, this happens in more rural areas. But if you're talking about an urban environment, I'd also like to understand that as well.

SENATOR LIU: Absolutely. I mean, we've got -- again, they're residential streets, particularly in my district, which to some of my Manhattan colleagues, like my

honorable chairperson, they may seem rural. But out in Queens Village and Whitestone --

(Laughter.)

SENATOR LIU: -- they are actually city, urban and residential.

CHAIRWOMAN KRUEGER: Don't drag me into this, John Liu. Don't drag me in.

SENATOR LIU: I'm sorry, Madam Chair. I couldn't resist.

But, you know, it is a big problem. And I'd like the State DOT to see what can be done by your agency to perhaps some of these permits. Because they do get ticketed by the local precincts, but it just becomes a cost of doing business to just go ahead and pay these fines.

Can State DOT do anything with regard to the licensing of these trucks as DOT -- as DOT vehicles?

DOT COMMISSIONER DOMINGUEZ: So I will tell you that the licensing of trucks writ large is handled by the Federal Motor Carrier Safety Administration, and how they're registered and how they actually operate and

the requirements are all done at the federal level.

The question about use of a street, whether it's a state street or a city street, and kind of how they're actually accessing this street, you know, we can look at that. But the licensing requirements and literally the parameters that tractor trailers in particular are subject to all come from the federal government.

THE MODERATOR: Pardon me, but your time is up.

SENATOR LIU: Well, thank you so much.

And thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Hello, Commissioner. And this is also an issue in my rural community of Brooklyn.

And I think as the Senator knows, we've actually raised the amount of the tickets for these cars that are parking on the street. And part of the issue is the PD doesn't even have the heavy-duty tow trucks

to be able to pull the trucks off of the streets.

We won't count that as an Assembly --

CHAIRWOMAN KRUEGER: No, go on to your next person.

CHAIRWOMAN WEINSTEIN: We'll go to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Good afternoon, Commissioner. Good to see you again.

A few quick comments; you don't need to respond actually because we talked about it.

I just want to say right off the bat, geared towards my colleagues, we should definitely eliminate and get rid of that fiber optic tax fee on a DOT right-of-way.

We should all be supporting an increase in the CHIPS base aid. And that pothole program should definitely be done and implemented through the CHIPS formula so it's spread out across all our communities.

Commissioner, my question really plays around -- given the DOT's own pavement

condition reports show an unprecedented decline in the conditions which are conditions worsening in just about every region of the state, and given the fact that the Comptroller came out with a report in January talking about the last time the DOT did a needs-based assessment in 2007 which showed that local roads would need about $32 billion over 15 years to restore and help with repavements and improvements, and given the fact that DOT came out with their TAMP, Transportation Asset Management Plan, showing for bridges alone the plan would project the agency would have to triple its current expenditures through 2028 to bring them up to a state of good repair -- and for just the national highway system pavements, they calculate expenditures would have to be increased by 2.5 times over the next 10 years -- given our state of decline along the infrastructure that we're seeing, given the fact that there hasn't been a really thorough needs-based assessment by DOT for our local infrastructure, and given this

report that shows the tremendous need there is, wouldn't it be a wise idea to increase our investment in our five-year capital plan to meet these outstanding needs, to meet the conditions that we have?

I mean, we're happy that there's a five-year DOT capital plan, but from my perspective and a number of my colleagues, it does not go far enough to meet the needs that we have out there, particularly in our local infrastructure and in our state infrastructure system.

And shouldn't we also look for the DOT to also do a capital needs assessment on the local highway system again?

DOT COMMISSIONER DOMINGUEZ: So a few things, Assemblyman.

First and foremost, I just want to reiterate again that this Executive Budget really does provide $6.1 billion in direct state aid to local governments for highways and bridges. That goes for repair, rehabilitation and fundamentally for modernization. It's an increase of

$550 million over last year's Executive Budget. That's 86 percent, which is pretty significant.

And as we look at the Comptroller's report, the department's pavement condition, you know, data collection process, we do collect all the condition information from locally owned, federal -- and this is really important. We collect the information from federal aid --

THE MODERATOR: I'm sorry, but your time has expired.

DOT COMMISSIONER DOMINGUEZ: So -- yeah.

CHAIRWOMAN KRUEGER: We're going to ask you to do a follow-up, probably in writing, to all of us, and we will share it with all the committee members.

DOT COMMISSIONER DOMINGUEZ: I'd be happy to do so.

CHAIRWOMAN WEINSTEIN: All right, now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And we are on to Senator Jim Gaughran,

who I think has returned from committee meetings. Hi, Jim.

SENATOR GAUGHRAN: Oh, how are you again, Madam Chair.

So Commissioner, I just really have a question to ask you and also see if you could follow up on an issue that we're having in my district.

We've had a problem with, you know, the great work that's being done on our state roads. And one road in my district in the Town of Huntington, Route 110, it has had an impact on fire and ambulance services, and we've had difficulty in getting DOT representatives to actually even meet with and talk to fire departments about some of the issues that they've been confronting.

Specifically, there have been medians, you know, traffic calming efforts that have been put in, you know, either without consulting with the fire departments and ambulance companies or, in effect, you know, ignoring their wishes. And I have seen videos where ambulances are bumping over

these medians and literally shaking the person in the ambulance who is being rushed to the hospital, and creating additional issues for that individual.

So I don't know if there's a policy that needs to go into place to make sure that there is this direct communication with these emergency responders. And also I would ask that one particular fire department in my district, the Huntington Manor Fire Department, be given a meeting that they're requesting to resolve one of these serious issues.

Thank you.

DOT COMMISSIONER DOMINGUEZ: You're welcome. From what I understand, I'm aware of one community.

The bottom line is is that the Department of Transportation meets regularly with fire and rescue across the board to make sure that there's, you know, not only a safe ingress and egress, but that we're following all the safety principles and engineering that we need to, not only just for purposes

of the safety of the emergency responders -- because obviously that is fundamentally very critical -- but also anybody wanting from a pedestrian or motorist perspective, making sure that there's those safety parameters in and around a firehouse or an emergency response facility.

SENATOR GAUGHRAN: But in this particular case, they're not doing it. Okay? They're refusing to meet and they're ignoring.

So I would ask, at least for this one particular matter, if we could contact your office to accommodate this discussion.

DOT COMMISSIONER DOMINGUEZ: Yes.

SENATOR GAUGHRAN: Thank you, Commissioner.

CHAIRWOMAN KRUEGER: Okay, thank you, Senator Gaughran.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Zinerman.

CHAIRWOMAN KRUEGER: I see her.

ASSEMBLYWOMAN ZINERMAN: Yes. I'm

just on two Zooms, so I'm trying to lower my volume.

Good afternoon, Commissioner. I have two questions for you this afternoon.

Last year the State Legislature approved funding to replace the lead service lines that connect underground water mains to homes throughout the state. Last weekend I had the opportunity to actually visit our neighboring state of New Jersey, which is receiving high praise for the efficient manner that they completed their replacements.

Can you update us on the agency coordination and action plans to replace our lead pipes, with a special attention, I hope, to not inconveniencing our residents and transportation. One of the neighbors was very interested in sharing with me that it only took a week for them to replace an entire block full of homes, and they were appreciative of the fact that the state was as coordinated.

So that is question number one.

And then number two, I represent the 56th Assembly District in Brooklyn, which is a majority community of color. I'm also a card-carrying member of the Brooklyn NAACP. So when we --

{Zoom interruption.}

CHAIRWOMAN WEINSTEIN: Can someone mute themselves, whoever is unmuted, please.

ASSEMBLYWOMAN ZINERMAN: Probably me.

-- I was actually pleased to see civil rights listed first under your program and services. They cover the Americans with Disabilities Act, disadvantaged business enterprises, environmental justice, and limited English proficiency.

So what grade would you give your agency in the area of civil rights? And what are your priorities in the upcoming year?

DOT COMMISSIONER DOMINGUEZ: So that's an excellent question.

I would -- we have been driving -- one of our core values is diversity and inclusion writ large. So whether that's through our supply chain, our workforce and our hiring

initiatives, I will tell you that it has been a goal and a value for the New York State Department of Transportation writ large.

And we're making strides. We've got, you know, more to do, certainly. But the fact is that it is a core value that we not only embrace but we literally execute on. So we are increasing our MWBE, trying to do more on that side with regard to our contracting efforts. But one of the things that we're trying to do, as we have the opportunity to bring on more staff, is make sure that that level of diversity and inclusion is reflected in our workforce statewide.

So all elements of civil rights --

THE MODERATOR: I'm sorry, your time is up.

DOT COMMISSIONER DOMINGUEZ: Can I -- okay.

(Unintelligible overtalk.)

CHAIRWOMAN WEINSTEIN: If you just want to finish that sentence, Commissioner.

DOT COMMISSIONER DOMINGUEZ: I'll make sure that -- Chair Weinstein, that we

respond. I mean, the bottom line is we don't have jurisdiction over lead pipes, but ...

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you. We are going next to Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Commissioner, thank you for being here.

I want to start off by giving a shout out and a compliment to your Western New York team. Frank Cirillo and Richard Fontana have just done great work, and we truly appreciate all that they do to move projects along and do things in our area. So thank you.

DOT COMMISSIONER DOMINGUEZ: Thank you.

SENATOR BORRELLO: I do want to talk about not just the crushing fiber optic tax that has really scaled back projects -- and I realize that was a legislative initiative and you've got to deal with that. But there's a lot of DOT fees that have really caused

problems. The biggest one that I hear from broadband providers is the resurveying of utility poles that they're attaching to.

Now, I'm not an expert on utility poles, but I know they don't get up and walk around. So it just makes no sense that you actually have to do that. In some cases you're talking about a couple hundred thousand dollars.

Now, I understand in New York City when you're running one fiber optic cable to a high-rise and getting hundreds of customers, that's one thing. But in our rural areas where you're running miles of fiber optic cable to get to a handful of homes, it's a real problem. And it's also delaying a lot of projects.

There's also this PERM 75, which was a new requirement that not only is it a costly thing to do the survey, but the maps cost about up to $7,000 a mile. And it used to be a simple process, PERM 32, which would take a few hours of a staffer's time at a fiber optic company and cost $63, and now it's

thousands of dollars.

So we're killing these projects with these fees. Can you please address that?

DOT COMMISSIONER DOMINGUEZ: So I'm going to -- I said this before, but I just want to be really clear that if there is a company that is looking to leverage the grant that they've received under the state's Broadband Program to assist in the development of expanding broadband, there is no fee that's associated with that. They will not be charged a fee for fiber optic lines installed in that program. So --

SENATOR BORRELLO: Yeah, I get that. But with all due respect, what you're saying is if you're taking taxpayer money, you don't have to pay the fee. But if you're paying your own way, you have to pay the fee. That doesn't make any sense.

DOT COMMISSIONER DOMINGUEZ: So there's -- the criteria for the program were established, and so that's the one element.

For the program that the DOT is implementing, what you're referring to in

terms of the program that we've instituted to help literally interpret and facilitate the Legislature's requirements, the bottom line is is that we put it all in a framework of safety. So we've tried to streamline this. We've been working with the fiber optic companies.

So some of the studies in the surveys and everything that you've -- a number of things that you've referred to, we've actually helped streamline that for them so that it's accessible online. They don't have to go to the counties themselves and get maps. They're now online, available at the New York State DOT website. We're trying to facilitate and make, you know, this process as streamlined as possible.

The bottom line is is that we welcome the opportunity to continue to work with the industry to make sure that we're doing everything that we can, first and foremost, to make sure that it's a safe process. So even if --

THE MODERATOR: I'm sorry, your time

is up.

SENATOR BORRELLO: Thank you very much. I appreciate your comments.

CHAIRWOMAN KRUEGER: Okay. Assembly?

CHAIRWOMAN WEINSTEIN: Yes, I believe our last questioner is Assemblyman Magnarelli, second round.

ASSEMBLYMAN MAGNARELLI: I have a lot of questions left. Two, Madam Chair.

Okay, going back to our transit systems upstate, I had proposed a grant program last year to address transit deserts, especially in our rural areas, improving the access to them with a pilot program that would allow passengers to arrange for trips electronically, different ways of getting people there. Or at least to a hub.

Does the proposed capital plan include any funding to address this issue in upstate New York?

DOT COMMISSIONER DOMINGUEZ: We do. some of the monies that we've included here can actually help leverage those technologies. And Mr. Chairman, you held a

hearing earlier -- or actually I guess maybe last year -- that actually talked a lot about this.

And so there is technology, there's apps, there's innovation that's available to help do this. So that's exactly what we're trying to do with some of the upstate authorities to leverage some of that.

ASSEMBLYMAN MAGNARELLI: That's good to hear.

Going back to passenger and freight rail, okay, the Executive Budget includes a $500 million appropriation of federal funds for intercity passenger rail -- congestion relief, high-speed rail, et cetera, et cetera. Is this for federal formula funds or funds that we have to apply for?

DOT COMMISSIONER DOMINGUEZ: Yes, it's for formula funds.

ASSEMBLYMAN MAGNARELLI: So we're going to get it.

DOT COMMISSIONER DOMINGUEZ: No, we have to apply for it. There are federal dollars that are being made available under

discretionary programs and grant --

ASSEMBLYMAN MAGNARELLI: So it's a yes and a yes, two yeses.

DOT COMMISSIONER DOMINGUEZ: Yes. Yes, we can apply for it and hopefully get it.

ASSEMBLYMAN MAGNARELLI: Okay. And hopefully we are applying for it, right?

DOT COMMISSIONER DOMINGUEZ: Yes.

ASSEMBLYMAN MAGNARELLI: So what projects are you including in that? Let me just go through the three questions, because this goes by fast.

Is there a one-time appropriation or will this funding be available each year for the five-year federal authorization?

What has been done to ensure that we receive this funding and that projects can begin as soon as possible?

I'm trying to figure out, what we are doing?

DOT COMMISSIONER DOMINGUEZ: So right now we're waiting, I will tell you on the federal side, to see what the discretionary

program criteria are going to be. And as soon as we understand what the parameters of that are, we will be applying for these grants.

ASSEMBLYMAN MAGNARELLI: Okay. What is being done to ensure that passenger rail service improves between Albany and Buffalo? You touched on that a little bit earlier.

DOT COMMISSIONER DOMINGUEZ: So we've been -- as you know, one of the most critical things that we've undertaken is a Tier 1 EIS. And, you know, leveraging the work that we've done there --

THE MODERATOR: I'm sorry, your time is up.

ASSEMBLYMAN MAGNARELLI: Okay.

DOT COMMISSIONER DOMINGUEZ: I'll be sure to follow up with you directly, Mr. Chair.

ASSEMBLYMAN MAGNARELLI: Thank you. Thank you, Commissioner.

CHAIRWOMAN KRUEGER: Thank you. All right, so I think we're up to me. Helene, I have several questions from other colleagues.

So nice to see you again, Commissioner.

One of my colleagues is concerned that upstate transportation authorities I guess get a much smaller percentage of transportation authority money -- I'm assuming we're talking public transportation authorities -- than downstate MTA, and was hoping that she could understand why we have different sort of historical formulas for these. One, I'm going to ask is that true that we do have different formulas, and what's the justification.

DOT COMMISSIONER DOMINGUEZ: So there are different revenues that contribute to funding for upstate versus -- you know, basically non-MTA versus MTA transit. And the bottom line is is that the MTA has, you know, revenue streams they're able to basically tax in a number of different entities that generate revenues that go directly to their operating assistance programs.

And so the state, for all the other

non-MTA programs, basically provides that level of assistance for all public transportation systems across the rest of the state. That's going up this year, recognizing that there's greater need. But the bottom line is is that there's two different revenue streams to help support all of this.

CHAIRWOMAN KRUEGER: Okay. So she was specifically interested in funding for the CDTA in Montgomery County. Do you believe there's any additional funds for that specific CDTA?

DOT COMMISSIONER DOMINGUEZ: Yes. So I think you're referring to some of the work that Amsterdam is doing, and the bottom line is is that they're going to be incorporated into the larger CDTA, you know, operating framework, and it's about $2 million worth of investment that we're looking to leverage.

CHAIRWOMAN KRUEGER: So several of my colleagues raised the concern that the funding for the pothole program may not be following traditional CHIPS funding. But

you, in explaining how you look at potholes statewide, talked about that you do literally ongoing on-site evaluation.

So wouldn't it be rational that you would distribute these funds based on greatest need, not based on some other program's historical distribution? And how can you approach it? Does that make sense?

DOT COMMISSIONER DOMINGUEZ: So we are looking at greatest need. That is exactly part of one of the criteria that I think we'll put forward on how it goes particularly to the pothole program. You know, it really is -- this is need-based.

So I think, you know, there's -- I hear what a number of the legislators are talking about in terms of kind of are we going to look at a formula, are we going to look at CHIPS-related formula funding, what's the criteria going to be.

There's a lot of ways that we can look at it. How the Legislature and the Executive ultimately decide to do it, that will be up to you all. But at the end of the day, for

potholes in particular, I think we need to look at critical need because there is some critical need out there.

CHAIRWOMAN KRUEGER: So a couple of my rural colleagues like John Liu and Helene Weinstein talked about --

(Laughter.)

CHAIRWOMAN KRUEGER: -- large trucks being parked on their roads, and a suburban colleague or two talked about problems with changing the roadways and making it more difficult for emergency equipment to get through, fire trucks and ambulances. And the truth is in urban New York City, where I happen to come from, we're also doing mass amounts of roadway changes in attempts to balance out the needs of cars, trucks, pedestrians, bikes, scooters, restaurants in our roadways, et cetera.

I feel like we need like a summit of Department of Transportation, City Department of Transportation, Department of Motor Vehicles, to actually say, We don't have the right rules in place to address the problems

we're seeing. The 21st-century is really different on our roadways than the 20th century. And I'm now speaking for that little island Manhattan, we are constantly in crisis with not even knowing how to correctly change the rules.

For example, my fire department reported to me -- and I went out and we looked. When we put restaurants in the roadways next to bike lanes next to triple parking, when a fire truck has to come up to a building it may be three lanes farther away than it normally would be. Which means its ladder is only getting to Floor 4, not Floor 7, which is a really bad thing in a fire.

And that the ambulances and the fire trucks sometimes cannot make the turns from cross-streets to avenues because of the equipment that we have put up.

And I just think we're all trying to figure this out piecemeal, when we really need to come together with who you all say are the really smart people and maybe stop

and say, well, maybe we need to change some of the laws we have so that we can address this correctly.

What do you think of that idea?

DOT COMMISSIONER DOMINGUEZ: I do agree with you that the use of our roadways has fundamentally changed over the last decade, and I would say it's been even further changed during COVID. Certainly in the city, you know, the increase significantly of restaurants and other uses of the roadway, you know, that would be City DOT. But New York State DOT, we have our own permitting process for accessing the roadway for purposes of food and beverage, and so we have a permitting process that really looks at the larger safety plan for that.

But, you know, at the end of the day it all gets to a safety framework. And so how we can do that and make sure that we're doing that in a coordinated fashion, you know, happy to help you with that discussion.

CHAIRWOMAN KRUEGER: I just think it would help us all, which is why I'm raising

it. I mean, our -- the previous governor, which never should be used as a model for anything, but he used to like to do summits on cottage cheese and things like that.

But I think that a summit on how we come up with modern road safety pragmatic changes in design and use of our roads would be a really important issue throughout the State of New York. So --

DOT COMMISSIONER DOMINGUEZ: Well, it would leverage, Senator, some of the concerns that we see, including distracted driving and some of the other really critical safety issues that are coming about and that need to be messaged because, you know, there is opportunity. Fundamentally, there is opportunity.

CHAIRWOMAN KRUEGER: Got it. And in case I just get slapped around for dissing cottage cheese, it was actually yogurt, not cottage cheese, so --

(Laughter.)

DOT COMMISSIONER DOMINGUEZ: I knew that.

(Laughter.)

CHAIRWOMAN KRUEGER: I'm going to cede back my few minutes, but I do have one more Senator if you're out of Assemblymembers.

CHAIRWOMAN WEINSTEIN: I actually had some follow-up questions.

CHAIRWOMAN KRUEGER: Please. Please.

CHAIRWOMAN WEINSTEIN: So Commissioner, I had some follow-up questions that Assemblyman Magnarelli hadn't had -- didn't have time to ask you.

So the first relates to upstate transit and the dedicated taxes that support upstate transit operating assistance have been insufficient, as you know, for many years. Are there any additional sources of dedicated revenue for upstate transit systems that are under consideration?

DOT COMMISSIONER DOMINGUEZ: Not at this time. But that's one thing that obviously, you know, the Legislature and the Executive can look at.

CHAIRWOMAN WEINSTEIN: And then switching -- no pun intended, switching to

electric vehicles, the federal Infrastructure Improvement and Jobs Act includes funding for New York for electric vehicle charging stations. So we have a couple of questions relating to that.

How much do you expect New York to receive over the next five years? Is DOT developing a plan for the funding? If so, when will it be complete? Can we get a little preview of the plan now? And what criteria will be used to determine where charging stations are located?

DOT COMMISSIONER DOMINGUEZ: So we're working on a plan right now with our partners at NYPA and NYSERDA and DEC because the electrification infrastructure as well as the entire planning isn't fully developed. And obviously it won't be something that we engage the public with directly.

We're going to get about -- New York's going to get about $17.5 million -- excuse me, $175 million. Excuse me.

CHAIRWOMAN WEINSTEIN: Okay, sounds better.

DOT COMMISSIONER DOMINGUEZ: I was like, wait a minute, that's not enough (laughing).

-- $175 million to help out with our electrification. And the bottom line is is that I fully believe that we'll have, you know, additional opportunities to apply for some other possible pots of money that USDOT puts forward with regard to some of the climate dollars that they're looking at in those buckets.

CHAIRWOMAN WEINSTEIN: So it's too premature at this point to have any kind of preview of where they'll be located?

DOT COMMISSIONER DOMINGUEZ: Yes. Right now we're literally like just setting up the -- you know, in the initial stages of the discussion with the power authorities, et cetera, to really frame out what a plan can be.

CHAIRWOMAN WEINSTEIN: Okay. Thank you. Thank you very much.

Senator Krueger, you said you had an additional Senator?

CHAIRWOMAN KRUEGER: We have a three-minute second round for Senator Tim Kennedy.

SENATOR KENNEDY: Thank you.

Commissioner, thank you again for your testimony. We've discussed a lot in the last almost two hours.

Look, going back to the capital plan, my goal at the end of this five-year capital plan is for our roads and bridges to be in better shape than they are today. Can you guarantee that the level of funding that's in this proposed plan is going to result in the -- improved road conditions statewide?

DOT COMMISSIONER DOMINGUEZ: I do think that it will significantly -- you know, first and foremost, it's a significant investment. And as you know, Senator, conditions are rough, especially around the state. But I do think that overall, given the dollar amount that we're looking at here, it will go towards an overall improvement in our conditions.

SENATOR KENNEDY: And one of the DOT's

initiatives for letting projects in past budgets was forwarding them from the fourth quarter to the third quarter to speed up the project. How is that working out?

DOT COMMISSIONER DOMINGUEZ: We have had -- I will tell you that we're getting everything out. The bottom line is is that by the end of this fiscal year we will have executed on every dollar available in our capital plan.

SENATOR KENNEDY: And is the department still accelerating these lettings to the third quarter?

DOT COMMISSIONER DOMINGUEZ: Yes. We're doing as much as we possibly can, and we're actually doing some more work internally to see what more we can do to accelerate and make our letting process more efficient.

SENATOR KENNEDY: And you were able to deliver more projects or reduce the costs?

DOT COMMISSIONER DOMINGUEZ: Yes.

SENATOR KENNEDY: Great. And then I want to go back to something that my

colleague in the Assembly mentioned earlier, and that's the Intercity Passenger Rail Capital Improvement Program. Is there a written plan for this program?

DOT COMMISSIONER DOMINGUEZ: We have -- we have some traditional things that we're building off of. But we're happy to kind of sit down with you and go through some of those criteria that we look at and how we go about it.

SENATOR KENNEDY: Yeah, I think a written plan would be good for the Legislature, for customers, particularly Amtrak, and communities across the state to get an idea of what we're all trying to accomplish here.

And then since I have a few --

DOT COMMISSIONER DOMINGUEZ: Senator, just really quickly, a lot of that is dictated under the existing criteria for passenger rail. So -- the federal requirements. So just wanted to make sure that you're --

SENATOR KENNEDY: And let me finish

where I began hours ago. How is the DOT making sure that the needs are being assessed as the capital plan is rolled out, that the needs are taken into consideration and that we're investing in the areas that need it the most?

DOT COMMISSIONER DOMINGUEZ: So I think that the bottom line is is that we have a very robust asset management process. And what that allows us to do is marry data with literally --

THE MODERATOR: Pardon me, but your time is up.

DOT COMMISSIONER DOMINGUEZ: -- and understand the criticality of where we need to invest.

CHAIRWOMAN WEINSTEIN: Thank you.

SENATOR KENNEDY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner.

Just -- there are no additional questioners. And I know you were cut short a few times; that was not your fault, it was

more likely the fault of a lengthy question or one that was too complicated to answer in just the short time. So when you do send answers to any of the questions that were missed -- I'm sure your staff is paying attention to that -- make sure they go to both myself and Senator Krueger.

And with that, we thank you for being here, look forward to continuing to work with you as we move forward on the budget.

And we are going to call our next governmental witness, New York State Department of Motor Vehicles. I think they've worked out the video problem we were having, so --

DOT COMMISSIONER DOMINGUEZ: Madam Chair, I just want to say a very sincere thank you to you and Senator Krueger, Senator Kennedy and Assemblyman Chairman Magnarelli, and all of the members. I greatly appreciate the opportunity to provide testimony today on behalf of the administration. Thank you so very much.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: So we have with us a former colleague in the Assembly, Mark Schroeder, commissioner of New York State DMV.

Mark, so before --

DMV COMMISSIONER SCHROEDER: Thank you.

CHAIRWOMAN WEINSTEIN: You know the ground rules. So there's 10 minutes on the clock. Feel free to not use it all. And we have distributed your testimony to the members.

DMV COMMISSIONER SCHROEDER: I'll be way under.

So good afternoon and thank you, Chairperson Krueger, Chairperson Weinstein, Chairperson Kennedy, Chairperson Magnarelli and other members of the Legislature for inviting me here today. My name is Mark Schroeder. I'm the commissioner of the Department of Motor Vehicles and chair of the Governor's Traffic Safety Committee.

I want to start again this year by

honoring and recognizing the employees of the Department of Motor Vehicles. Perhaps more than most, DMV is the window through which New Yorkers directly interact with their government, and our motor vehicle representatives and motor vehicle license examiners are the primary contact point of those interactions.

COVID has foundationally changed the way DMV does business and how we interact with our customers. From the early days of the pandemic our employees have adapted to PPE, social distancing, plexiglass, alternative schedules, and other safety protocols. Our employees have not only met these challenges, but they have exceeded all expectations and continue to provide invaluable service to our customers.

I'm so incredibly proud of the job they have done, and we will build upon these successes as we move to transform the Department of Motor Vehicles in the way we do business and interact with the customer.

Each year the DMV provides services to

approximately 15 million New Yorkers through more than 35 million customer interactions. Through its state and county-run issuing offices, traffic violation bureaus, safety hearings, and other related activities, the New York State Department of Motor Vehicles collects more than $2.1 billion in revenue annually.

Governor Hochul's Executive Budget plan provides $567.5 million for DMV to support its main office in Albany, 29 state-operated offices, and 93 county-operated offices.

In January 2022, DMV launched a new Innovation Center here in Albany, where I am sitting right now. Through the lens of our customers, we will use this location to design and test new products.

This budget will enable us to continue our efforts to reflect our mission statement and to improve overall customer service, promote traffic safety, and protect consumers.

Additionally, DMV is undertaking a

transformation in the way we do business. The COVID-19 pandemic presented many unique challenges for DMV, but it became the catalyst that drove the department to think bigger about its need for change and new ways of doing business with New Yorkers.

DMV's ambitious transformation effort will seek to modernize not only DMV technology, but also the department's overall operations and customer service capabilities to provide increased levels of service and satisfaction for New Yorkers and business partners.

In accordance with the department’s new strategic plan, DMV transformation will shatter the perceptions of our customers by providing simplified, effective, and responsive services through the following tenets:

We will reduce the overall need for customers to interact with the DMV in person.

We will go to the customer with personalized, curated, and contextually relevant services.

We will strive to ensure that the customer is successful in completing their transaction the first time.

More specifically, DMV will engage multiple projects within the following workstreams to accomplish our goals, including but not limited to: Expand digital products and services, including online permit capabilities with recent improvements to reduce fraud, as well as an online transaction for original registrations; provide timely and consistent customer support services for New Yorkers, as well as for our offices and business partners; reshape the DMV organization to effectively support sustainable services; strengthen the capabilities of our program project and change management competencies across the agency to better support both transformation and day-to-day business; partner with the NYS Office of Information Technology Services to build sustainable and secure next-generation technology using a data-first approach, and to retire unsupported and

outdated systems as new functionality becomes available.

In order to achieve these lofty goals, Governor Hochul's Executive Budget recommends $106 million to build a new technology infrastructure, including the purchase of hardware, software, and development services. This will allow the department to eventually replace our current legacy systems that are difficult to support and modify and that often restrain the development of new digital offerings.

We will also use some of the funding to bring on additional employees to support transformation, like project managers and business analysts. These changes and others will help DMV effectively face the ongoing challenges of today.

Beyond the obstacles presented by COVID-19, DMV continues to face increased federal mandates, including the imminent deadline associated with the Federal Real ID Act.

Additionally, DMV remains committed to

working with our partners in state government to improve driver safety, deliver secure identity documents, and administer the laws enacted to promote safety and protect consumers.

In accordance with these principles, and aligned with the Governor's priorities, DMV will strive to be as open, ethical and transparent as possible, while protecting the secure data which we are assigned to do. The DMV website serves as the primary tool for public transparency, providing clear and understandable explanations of what are often complicated statutory requirements.

The DMV website also offers more targeted transparency tools, like a prominent homepage link to simple instructions on how to submit a Freedom of Information Law request by either email or postal mail, and links to online services or field office locations, as well as DMV statistics regarding driver licenses and vehicle registrations.

While the department is constantly

updating and improving its website, a comprehensive redesign is planned for 2022 which will result in a more user-friendly and modern site.

In closing, customer service is our guiding principle. With the improvements already implemented and those we anticipate introducing in the coming year, I am confident 2022 will be a year of accomplishment and advancement and innovation at the DMV.

Once again, thank you for this opportunity to speak with you today. DMV is committed to operating in a transparent manner that is open and forthright to all New Yorkers. I welcome any questions that you might have about DMV and our plans for serving your constituents, the people of New York.

CHAIRWOMAN WEINSTEIN: Thank you.

And we're going to go to our Assembly Transportation chair, Assemblyman Magnarelli.

ASSEMBLYMAN MAGNARELLI: Thank you, Madam Chair.

And Mr. Commissioner, I want to start off by saying thank you very much for our talks every now and then on the phone, and your candid response to various questions and problems that have cropped up over the past couple of years. I really think it was a very trying time for your department, as it was for all of our departments in government. But I do appreciate your working with us during the course of that time.

DMV COMMISSIONER SCHROEDER: Thank you, Mr. Chair.

ASSEMBLYMAN MAGNARELLI: The way you put it out there right now, I don't have -- I shouldn't have any questions. I mean, this is just going to be a phenomenal transition. But bear with me, I'm going to go back on a couple of things, okay?

The Executive proposal recommends an increase of $106 million -- a 33 percent increase -- for DMV. What would this funding be used for? I know you've mapped it out in very general terms. But is it mostly for hardware and software, mostly for technical

stuff? Are we investing in any personnel, staff?

DMV COMMISSIONER SCHROEDER: Yes to all of the questions you just raised. And let me just embellish for a minute.

This is a phenomenal budget. We are so grateful to our Governor for her support. Her support has to do with the transformation of DMV and for us to have a tech redesign, to modernize the Department of Motor Vehicles.

So to be very specific, I have a chart, Mr. Chairman, that shows the $106 million, and then I can show you exactly what that money's going to do -- to build the platform, to do some of the things including hire people, business analysts to help us go forward. So this is --

ASSEMBLYMAN MAGNARELLI: I would appreciate --

DMV COMMISSIONER SCHROEDER: -- exactly what the plan calls for.

ASSEMBLYMAN MAGNARELLI: Okay, Commissioner, I would appreciate your sending it to me so that I can see it. You know, a

picture is worth how many words, right?

Would all of this result in savings, cost savings? Or is it specifically to make everything more efficient and customer-friendly? Just want to know if there's going to be any savings involved in this as well.

DMV COMMISSIONER SCHROEDER: Yeah, that's an excellent question. And I do foresee savings in the future.

The question that I ask our employees every day is: What will DMV look like in 2030? And I can tell you this, Mr. Assemblyman. In our offices, the 27 offices that we run in mostly downstate New York -- these are very large, cathedral type of offices. And with all of the online opportunities -- and New Yorkers, when they were cooped up for over 700 days of COVID, they figured out a way to do online transactions. And so we want to encourage them to do that.

So there's no doubt that there will be savings coming to our state through this

transformation plan and through the tech redesign.

ASSEMBLYMAN MAGNARELLI: Okay.

DMV offices around the state experienced significant backlogs in license and registration renewals during the pandemic. Have these backlogs been cleared up?

DMV COMMISSIONER SCHROEDER: They have been, absolutely totally.

And I can tell you one of the things that I said in our testimony, we want to shatter the perception, right, for our customers. When I went to an office either in Syracuse or in Midtown, and when a customer comes up to our MVR and says "Thank you" -- the last time I was here, especially in Midtown, it took me three hours to do a transaction. Today, because of the reservation opportunity that I have, I was able to get in and out of here in 15 minutes.

So these are the types of things that we're working on, Mr. Chairman.

ASSEMBLYMAN MAGNARELLI:

Mr. Commissioner, you mentioned this in your remarks, but I have to hit it again, okay? There were reports last November of cheating online, written -- cheating on the online written tests to get a driver's learner permit.

Was DMV able to fix the problem with the online tests? Is the New York State Inspector General investigating? And if so, what is the status of that investigation?

DMV COMMISSIONER SCHROEDER: So we are making tremendous progress. You know, whenever you try to do something new, especially when it has to do with technology, certainly there are going to be bad people out there lurking around to try to figure out a way to take advantage of situations.

So we have progressed in such a way that we have changed and improved the digital intake integration, requiring applicants to register using the NY.GOV account.

Also, in terms of image capturing -- so let's just take -- let's just say it takes 28 minutes to do the online permit test.

There are going to be four different times during that duration that we are going to be taking photos to make sure it's you who's taking the test.

And then finally there's what is called IP access. This is a geofencing mechanism. So if there are bad guys somewhere in Hoboken who are trying to scam the system, we're going to find them. We're going to know where they are and what they're doing, and we're going to help prevent that from happening.

So we have made incredible progress, and we will continue to do that so that technology can rule the day.

ASSEMBLYMAN MAGNARELLI: Okay.

Let's talk about cashless tolling just a little bit. How many registrations have been suspended or denied as a result of tolling enforcement actions, do you have any idea?

DMV COMMISSIONER SCHROEDER: I do. I do, Mr. Chairman. And there were 27,000 specifically.

However, 27,000 went through the system. And then at the end of the day because there is a mechanism, there is a mechanism for New Yorkers to figure out how to contact the public tolling place, whether it's MTA or whoever it is, only -- out of the 27,000, that was the top number, only 10,000 were actually suspended within the last year.

And so we have over 15.5 million New Yorkers who have a license who are driving around the state, and only to have 10,000 suspended -- because there are systems in place to give New Yorkers a chance to figure out how to pay what they owe.

ASSEMBLYMAN MAGNARELLI: Okay. I appreciate your coming before us today and giving us this report, and I look forward to talking to you probably within a couple of weeks. Okay?

DMV COMMISSIONER SCHROEDER: Thank you. Thank you, Mr. Assemblyman. Thank you.

CHAIRWOMAN KRUEGER: Okay, I think now to the Senate. We're going to hand it off to Leroy Comrie. Thank you.

Leroy, are you there?

(No response.)

CHAIRWOMAN KRUEGER: Well, perhaps we're not.

CHAIRWOMAN WEINSTEIN: His hand is raised, but --

CHAIRWOMAN KRUEGER: I know, but I don't see him or hear him, more relevantly.

So why don't we pass it back to you and we'll try him next round.

CHAIRWOMAN WEINSTEIN: Okay. We have two Assemblymembers.

First, Assemblywoman Gallagher, three minutes.

ASSEMBLYWOMAN GALLAGHER: Hi. Thank you so much for addressing us today, Mr. Schroeder, Commissioner Schroeder.

I have a major issue in my district which is crashes that lead to severe injury or death, and I have found that many of the people who are arrested for these either do not have a license, have a suspended license, or have an out-of-state license. And I'm curious what you think the DMV can do to have

some impact on the safety of pedestrians and other vehicle operators if so many of them are not participating already in DMV courses.

DMV COMMISSIONER SCHROEDER: Yeah, Assemblymember, thank you. Thank you very much for your question.

I also serve as the chair of the Governor's Traffic Safety Committee, and so we are strongly committed to doing all of the things that you're concerned about. I just had a briefing yesterday on how we may be able together, collectively, along with federal government, the state government, and all the municipalities within New York State, to do better.

Unfortunately, there has been an increase in many pedestrian-related crashes that have taken place, and that we are committed to doing something about it. There are certain things that we're looking at, and we would be very happy to share with you information in terms of the mini-white paper that we've come up with in terms of what are some of the things that we may be able to do

in Kings County and other counties across New York State.

ASSEMBLYWOMAN GALLAGHER: I really appreciate that. And additionally, I do have a bill for a prelicensing course that helps people understand interactions with cyclists and with pedestrians that is part of a package called the Crash Victims Safety Act. And there's several things in there that would help to reduce injury and death, and one of those things is decrease or -- has to do with vehicle size.

So I wonder if you're open to changing the way that we charge for licenses from a flat rate to maybe charging more if you're driving an SUV or bigger or some kind of more dangerous car.

DMV COMMISSIONER SCHROEDER: Yes. So, Assemblymember, we are always, here, open to all ideas. Any ideas that you might have specifically on this, I would be very interested in, and I would ask you to send it to me, to my email, if you would.

ASSEMBLYWOMAN GALLAGHER: Fantastic.

DMV COMMISSIONER SCHROEDER: But the one thing I wanted to commend you with -- and I will send you this information. It's called --

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYWOMAN GALLAGHER: Can I have my commendation?

DMV COMMISSIONER SCHROEDER: I'm going to send you information.

CHAIRWOMAN KRUEGER: That's amazing how quickly --

CHAIRWOMAN WEINSTEIN: When you send that information, please send it both to myself and Senator Krueger also, so that we can distribute to all of the members.

DMV COMMISSIONER SCHROEDER: Yeah, thank you, I will.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

So now we're going to go back to Senator Comrie, who I see and I called on before but is back with us now.

SENATOR COMRIE: Thank you, Madam Chair -- Madam Chairs.

Commissioner, thank you for your efforts for really working to improve DMV. I wanted to ask you a question regarding how has the implementation of remote centers been able to decrease the amount of activity in the municipal areas? Do you -- you started a program where you were able to create private entities to do DMV work. How is that working? And has that lessened the amount of traffic in the main DOT centers around the city?

DMV COMMISSIONER SCHROEDER: Yeah, Senator, thank you. Thank you for that question.

What we have been trying to do is to make it easier for customers, whether they're in Queens or whether they're anywhere across New York State. And if there is an opportunity for them to do a transaction online, we would encourage them to do that. There are nearly 70 different transactions that can be done online so that your

constituent doesn't have to go anywhere.

To be more specific, though, in terms of the question that you've asked regarding partners, for example, in downstate New York we have a partnership with over -- with 10 different AAA organizations within the metropolitan areas of New York. And this is a one-stop-shop opportunity for people to go in -- and mostly what they're going in for in these locations outside of DMV would be for Real ID.

Which is really a good thing, because as you know, we have a deadline fast approaching in May of 2023. So any way that we can reach out to approximately 11 million New Yorkers who may want to go visit grandma in Fort Lauderdale, and the only way they're going to do it is if they have a Real ID or an Enhanced Driver's License -- unless they have a passport, of course.

So thank you for those questions.

SENATOR COMRIE: Thank you, Commissioner. I think that that's a great process, and being able to streamline even

more online is a positive thing. It's definitely helped constituents in my district to not have to wait for hours at DMV anymore. So I appreciate it.

Thank you, Madam Chairs. That's my only question.

CHAIRWOMAN KRUEGER: All right, thank you, Senator Comrie.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: Yes, and I see we have several Assemblymembers. So we'll start first with Assemblyman Jacobson.

ASSEMBLYMAN JACOBSON: Thank you, Madam Chair.

Thank you, Commissioner. Just a couple of quick questions.

This less interaction with people and making it easier online, I think that's a good thing for everybody. I think we want to make it simple. Now, this will mean less money to the local county departments of motor vehicles, right, to the county clerks' offices?

DMV COMMISSIONER SCHROEDER: It's

possible. It doesn't seem to be happening right now that way. But it's a very good point that you're making. And it is possible, and it's on my mind that in 2019 the retention that went out to the 51 county clerks was approximately $53 million. It appears that going forward, looking forward, is that it could go down significantly. So therefore --

ASSEMBLYMAN JACOBSON: Commissioner, if -- Commissioner, if the person registers online, then the county doesn't get any money, correct?

DMV COMMISSIONER SCHROEDER: No. If the constituent does it within the county where there's a county clerk, the county would receive 3.25 percent on that transaction.

However, the point that you make is a good point. If a customer goes in a county clerk's office, they would receive 12.7 percent. And since we're talking about online, in technology it's counter to what the clerks would want. And so we need to

deal with it, and we will this year.

ASSEMBLYMAN JACOBSON: All right. So that's my point. Maybe something has to be done.

The next thing is how long does it take for you to send to the Board of Elections new registrations when you get them in? So if somebody registers today, when does that information get sent out to the county board?

DMV COMMISSIONER SCHROEDER: Assemblymember, my answer right now would be immediately. It's automatic. But I will follow up with you on that just to confirm that I'm right.

ASSEMBLYMAN JACOBSON: Because we have deadlines. And if people change their enrollment yesterday on the 14th, they've got to know it, that was a deadline. All these things have deadlines. And people think that they took care of everything, and then the board has to follow up and do things.

One final point. You met with me and other Hudson Valley area legislators

concerning a local county clerk -- I don't want to get into the details. But I just hope that you remind these county clerks that while they're elected independently, and you don't appoint them, they're still agents of the State Department of Motor Vehicles. All right?

DMV COMMISSIONER SCHROEDER: Absolutely. I agree with you, yes. That is correct.

ASSEMBLYMAN JACOBSON: All right, thank you. Thank you.

DMV COMMISSIONER SCHROEDER: You're welcome.

CHAIRWOMAN WEINSTEIN: Senator Krueger, do you have any --

CHAIRWOMAN KRUEGER: We do. We have Tim Kennedy, our chair of Transportation.

SENATOR KENNEDY: Thank you, Chair Krueger.

Greetings, Commissioner. Good afternoon. It has been a marathon session. Welcome to the budget hearing here.

I appreciate your testimony getting

right into the IT and computer system upgrades. You had a good explanation of that, and I know we're going to see that report from you.

Can you talk about the increase in funding, if it will be just for this budget or if it's going to need to be continued in outyears, for example, with staffing upgrades, that sort of thing?

DMV COMMISSIONER SCHROEDER: Yeah, Senator, that's a great question. And the answer is yes. There is outyears involved here.

When you do a complete transformation and a tech redesign of legacy lines that date back to Governor Rockefeller, we're not going to be able to do it all in $108 million in one year. These are going to be a commitment year after year after year, to support the systems that we put in place and also taking full advantage of technology so that New Yorkers can have convenience in doing transactions with the DMV.

SENATOR KENNEDY: Do you have a number

on that, by chance, at the moment?

DMV COMMISSIONER SCHROEDER: A num --

SENATOR KENNEDY: A number on -- because it's -- so the funding is going to be for computer upgrades and then there will be a separate fund, I'm assuming, for recurring expenses for staff. Is there a number that we should be expecting in outyears for staff upgrades?

DMV COMMISSIONER SCHROEDER: Senator, I don't have a number right here with me, but I will send it along to you.

SENATOR KENNEDY: Great. Great.

I want to switch gears to third-party testing. A month ago Governor Hochul introduced a pilot program allowing for third-party CDL testing and to increase the CDL licensures quicker, with more options. Obviously you know of the massive shortage of CDL licensures across not only our state but our nation. So I think New York stepping up is very important.

Has this CDL program been implemented or started thus far?

DMV COMMISSIONER SCHROEDER: Yes. And first of all, I just want to thank you for the question. Thank you for your support. This is a problem statewide, including in Western New York. And I really want to thank the Governor for her leadership on this. She is assisting the industry, along with all of you, Senator, to try to figure out ways to entice, to survey, to get retired military, retired firefighters or police officers to get interested in perhaps being involved in driving a bus or with the severe shortage of truck drivers.

In terms of DMV, here's what we're doing. There are three things specifically. Number one, we are supporting totally our DMV CDL sites across the state and our employees. We have hired over 31 MVLEs to be involved and to be able to do the CDLs on-site. So we support them and we support our CDL DMV sites.

Number two. We will begin -- we have begun talking very clearly with MTA, with DOT, with NFTA. There are ways that we will

be able to help them administer the CDL test so that it makes more room for others to get into our facilities.

And finally, through your help, recently Senator Mayer called me to -- she wanted to help us because she knew we were having difficulty in Westchester in terms of having a DMV CDL site. And so she wanted to work along with my former classmate in the Assembly, George Latimer, to find a site.

And so if they could help us find a site, we will sign them up. If they're unable to, this is the third prong of the Governor's program. We will identify qualified independent CDL operators -- and perhaps if we could find one in Westchester to help us, or in other places where we might have a void.

So we have a very, very clear plan. And we had a public hearing two weeks ago in which over 100 participants were involved. So we're moving in the right direction, Senator. Thank you for the question.

SENATOR KENNEDY: Great. Great. And

thanks, Commissioner.

In 2017, as you're well aware, the law authorizing the transportation network companies, the TNCs -- like Uber and Lyft -- to operate outside the City of New York created this accessibility task force. This is something that I know you've made a career on, in working with accessibility issues and helping individuals with disabilities.

I want to talk to you about the steps that have been taken since the task force reports to implement those recommendations. Can you just speak to that, please?

DMV COMMISSIONER SCHROEDER: Yeah, thank you, Senator. And I anticipated that you might be interested in this question.

So the answer that I have, the short answer is that everything that we've done together in terms of this is on our DMV website. If there are other things that DMV can do to make this work better, to look at certain things that maybe we didn't look at originally, we are totally open to working with you and with others to make this work

best.

SENATOR KENNEDY: Great. Great.

And then the same task force talked about regionally tailored accessibility plans to improve TNC vehicle wait times. Can you provide a status update on that implementation as well?

DMV COMMISSIONER SCHROEDER: Yes, Senator, I don't have anything at my fingertips right yet, right at this moment. But I will get you all the information that we have. And I will also forward to you the report that's actually on our website; I'll get that to you directly.

SENATOR KENNEDY: Great, thank you.

And then just -- again, just on TNCs, it's a big statewide issue, they established a disability education program as well. And so can you elaborate on the DMV and, you know, what oversight the DMV has played with the task force on this education?

DMV COMMISSIONER SCHROEDER: Yeah. So, Senator, it appears that we were limited in the beginning because of the way that it

was unveiled, and we wanted to get all of the information. And we were involved in the hearings that we had.

But it hasn't been something that I've looked at closely right now. But because you've brought this up, I will commit to you that I will look at this and figure out ways that we can do better.

In terms of what we put on the website, that was the initial foray into trying to make it better for those who have what I call special abilities and who have a need to be able to get from A to B. And so I will look at that closely, and I will commit to you that I'll partner with you and others to do better.

SENATOR KENNEDY: Great. Great. Thank you.

So I want to just switch to a couple of Article 7s. One of them has to do with extending the use of the Dedicated Highway Trust Fund for operating expenses. If this authority is expanded, is there a long-term plan by the DMV over time to sort of wean off

of these funds? Or do you feel like this is something that we expect to be extended on a regular basis?

DMV COMMISSIONER SCHROEDER: Yeah, so, Senator, I'll leave that to the Legislature and to the Executive. As long as DMV is adequately funded -- especially in the critical year of right now and going forward, based on the transformation and the tech redesign -- I'm good with whatever we come up with. I understand -- you know, being a former comptroller, I read the New York State comptroller's take on this, and at the end of the day whatever the Legislature works up with the Executive, I'm good with -- as long as the funding continues to come to underwrite the programs that we have to help your constituents across New York State.

SENATOR KENNEDY: Thank you. As the father of a 16-year-old who is taking defensive driving courses right now trying to get his driver's license, I'm understanding full well the need for these defensive driving courses.

And we've had them online through the pandemic. Can you talk about the successes of that program and, you know, what statistics, if any, that you might be able to share on that?

DMV COMMISSIONER SCHROEDER: Yeah, yeah. Thank you. Thanks for that.

And that was the area that Assemblymember Gallagher was trying to talk about and I was unable to give her the information. So I'll give you the information and it is for both of you.

SENATOR KENNEDY: Sure.

DMV COMMISSIONER SCHROEDER: So there's a program, it's called an i-PIRP program. And what it actually is -- and thanks to your help, and the Legislature, it's been extended. It's an accident prevention program, and over 3.8 million New Yorkers have taken the course.

Have they taken the course primarily just because they want to learn more about driving? Maybe. But they're also taking it because it helps them with lower costs for

insurance. And so these are things that are available, and I'm --

THE MODERATOR: Pardon me, your time is up.

DMV COMMISSIONER SCHROEDER: -- really grateful to have this question raised.

Thank you.

SENATOR KENNEDY: Great. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We have a number of Assemblymembers. Assemblywoman Wallace first.

ASSEMBLYWOMAN WALLACE: Hi. Thank you, Chair.

Great to see you, Commissioner Schroeder. Wonderful. Thank you for your testimony.

DMV COMMISSIONER SCHROEDER: Thank you.

ASSEMBLYWOMAN WALLACE: I just want to echo a couple of comments that were made earlier today. In particular, I'm interested to hear more about your plans to, you know,

leverage technology more to facilitate transactions that could -- that were -- that could easily be done online that now people need to go to the DMV to do.

And I'm interested in working with you and of course Senator Kennedy and whoever else -- Chair Magnarelli -- to address the issue of the 12 percent going to the county versus the 3 percent if you do the transaction in the office versus online. I think we need to address that to encourage more people to do it online.

Just a sort of little anecdotal tale. I had to go to the DMV at some point in person, and when I was there -- I went in one day and there was almost no one there, and I was like, Oh, this is great. And when I got in I was told that only pistol permits were being processed that day, nothing else. And there was nobody there. And so I had to wait an entire, you know, day or two to go back, and then of course it was absolutely packed because we had condensed every other service into only a limited couple of days.

So I guess I'm wondering like what kind of oversight does the DMV have over that situation, and can we make it more accessible for everybody rather than just servicing one kind of an issue on that day?

And when I got back in line the second day, you know, it was packed, as I said, and there was a woman who was probably like eight months pregnant standing in line. It seems to me that that's not the best way to address that.

And then I just -- also a comment about the reservation system. I know you referenced something about the reservation system. I know I tried to get a reservation during this time frame and it wasn't working, at least in Erie County. So I don't know if that's been improved.

And if you could speak to those issues.

DMV COMMISSIONER SCHROEDER: Yeah. So thank you, Assemblymember.

And first and foremost, to your first observation and question, we're going to give

New Yorkers an opportunity to do almost every single DMV transaction imaginable online. The only two things that we're prevented from doing at the moment are the federal required Real ID and also the Enhanced Driver's License. Because of federal requirements, people have to go into a DMV. But everything else, we're trying to give people the opportunity to be able to do it online.

But, you know, I do understand also that there may be certain constituents of yours that there may be a digital divide, and maybe they're unable to do that, so they need to be able to go into an office, whether it's state-run or whether it's run by a county clerk.

And so I'm not familiar with exactly what you said about the one day going into the clerk's office and only being able to do one thing --

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYWOMAN WALLACE: It was a local DMV office, just to clarify.

DMV COMMISSIONER SCHROEDER: Yeah, yeah. And so -- but, you know, I meet with the county clerks on an ongoing basis, and they understand that we have a responsibility to do all transactions for all New Yorkers every day of the week, and we will continue to make that point.

ASSEMBLYWOMAN WALLACE: Thank you.

DMV COMMISSIONER SCHROEDER: Thank you.

CHAIRWOMAN WEINSTEIN: Senate, I don't see any others --

CHAIRWOMAN KRUEGER: No, although I do have one question, I'm sorry.

CHAIRWOMAN WEINSTEIN: Go for it.

CHAIRWOMAN KRUEGER: So Assemblywoman Monica Wallace said it was a DMV office that was only doing gun permits. Why is DMV doing gun permits?

DMV COMMISSIONER SCHROEDER: Senator, it was a county clerk's office. And so in the county clerk's office they would have that responsibility. They have the real estate side, they have the DMV side, they

also have responsibility for the permits.

In the 29 offices that we run across the State of New York, including in Manhattan, where we have 12 offices in New York City, we don't have that situation at all. So I just wanted to clarify that.

CHAIRWOMAN KRUEGER: Okay. Well, thank you. Thank you, Monica.

DMV COMMISSIONER SCHROEDER: You're welcome.

CHAIRWOMAN KRUEGER: And the Senate is done, I believe. Yes.

CHAIRWOMAN WEINSTEIN: Okay, we have Assemblywoman Zinerman first.

ASSEMBLYWOMAN ZINERMAN: Thank you, Madam Chair.

Nice to meet you, Commissioner Schroeder. Thank you very much for your testimony and your answers.

I am Stefani Zinerman, and I represent the 56th Assembly District in Brooklyn. I consider myself a triple prime commuter: I walk my district, I ride my bike, and I drive a car. And I think as a state, we're making

great strides and building out our infrastructure. But I think we're doing not as well as we should in terms of developing a shared-road philosophy with riders and pedestrians and motorists.

A lot of the blame for what's happening on our roads is being placed at the feet of motorists. However, I think that each group does play a part in sharing the road, and it is our role to help educate them on the laws that govern the roads.

I remember when I was younger, every kid, you know, knew the ditty "Cross at the green and not in-between." And I'm not saying that we all become writers of poems or small songs, but I do think that we need to do better messaging for both -- for all groups.

So I just -- I'm interested in what are your plans, what are the DMV's plans to help educate all users of the rules of the road? We have laws, but unfortunately we have people being run over on sidewalks, although you're not supposed to ride on

sidewalks after a certain age. And I really think at this point -- and I do have a bill to expand testing to those who ride their bikes for a living and use the roads daily.

So interested to know what you plan to do to kind of help with this issue that's getting a bit out of control.

DMV COMMISSIONER SCHROEDER: Yeah. Assemblymember, thank you very much for your observations and for your questions.

I received a briefing yesterday, it's a briefing from our Governor's Traffic Safety Committee, Associate Commissioner Chuck DeWeese, who I think I'm going to have call you just to give you all of the information that we have in terms of what you're concerned about and what he is concerned about.

And also there is an upcoming summit, it's called the Biden Buttigieg Call to Action, and it's a national crisis that you're referring to. And so there is a plan that I was briefed on yesterday. My understanding is that the commissioner will

be in New York City in April at the New York Auto Show. I will be there, and I will talk with him that we're all in on this and that we want to be helpful to all of the concerns that you've raised having to do especially with pedestrians within your district in Brooklyn.

ASSEMBLYWOMAN ZINERMAN: Well, I thank you for that. I usually go to the Road Show to figure out what car I like, but I'm glad that I'll get some real work done this time around. So thank you so much for that.

Send me the information or please have them reach out to me.

DMV COMMISSIONER SCHROEDER: I will. I will. Thank you, Assemblymember.

CHAIRWOMAN WEINSTEIN: Okay, back to the Senate now.

CHAIRWOMAN KRUEGER: Thank you. We've been joined or rejoined by Senator Savino.

SENATOR SAVINO: Thank you. Thank you, Senator Krueger. I was in conference; I'm coming back now.

Commissioner Schroeder, I just have a

question -- I'm not sure if anybody did ask about it, but earlier this year there was an in-depth report in the Times Union of Albany about the situation where last year the Department of Motor Vehicles allowed people to take their online learner -- their learner's permit online. And subsequent to that, there would seem to be a bit of a scandal where people were taking the test in moments as opposed to the requisite 45 minutes it's supposed to take, and the Inspector General then went on to find that many of the people who were doing it were taking it for the purpose of trying to access the Green Light Law.

Can you tell us what's happened with respect to that investigation and what we're doing to make sure that that doesn't happen again.

DMV COMMISSIONER SCHROEDER: Yeah, thank you, Senator. Thank you for the question.

And so we did implement the online permit opportunity statewide, and so it has

been extremely successful. However, when you do do something that's brand-new, there may be bad guys out there trying to figure out a way to scam the system and to try to hurt vulnerable people. And so we have taken every precaution possible. I have worked with ITS, with Commissioner Riddick, with Rajiv Rao, with DMV, in trying to figure out ways to mitigate this.

One of the things that we've done, Senator, recently is that we now have what is called image capture, so that it takes -- so we've had 428,000 people --

SENATOR SAVINO: I'm familiar with that.

DMV COMMISSIONER SCHROEDER: Right? And the image capture, it takes an average of 28 minutes to do this online permit test. Within that 28 minutes, we are going to take your photo four times -- in the beginning, seven minutes in, then in the middle and then at the end. We want to make sure that it's you. And we are doing that successfully.

Also, in terms of the bad guys, who

may be like in Hoboken, we have figured out a way to get their IP address, and we are doing some geofencing to make sure that we're able to figure out where they are, who they are, and then we will work with the authorities to make sure that it stops.

SENATOR SAVINO: Thank you.

And I only have a few seconds left. I know it was also reported that several of these bad guys were utilizing access to the driver's licenses so that they could then secure identification so they could apply for the Excluded Workers' Fund when they were not in fact New York State residents and ineligible.

Has anything been done to recapture that money or to go after those people who exploited this fund that is so important to people?

DMV COMMISSIONER SCHROEDER: Yeah, Senator, I don't know the answer to that question. I will ask, and I will get you that information.

SENATOR SAVINO: Thank you. Thank

you.

DMV COMMISSIONER SCHROEDER: You're welcome. You're welcome.

CHAIRWOMAN KRUEGER: Okay. I'm taking over for the Assembly for a little bit, and I see Jo Anne Simon's hand up. Are you there, Jo Anne?

ASSEMBLYWOMAN SIMON: Yes, I am.

CHAIRWOMAN KRUEGER: Great.

ASSEMBLYWOMAN SIMON: Thank you.

You know, Commissioner, thank you very much for your testimony and to all of your workers for their hard work over the last two years or so.

You know, some of these issues have been addressed by some other questions. But, you know, we have a Crash Victims Bill of Rights that's a series of bills that would help provide more safety for drivers as well as for pedestrians and bicyclists, including a prelicensing bill that Ms. Gallagher mentioned. And I have one that would lower the threshold for drunk driving to .5 percent alcohol.

I'm curious, though, because the New York Times, as you know, has talked about this increase in fatalities across the country as a result of COVID and the anxieties that people have and their anger responses, et cetera. I'm curious what if anything your -- the DMV could do to help both in terms of training as well as, you know, assessing this when you, you know, revise your driver's test, for example.

DMV COMMISSIONER SCHROEDER: Yeah, thank you. So we have information through the Governor's Traffic Safety Committee that I'm the chair of, and that I will share that information with you. Any bill that you have that pertains to this, once you file it, I am aware of it and our staff is aware of it. We are aware of all of the bills that are in the Assembly and the Senate of this year, especially having to do with public safety. We're most interested in it.

I actually carry with me, Assemblymember, a list of all legislation that has been enacted and that you expect us

to put it in place in 2022. We will.

And so I'm very interested in working with you more on those things that you're most concerned about, because I'm with you on that.

ASSEMBLYWOMAN SIMON: Thank you. I look forward to your responses. Thank you very much.

DMV COMMISSIONER SCHROEDER: You're welcome.

CHAIRWOMAN KRUEGER: Okay. Next up is Assemblymember Bronson.

Harry, are you there? Yes, there you are.

ASSEMBLYMAN BRONSON: I am here, just give me a sec.

CHAIRWOMAN KRUEGER: Sure.

ASSEMBLYMAN BRONSON: All right. I apologize for that, folks.

So Commissioner, I have two questions. It relates to the CDL. And I know other people have asked this question. But, you know, where do we stand -- there's two waivers that are out there that will help us

with the workforce shortage both for commercial transportation drivers as well as with the bus driver shortage.

And the first is with the veterans, recognizing the military commercial driver's license and allowing those folks to get into jobs here locally. And as I understand, that waiver exists and we need to do a better job of marketing whether we work with the veterans' services or others.

The second is in connection with the school bus drivers and their requirement and their test, to have a mechanical component of that. And I understand there's an existing waiver that expires in March, and there's some hurdles in renewing that waiver.

Can you just tell us where we stand on both of those issues?

DMV COMMISSIONER SCHROEDER: Yeah, I can. Assemblymember, thank you. And thank you especially for bringing up the military waiver. And I agree with you, we need to do a better job in marketing that.

And my commitment is that I have been

doing a series of videos and -- you know, on Real ID, on transparency, on infrastructure and things of that nature within DMV. I would be quite willing to do a video on this.

Because quite frankly, DMV has had a military CDL waiver program since 2012. And so since the inception of that program, we've had maybe over 2,000 military people be able to go get that waiver and be able to get their CDL. That amounts to about 250 people per year. I think we can do better.

Plus I am interested in talking with -- at West Point and other installations across New York State to see how we can work together. When I was in the Assembly I was on the Veterans Committee, and so I will do my best to backtrack and to find the right people -- and I know, with your help, I'm very interested in working on this opportunity. So thank you for mentioning it.

The second issue that you mentioned is sometimes to here as "under the hood." There are certain things that truck -- that bus drivers need to do that they really should

not be doing. They're not equipped to do it. These are, again, federal requirements. We are aware of it, and we know how to work through it. And with your help and with help from our federal representatives, we want to see if we can begin to solve that.

That is something that I've heard statewide, Assemblymember, and I'm interested with DMV to do something about it.

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYMAN BRONSON: Thank you.

CHAIRWOMAN WEINSTEIN: Yes, thank you.

We're going to go now to Assemblywoman Seawright.

ASSEMBLYWOMAN SEAWRIGHT: Sorry, I'm just on a Banks -- let me kill that.

Thank you, Commissioner, for your testimony.

My question is related to fraud and identity theft, which is a big problem especially for seniors in my district. What needs to be done to keep our communities safe from online threats related to cybersecurity,

especially because state agencies hold such personal information? With people applying for the Enhanced ID, especially for travel and upgrading their driver's license, what can be done to keep people safe in the cyber world?

DMV COMMISSIONER SCHROEDER: Yeah. Yup, thank you. Thank you so much for the question.

And quite frankly, we have been working very hard on this. I meet on a regular basis with the CIO of ITS and also Rajiv Rao and others. We have an organization here called DFI -- and we also are very, very concerned about what you've mentioned, and we're trying to figure out ways to set ourselves up for success, to be able to prevent this from happening.

And so I will share with you some of the information that we have, but it's something that we're very interested in. We're very aware of it. And we're doing the best we can to mitigate it.

ASSEMBLYWOMAN SEAWRIGHT: Thank you.

DMV COMMISSIONER SCHROEDER: You're welcome.

CHAIRWOMAN WEINSTEIN: And I believe our final questioner, Assemblywoman Hunter.

ASSEMBLYWOMAN HUNTER: Hi, good afternoon, Commissioner. Thank you for being here.

Just a quick question relative to the Driver's License Suspension Act that we passed, and then there was a chapter amendment for failure to pay, failure to appear relative to fines and fees for driver's license suspension.

So I wanted to know, since we passed the original version of the law, how many people have applied and received and approved their payment plan, and also had their license reinstated. And since the chapter amendment obviously was passed and signed by Governor Hochul, have you now received all the guidance that you need in order to make sure those people who have gotten a failure to pay or appear/fine and fee -- excluding, obviously, the folks with the drunk

driving -- have received everything that you need in order to process their -- or reinstate their suspended license and process their payment plans.

Thank you.

DMV COMMISSIONER SCHROEDER: Yeah, thank you, Assemblymember. I hope all is well in Onondaga County. And the answer is as you know, and thanks to you and your colleagues, several bills were enacted in 2020 and 2021 and nearly eliminate the license suspensions associated with failing to pay traffic tickets, and allow a suspension for failure to appear in traffic court to be lifted and when someone is awarded a payment plan, which must be offered by traffic courts.

I don't have the specific numbers. I heard you ask how many specifically. But I will give you this answer. This reform has been extremely successful. I will try to get you specific numbers. I don't have them at my fingertips.

But I did anticipate the question, and

this is what I mentioned before. These are some of the laws that were enacted that I watch very carefully and I ask questions of the deputies and the senior managers here, and we're all over this. And we're doing the best we can to make sure it works as planned.

ASSEMBLYWOMAN HUNTER: Okay. I know that many people have reached out and some of them wanting to be part of the programming couldn't because, obviously, they don't qualify relative to things such as the drunk driving.

But just wanted to make sure that that whole failure to appear and people that get their, you know, payment plan and reinstated immediately their driver's license. So I just wanted to make sure that that is happening.

DMV COMMISSIONER SCHROEDER: Yeah, it's working. Thank you for the question.

ASSEMBLYWOMAN HUNTER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Any other Senators?

CHAIRWOMAN KRUEGER: I think we have

completed our list.

CHAIRWOMAN WEINSTEIN: Okay, thank you.

DMV Commissioner, Mark, nice to see you today. I think there were a couple of times you'll -- there may be some answers that you'll be sending to Senator Krueger and myself so we can circulate to the members. And look forward to continuing to work with you.

DMV COMMISSIONER SCHROEDER: Thank you. Thank you very much for this opportunity. I appreciate it very much.

CHAIRWOMAN KRUEGER: Thank you, Mark. Take care.

CHAIRWOMAN WEINSTEIN: So we are actually right on time to when we told Mark Driscoll, the executive director of the Thruway Authority, that we would be calling upon him. He was in a meeting, so we just have to -- just checking --

ASSEMBLYMAN MAGNARELLI: Matt Driscoll.

CHAIRWOMAN WEINSTEIN: Do we have Matt

here?

ASSEMBLYMAN MAGNARELLI: Matt. Matt, not Mark.

CHAIRWOMAN WEINSTEIN: Did I say Mark?

ASSEMBLYMAN MAGNARELLI: Yeah. That was Mark before.

CHAIRWOMAN WEINSTEIN: That was Mark. Now we have Matt.

ASSEMBLYMAN MAGNARELLI: Now we have Matt, right.

CHAIRWOMAN WEINSTEIN: I think we're just waiting to bring him into the -- Ashley, are we bringing the Thruway Authority in?

Why don't -- I know he was at a meeting. Why don't we take a two-minute break. And if people stand and stretch their legs while we get the --

(Overtalk.)

CHAIRWOMAN KRUEGER: -- very good.

CHAIRWOMAN WEINSTEIN: -- into the thing.

(Brief recess taken.)

CHAIRWOMAN WEINSTEIN: We're back after a short break with Thruway Authority

Executive Director Matthew Driscoll.

You have 10 minutes to make your presentation. Then, as you know, there will be questions from various members of the Legislature. So the floor is yours.

EXECUTIVE DIRECTOR DRISCOLL: Well, thank you. Good afternoon, everyone.

Chairs Krueger, Weinstein, Kennedy and Magnarelli and distinguished members of the Senate and Assembly fiscal and transportation committees, thank you for inviting me to speak today. My name is Matthew Driscoll. I am the executive director of the New York State Thruway Authority.

The Governor Thomas E. Dewey Thruway is a 570-mile superhighway spanning New York State, and is one of the longest toll systems in the United States. Underscoring its importance to the state, region and nation, the Thruway serves as a vital link to long-distance interstate travel and provides the major route of access for visitors to our state's tourism anchors. It is also a principal artery of commerce and serves as a

primary catalyst of the state's economic activity.

The Thruway Authority is operated and maintained solely as a user-only fee system and is not supported by any state or local taxpayer funding.

The 2022 Thruway budget represents a total financial commitment of $1.1 billion. It is a budget that is balanced; provides the necessary resources to maintain the current levels of maintenance, safety and service; and maximizes funding for critical infrastructure rehabilitation projects in the authority's multiyear capital plan.

The authority has not been immune to the unprecedented challenges from the COVID-19 pandemic. However, we remain steadfast in our commitment to our customers. We have continued the high level of maintenance, safety improvements, and modernization projects that our customers have come to expect.

In November of 2021 the Thruway Authority completed, ahead of schedule, the

systemwide conversion to cashless tolling. This conversion began in 2016 on the then-Tappan Zee Bridge, followed by the remaining fixed-price barriers in 2018. During the peak activity of the project, a workforce of more than 800 workers from across the state performed work along the I-87 and I-90 corridors, spanning 18 counties.

Since November of 2020, more than 400 million transactions have been successfully recorded at Thruway cashless tolling locations. Cashless tolling enables motorists to travel the Thruway without stopping to pay tolls. This is safer, environmentally friendly, and a more convenient way to pay for tolls. We continue to provide education and marketing through a multi-platform campaign to raise awareness and promote E-ZPass usage.

Also in November of 2021, the $135 million Interstate 95 reconstruction project in Westchester County was completed, enhancing safety and traffic flow in this

very busy corridor. This project began in 2018 and focused on the final one-mile stretch from Exit 22 to the Connecticut state line, which serves more than 140,000 motorists each and every day.

In July of 2021, we began construction on a $450 million public-private partnership to redevelop and modernize our 27 service areas located across the Thruway. This multiyear project will include new and updated buildings, upgraded amenities, healthier food and beverage options, improved commercial trucking services and amenities, and the installation of 120 electric vehicle charging stations, creating an end-to-end connection systemwide.

This project will enhance our customers' traveling experience and is entirely funded through this public-private partnership, so no toll dollars or state tax dollars are being used in this project.

Our work to modernize and maintain the Thruway is only part of the equation for our customers' experience. We are continually

focused on safety along the Thruway. On October 6th of 2021, the authority held a virtual public hearing regarding the creation of a pilot program establishing automated speed-violation monitoring systems in work zones by means of photo devices. This hearing allowed us to gather feedback regarding the legislation passed by this Legislature and signed into law by Governor Hochul on September 6th of 2021. On behalf of the men and women who work out on our system, I want to publicly say thank you all for your support for this important initiative.

This year we have two proposals in the Executive Budget for which we seek your support. Both proposals will create efficiencies for the authority and for our contractors. Part F of the Transportation, Economic Development and Environmental Conservation Article VII bill authorizes the authority to use electronic bidding for public works contracts. This provision updates the law to reflect current practices

for bid submissions while preserving the ability to also still submit paper copies. This provision has been granted to the New York State Department of Transportation and to the MTA.

The second proposal, TED Part G, updates the value of procurement contracts to $50,000 up from $15,000, conforming to thresholds for discretionary purchases by other state agencies such as the Department of Transportation, and allows the Thruway Authority to piggyback off contracts of other governmental entities, as state agencies can currently do.

Combining safety and technology, the authority launched a pilot program modernizing our operations using drones, in partnership with the New York-based nonprofit NUAIR. This initiative, at no cost to the authority, has the potential to increase efficiency and improve safety while lowering costs for inspections of bridges, culverts, and pavement, along with mapping, surveying and countless other uses. The benefits of

drones include fewer lane closures during inspections, which reduces impacts to motorists; safety improvements for our inspectors; and decreased inspection costs.

These accomplishments and more have been possible because of the commitment of the men and women of the Thruway Authority. Their dedication and professionalism during these most trying times has kept the Thruway a safe and reliable system for all motorists, and has been integral in allowing for the continued movement of goods throughout the state. Now, keep in mind that during the lockdown of 2020 our staff came to work each and every day to plow the roads and maintain the system, keeping it open. Our employees that work out on the roadway are the key to our success, and they deserve to have a safe work environment as much as any other employee as well.

As part of that commitment, we continue to promote awareness on the Move Over Law and look forward to the day when we can be back out interacting with motorists at

our service areas to talk about the importance of that law.

In closing, please know that I remain committed to keeping the Thruway the safest and most convenient method of travel in the state. Whether one is commuting to work, visiting friends or family, enjoying the recreational opportunities around our state, or supporting the freight economy, the Thruway will get you there.

So thank you for your time, and I'm happy to answer any questions that you may have.

CHAIRWOMAN WEINSTEIN: Thank you, Director.

We are going to go to our Transportation chair, Assemblyman Magnarelli.

ASSEMBLYWOMAN PAULIN: No, no. No, I go first.

CHAIRWOMAN WEINSTEIN: Okay. We're going to our --

ASSEMBLYWOMAN PAULIN: I believe.

CHAIRWOMAN WEINSTEIN: We will go to Amy Paulin first, but remember, you need to

raise your hand, not do this (gesturing).

(Laughter.)

CHAIRWOMAN WEINSTEIN: Okay, our Chair Amy Paulin of Corporations.

ASSEMBLYWOMAN PAULIN: Sorry about that.

Hi, Matt. Thank you for testifying and for being such a dedicated public servant.

I have a few questions. First, the impact the pandemic has had on toll revenues?

EXECUTIVE DIRECTOR DRISCOLL: Sure. So we saw in 2020 a 17 percent reduction in our toll revenues. I mean, obviously we took quite a hit, but $146 million at that point. We still continue to feel the impacts of that. It's projected that by early 2025, that number will rise to about $298 million.

ASSEMBLYWOMAN PAULIN: And are there any toll increases currently under consideration? And coupled with that, are Thruway tolls lower or the same as or higher than neighboring states? And when was the last time tolls were increased systemwide?

So first, mostly people are going to want to hear about pending increases.

EXECUTIVE DIRECTOR DRISCOLL: Yeah. So there are no pending increases, you know, on the table at this time. The Thruway Authority has not had a toll increase on the system in 12 years. There was, as you recall, two toll increases on the bridge -- 50 cents in 2021 and 50 cents that just took effect this January of 2022.

ASSEMBLYWOMAN PAULIN: And do you know how we compare to other states?

EXECUTIVE DIRECTOR DRISCOLL: We're quite low. And I will -- you know, I want to give credit to the Thruway staff here. Everybody works very hard to ensure that we do that. So, you know, we look at all the tools that we have available to us to help keep our tolls low. We're very competitive.

ASSEMBLYWOMAN PAULIN: And aside from the project which I want to ask some more specifics about, the 27 service areas, what are some of the other capital projects that -- the large ones that you're taking on

this year?

EXECUTIVE DIRECTOR DRISCOLL: Well, I mean, we have a very robust, you know, capital program. I mean, the Castleton Bridge, which is just south here of Albany -- many of you may know where that is -- that's quite a large project that we're undertaking, about a $40 million project.

But across the state, you know, we're undertaking the renovation of a number of bridges as well as long stretches of pavement, in some cases down to the base. So, you know, the roadway and the bridges are our main focus. That is our system. We have a pretty healthy capital program to meet those needs.

ASSEMBLYWOMAN PAULIN: As far as the 27 service areas that are being renovated, you said in your testimony that there would be no state dollars but that, you know, it's a public-private partnership. Exactly what is the public component?

EXECUTIVE DIRECTOR DRISCOLL: So we did a lease with Empire State Thruway

Partners. So we have entered into a 33-year lease with them. And they are spending $450 million of their money to renovate and maintain these facilities.

ASSEMBLYWOMAN PAULIN: So the cost is just the lease, essentially? You're giving them free space?

EXECUTIVE DIRECTOR DRISCOLL: It's not free. They're paying rent as well.

ASSEMBLYWOMAN PAULIN: No, no, I get it. I get -- yeah.

EXECUTIVE DIRECTOR DRISCOLL: No, we're not spending any toll money, no toll revenues. And of course as you know, we don't get any appropriations from the State of New York, and certainly no local taxpayer money as well.

ASSEMBLYWOMAN PAULIN: The charging stations, it's a -- you said 120. How much is that per place?

EXECUTIVE DIRECTOR DRISCOLL: Well, you know, they sum -- well, I'm not going to do the math quickly in my head. But I can tell you that by the end of 2025 when the

project will be complete, there will be 120 EV stations. And that coincides with the 40 that we already have in place. So there will be a total of 160 Level 2 and Level 3 charging facilities across the system.

ASSEMBLYWOMAN PAULIN: And has the Thruway looked into the potential for installing solar panels along its right-of-way or on any lands or facilities owned by the authority?

EXECUTIVE DIRECTOR DRISCOLL: Yeah, that's a great question. Well, we have, and we have done that. We've done that down near Harriman. We actually are looking at I think seven sites right now that we're working with NYPA to go ahead and build those out for solar as well.

We're also looking at as, you know, we modernize our facility locations, how we're going to be utilizing solar as a way to, you know, reduce costs there as well.

ASSEMBLYWOMAN PAULIN: The operational savings, how much did you achieve by the conversion to cashless tolling?

EXECUTIVE DIRECTOR DRISCOLL: Well, we really didn't -- I would frame it -- it was just really a shifting of resources. Because we're not really saving money, because we had to add numerous gantry sites. And those are supported, of course, with the contracts that we have both from the processing side as well as the imaging side. So I'd say it's pretty much a wash.

But certainly in the long run it will be more efficient for us as well.

ASSEMBLYWOMAN PAULIN: The toll on the Mario Cuomo Bridge has recently increased a dollar over two years. Will this toll increase be sufficient to pay for the construction, or will an additional toll increase be necessary to pay for that?

EXECUTIVE DIRECTOR DRISCOLL: So, you know, as we speak, we're able to, you know, continue meeting those obligations there and across our system.

And so I will also emphasize that the tolls have remained the same for Westchester and Rockland County residents. So, you know,

that's part of the, you know, math that we'll do going forward. But that's not something that, you know, has any concern from us at this time.

ASSEMBLYWOMAN PAULIN: In 2020 the New York State Bridge Authority and the Thruway Authority were authorized to enter into a coordination agreement. Has this taken place? And if so, what's the nature of the agreement and for what purpose was it entered into? And were there savings or efficiencies as a result?

EXECUTIVE DIRECTOR DRISCOLL: Yes, so that legislation was passed by you all. We began, you know, working with the Bridge Authority right away. But yes, it has been completed in terms of the legislation.

We've been working with them in a number of areas to include, well, we've been helping them with their conversion to cashless tolling. So we've been doing that. We've been helping them with their HR side of things. We've also taken over their legal duties, which was a big expense to them.

So we continue to work with them. I've met with the new director of the Bridge Authority, and we're both committed to continuing working forward, as we have been doing that with good results.

ASSEMBLYWOMAN PAULIN: And finally, in that line of questioning -- and then I want to jump to toll enforcement -- the Tappan Zee Constructors sued the Thruway Authority for $900 million. I just wondered the status of the dispute. And would toll prices then be impacted by a ruling against the Thruway?

EXECUTIVE DIRECTOR DRISCOLL: Well, let me just -- well, I'll answer the first part first, which is I'm not going to speculate on what a final outcome may be because we don't know that.

But, you know, while the cashless tollers -- or TZC initially filed a suit, they withdrew that suit. So there is no lawsuit.

But what we are in is a dispute resolution. And that was embedded in the original contract back in 2012 afforded both

the consortium of TZC as well as the Thruway. And that spells out a process that we are engaged in at this time. And so we're working forward through the dispute resolution as we speak.

ASSEMBLYWOMAN PAULIN: Jumping to toll enforcement, you know, the executive proposal includes legislation that would make all toll violations a Class A misdemeanor and would make it a violation with a fine of up to $500 to drive on a toll road with an obscured license plate.

What -- you know, why have you found that elevation to a Class A misdemeanor necessary?

EXECUTIVE DIRECTOR DRISCOLL: Well, I haven't proposed that.

But that said, that people who distort their plates or others frankly are breaking the law, and that is not fair to the large majority of people who do pay their tolls and pay them on time. So I think that's an important distinction.

ASSEMBLYWOMAN PAULIN: Have the

Thruway Authority and MTA worked to align their procedures for toll violations to reduce confusion? And is it primarily the MTA you're suggesting that needs the misdemeanor Class A to deal with their issues --

EXECUTIVE DIRECTOR DRISCOLL: No, I'm suggest -- yeah, sorry --

ASSEMBLYWOMAN PAULIN: No, go ahead.

EXECUTIVE DIRECTOR DRISCOLL: No, I'm suggesting anytime anybody is circumventing the law, that they should be held accountable. And in this case, if they're doing with a distorted plate, they should be held accountable. Because as I say, the vast majority of people, you know, pay their tolls in a responsible manner.

ASSEMBLYWOMAN PAULIN: So, you know, I know that we've worked together to change the colors of the envelopes to make it better for people so that they don't get to Stage 2, Stage 3, Stage 4 and then have problems with increased fines and so forth.

How is that all working? I mean, have

you -- are there a lot of people who are still at that very last stage, compared to what we saw in the beginning?

EXECUTIVE DIRECTOR DRISCOLL: I think it's important, Amy, here that we go back a little bit in history and we remember when the first conversion took place at the Tappan Zee Bridge back then. We all discovered that it was really an educational process for people. That was the first iteration of cashless tolling as we knew it.

I can tell you over time that people are far more educated on the process now. You mentioned the envelope and the bill that we all went back and forth on and improved --

THE MODERATOR: Pardon me, but your time is up.

EXECUTIVE DIRECTOR DRISCOLL: And it's working well.

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

We are now going to Leroy Comrie, the chair of the Authorities Committee.

SENATOR COMRIE: Thank you, Madam Chair.

Good afternoon.

EXECUTIVE DIRECTOR DRISCOLL: Good afternoon.

SENATOR COMRIE: I have a couple of questions. I'll follow up where Assemblymember Paulin was finishing regarding the collection of tolls and how customers are being treated between the Thruway Authority and the MTA.

EXECUTIVE DIRECTOR DRISCOLL: Well, I can't speak for the MTA. I can only speak for the Thruway Authority.

You know, look, we've got not only our vendor, who handles a center, a call center, if you will -- we also, here at the Thruway, have a call center and a tollpayer advocate. And in fact that particular individual has handled over 2600 transactions. But we make it a priority that when we get a complaint, we make it a priority to act on it.

Look, I think that over time this has continued to get better. People are being --

certainly have become more educated on the importance of having E-ZPass. We've made -- as I was explaining to Amy, is that the bill is very clear and legible now and there's less confusion on the bill by the changes that were made. And much more identifiable. So we're seeing better compliance.

SENATOR COMRIE: You only have one advocate for the entire state? Because the MTA --

EXECUTIVE DIRECTOR DRISCOLL: No, no, sir, we don't have anything to do with the MTA. I am not the MTA.

SENATOR COMRIE: But you said you had one advocate for the entire state?

EXECUTIVE DIRECTOR DRISCOLL: I have one -- I have a tollpayer advocate who is the person dedicated to that position who also takes complaints but also helps us work through how we can create systems that work better. But we have nothing to do with the MTA.

SENATOR COMRIE: I understand that. But what I was asking you is that you only

have one for the entire state. Is it a unit that he is in charge of, or is it just him?

EXECUTIVE DIRECTOR DRISCOLL: It's a tollpayer advocate position, but we have several hundred people who work in the call centers and we have dozens of people who work here in this facility in the same function. So they're just -- they're different roles.

SENATOR COMRIE: To try to ameliorate.

So how many cases have they given the consumers a full refund when the consumer's credit card wasn't kept up-to-date and they wound up paying fees and fines for over a month because they didn't know that their credit card had changed or --

EXECUTIVE DIRECTOR DRISCOLL: Well, if their credit card has expired, we can't draw from it.

SENATOR COMRIE: Right.

EXECUTIVE DIRECTOR DRISCOLL: So we're not collecting anything.

SENATOR COMRIE: Correct.

EXECUTIVE DIRECTOR DRISCOLL: That customer is notified that their card -- and

many times people don't even realize that their card has expired. They either choose to get a new card or get their card, you know, up to speed, or we bill them.

SENATOR COMRIE: Is there any type of amnesty for people that can prove that they have produced a new card within a 30-day period? Because we're getting complaints from people that did not know within the 30-day period because of the billing cycle, and they wind up paying thousands of dollars in fines and fees.

Is there an amnesty developed for people that have that situation?

EXECUTIVE DIRECTOR DRISCOLL: We're not doing an amnesty. What we do is a couple of different things. We provide them a mobile alert so they get notification, you know, by their mobile phone.

We do send them in the mail, to their registered address -- which as you know, by law, people are required to have. And we call them -- or largely, they will call us when they find out that they've gotten a

bill.

And yes, to your answer, we do work with everybody to help them through this process.

SENATOR COMRIE: I would suggest there's some type of amnesty process. Because yeah, working people that are normally commuting from 5 o'clock in the morning to try to get to their jobs, they're not thinking about their bills, they hopefully have it on automatic payment. Then they wind up a month later with fees and fines of over $5,000. And it's a real kicker to somebody, because most people don't have that kind of money.

So I would hope that we develop a system to be a little more tolerant of these people because, you know, we want people to take the roads and then we bang them out with exorbitant fees because they made a mistake during that period -- I think there should be some waivers given to them.

The second question. On the Thruway alterations, how were the vendors picked for

the Thruway alter -- alternate -- alterations -- hmm. My throat is dry. How were the vendors picked for the Thruway alterations?

EXECUTIVE DIRECTOR DRISCOLL: So for the service plazas, you mean?

SENATOR COMRIE: Yes.

EXECUTIVE DIRECTOR DRISCOLL: Yes. So as I stated, we have -- a contract award was made to Empire State Thruway Partners, they're a consortium --

SENATOR COMRIE: Is that a private group or that's a --

EXECUTIVE DIRECTOR DRISCOLL: It's a private group with private funding, private money. And that gave them the express authority to select the vendors in the facilities across the state.

You know, they're experts in this line of work. We don't really run a restaurant. So they know, you know, the -- they know what's most desirable to consumers across the state and nation.

SENATOR COMRIE: Yeah, but they also

didn't realize that this is New York State and that New York State has a major issue with Chick-fil-A, which is one of the vendors that they're planning on putting in some of these stations. And there's been a lot of feedback and pushback about using a vendor that has a history of non-support for New York State residents and, you know, non-support for the most of the causes that most New Yorkers espouse.

So I would hope that they take a hard look at that. And, you know, how can we have some interjection to apprise them that they need to rethink about their vendors that they're putting in there to make sure that those are vendors that are beneficial and supportive of New York State policies.

EXECUTIVE DIRECTOR DRISCOLL: Well, so as I said, they have an exclusive 33-year lease with us. They pick the vendors at these locations throughout. As part of that lease agreement, the requirement is that they follow the Human Rights Law and the Executive Order here in New York State. And by way of

separate cover, each of the vendors, all of the vendors were required to sign an attestation to that very law as well.

So again, Empire State Thruway Partners has the express authority to enter into these agreements.

SENATOR COMRIE: I think that we need to take a look at the role of the state in overseeing that. Because we're very concerned about some of the vendors that are going into these locations. They should be vendors that are supportive of New York State policies. And the fact that they've already picked two vendors that people have problems with -- I'm sure that you've gotten letters on it -- is a real problem.

EXECUTIVE DIRECTOR DRISCOLL: Well, you know, quite frankly I've gotten letters for and against. I'd say it's about equal.

You know, I think all of us agree, you know, one thing we don't want to do is take away anybody's freedom of choice. So if people don't want to support Chick-fil-A, they certainly could go to Panera, Shake

Shack, Panda Express, Dunkin' Donuts -- you know, the list goes on. There's a number of different opportunities at each of these locations. People, you know, can choose to go where they want.

SENATOR COMRIE: I still think that we need to make sure that the businesses we put in New York State are businesses that are state-friendly.

I see that the -- I would hope that the owners take that into -- people that hold -- the master leaseholder for you said how long? Thirty-three years?

EXECUTIVE DIRECTOR DRISCOLL: Thirty-three years. They're spending $450 million.

SENATOR COMRIE: Mm-hmm. Well, they expect to make ten times that much. I don't think that --

EXECUTIVE DIRECTOR DRISCOLL: We're not spending any.

SENATOR COMRIE: Right. Well, I think they expect to make ten times that --

EXECUTIVE DIRECTOR DRISCOLL: Well,

point taken.

SENATOR COMRIE: Just a last question on broadband and broadband access upstate. How are you tying into DOT to create opportunities for them to run their broadband lines into your system? And what have you done to -- you said you picked nine other locations for solar. Are any of those locations upstate that you're picking for solar?

EXECUTIVE DIRECTOR DRISCOLL: The majority --

SENATOR COMRIE: And do you have any within the Long Island area, the solar installation?

EXECUTIVE DIRECTOR DRISCOLL: The Thruway does not -- the Thruway does not go to Long Island. You know, it ends -- it ends at basically the city line.

But the solar arrays that I described are largely upstate. They actually -- we have some, as I mentioned, down in Harriman. So we're looking, you know, from the Lower Mid-Hudson region all

the way west to Buffalo to do these installations.

SENATOR COMRIE: Okay. And are you working with DOT to tie in so that they could tap your broadband into the roadway projects that they're doing, to increase broadband opportunities upstate?

EXECUTIVE DIRECTOR DRISCOLL: Well, I think the Thruway is uniquely positioned to assist in that. We're not, you know -- again, we're a separate entity than DOT. We do have a fiber optic line that I believe can help support, be a backbone for that.

SENATOR COMRIE: I would hope that you do tie into DOT so that they could do more rural expansion of broadband upstate wherever possible. You know, I would hope that that agreement could be set up this year because many upstate areas are still woefully behind in broadband. And I know that you have high-speed broadband throughout your network, and sharing it would be something beneficial for upstate homeowners.

Thank you. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Okay, thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to our Transportation chair, Assemblyman Magnarelli, 10 minutes.

ASSEMBLYMAN MAGNARELLI: I don't think I'm going to use my whole 10 minutes.

Commissioner, it's good to see you --

EXECUTIVE DIRECTOR DRISCOLL: Good to see you.

ASSEMBLYMAN MAGNARELLI: -- as always. It's good to see you.

And I want to start off by saying thank you for the time you've given me, especially over the past year, on a number of different issues. And my first question has to do with one of the bridges that's important to me, in Baldwinsville. Is that going to be something that's going to be started relatively soon, or is it in the works?

EXECUTIVE DIRECTOR DRISCOLL: Yes, it's in the works. Actually it began in the works, you know, in the fall of last year.

You will see activity there, you know, as the weather permits this spring. So yes.

ASSEMBLYMAN MAGNARELLI: Can't ask for more than that.

Couple of other questions -- they're parochial, they're not statewide issues. Well, this one isn't. Looking forward, I guess to what's going to happen with Route 81 in downtown Syracuse. Many people have come to me over and over and over again saying, Can we use the Thruway as a means of getting, you know, around some of that construction? And can we get a toll pass during that period of time?

And I know we have talked about this is in the past. But I also think that there has to be a way -- now, all I'm asking you to do is let's think of a way to allow for that pass. There must be something we can do. I know that in the Buffalo area, in years past, they did away with tolls that went into the City of Buffalo. There was a transaction that had to take place to make that happen.

I'm just asking if we can look at

something like that again, at least for the period of time in which we're going to have that major construction that's going to be so disruptive to that area in Syracuse. And obviously, as being mayor of Syracuse for eight years or more than eight years, you know what I'm talking about.

EXECUTIVE DIRECTOR DRISCOLL: I do.

ASSEMBLYMAN MAGNARELLI: Well, can we look into this? That's the question.

EXECUTIVE DIRECTOR DRISCOLL: So let me -- just a couple of things, if I may. You know, as I stated in the beginning -- and you and I have discussed -- you know, our only sole revenue that we have here at the Thruway Authority, the only dollars we get are our toll revenues.

The second piece related to that is the bond issuances that we've done, those bonds are purchased by investors. And those investors are buying those bonds based on the revenues, you know, that are built in.

And so the covenants, we have to be very careful about breaking those covenants

because we would be liable, we would be --

(Overtalk.)

EXECUTIVE DIRECTOR DRISCOLL: You mentioned I think it was 16 years ago in 2006 the City of Buffalo -- and yes, there was an arrangement made, $14 million was paid to protect those covenants through the life of that bond. And then I-84 was removed from the Thruway, and that was about $14 million to $15 million back then in costs on an annual basis.

So, you know, I think those are two important distinctions. Look, I want to be honest with you because I always am, as you know --

ASSEMBLYMAN MAGNARELLI: Yeah.

EXECUTIVE DIRECTOR DRISCOLL: And my opinion is that's not something we should do because, again, we have a very -- you know, we have one line of revenue and it's our tolls. And honestly, we can take a toll and we can fund that, we finance that over 30 years in many cases. And so even if it's a 10-cent toll or a 15-cent toll or a dollar

toll, you know, that translates into monies that we use to support our capital plan, like the {inaudible} Street Bridge.

ASSEMBLYMAN MAGNARELLI: It won't be the first time you and I have disagreed, but we still stay friends. So I think we'll --

EXECUTIVE DIRECTOR DRISCOLL: Always friends.

ASSEMBLYMAN MAGNARELLI: We're always going to be friends.

And the other part of this, though, is I think if we put our heads together, there's ways of doing that and monetizing the amounts that are needed to make the Thruway whole and the bondholders whole as well. I'm not looking to break any covenants or destroy the Thruway Authority in any way.

But I believe that there are ways that we should be looking at, because this is going to be very tough on the City of Syracuse for a certain period of time. It's not going to be forever, as the Buffalo situation is forever. That was done. It's not going to go back. Here, I'm not

suggesting that it would be forever. So there are a couple of distinctions that I hope we'll be able to work on.

The last thing I just wanted to talk to you about is, you know, you're talking about 120 charging stations on the Thruway. With 40 already in place, that's 160. I've had a number of hearings, one specifically on electric vehicles, and what's coming back to me is that this -- I'm not saying it isn't a good start or you're not doing the right thing or anything like that. I'm just saying it doesn't seem -- it won't be enough at some point in time.

So what is the plan after this? Are there talks among the Thruway, the DOT -- you know, all of New York State -- how are we going to build out this system of charging stations?

EXECUTIVE DIRECTOR DRISCOLL: Yup. Okay, and that's a good question and a fair point.

We think it will be enough for now. We think it will be enough for now. Because

the average electric vehicle, depending on the kind of electric vehicle that you may purchase, can go anywhere on a full charge from 200 to 300 miles.

That said, as part of, you know, this lease agreement, Empire State Partners is also responsible for -- if capacity increases, there's more vehicles out, they will install additional charging units at these locations. So we think it is enough, certainly for the next few years. But as I said, Empire State Thruway Partners is also required and wants to build out the system as well. It's a big part of their business model that they do in Europe and they also want to do here in the U.S.

ASSEMBLYMAN MAGNARELLI: Well, as long as we keep our eye on that one, because I think it's going to be something that's going to get bigger and bigger as we go along.

EXECUTIVE DIRECTOR DRISCOLL: Yeah, and we will -- be assured, we will keep our eye on that. You know, we are big supporters, you know, of moving to a more

environmentally friendly transportation system, and so we will absolutely keep our eye on that as well.

ASSEMBLYMAN MAGNARELLI: All right. I thank you for your time.

EXECUTIVE DIRECTOR DRISCOLL: Thank you, and I'll be in touch. Thank you.

ASSEMBLYMAN MAGNARELLI: Thank you, Madam Chair.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And we now are joined by our chair of the Transportation Committee, Tim Kennedy.

SENATOR KENNEDY: Thank you very much, Chairwoman.

And Director Driscoll, good to see you again. Good afternoon.

EXECUTIVE DIRECTOR DRISCOLL: Good to see you, Senator.

SENATOR KENNEDY: Welcome back.

First of all, thank you for your partnership and your leadership. Whenever we reach out, you're extremely responsive and

you jump into action.

There's a number of issues I want to get to here, so I'll get right to it. Speaking of federal infrastructure funds, you know, we're celebrating the infusion of federal dollars coming into the State of New York for projects outside of the toll system, including the I-190. Obviously, you know, except for the Grand Island bridges, the I-90 from Williamsville to Lackawanna, the area we're looking to reconstruct around the 33/290/90 interchange.

Is the Thruway positioned, either through the Department of Budget or in conjunction with the Department of Transportation, to receive any of these federal funds if appropriated?

EXECUTIVE DIRECTOR DRISCOLL: So I think it's important to state we do not receive any federal funding, as we don't receive state or local taxpayer funding. So we don't get federal funding.

I have made a request to have that conversation. But, you know, we do not have

an answer. But we will continue to work with DOB on that.

SENATOR KENNEDY: Yeah, what can we do -- and this is really getting to my question, because I do understand that. You can't put federal funds into tolled roads with this massive infusion.

What can we do, especially in this moment, to ensure that federal funds flow to eligible Thruway areas? Because there's a great need out there, as you know.

EXECUTIVE DIRECTOR DRISCOLL: Yeah. Oh, sure. And look, I think that's a conversation between, you know, the Legislature and the Executive.

SENATOR KENNEDY: Okay. Back to Thruway rest stops. When will these finally be completed?

EXECUTIVE DIRECTOR DRISCOLL: They will be completed by the end of 2025. There are 27 of them, right? You've probably noticed there are 10 underway right now; I'm sure you've seen that in your travels, you know, here to Albany.

So it's being done in phases. And no two consecutive are taken down, so that we can ensure that, you know, travelers have a place to stop in.

SENATOR KENNEDY: Right. And getting back to what some of my colleagues have mentioned already is the issues at those rest stops. In 2021 there were blind vendors that filed a complaint against the authority and the State Commission for the Blind not requiring each service area to contain at least one vending machine operated by a blind vendor. So how has the authority responded to that complaint?

EXECUTIVE DIRECTOR DRISCOLL: Well, I think it's important to back up a little bit because this is a conversation that I have been engaged in with the blind vendors, and it predates, you know, the service plazas.

We've worked with the blind vendors at existing facilities -- and looking for new opportunities here in this building, you know, as an example of what we've done to help support them.

I can report to you that by way of introduction, we have introduced them with the Empire State Thruway Partners. They are having positive conversations. In fact, I'm being told that they have an arrangement that will allow for participation from the Blind Vendors Association. So I think right now everybody's happy.

SENATOR KENNEDY: That's excellent. Obviously you know the Governor yesterday put in place the first chief disability officer in the state, and hopefully with the commitment to hire individuals with disabilities and those that are blind more into New York State, into the employment opportunities that exist, it will be a great relationship there.

So I appreciate your leadership on that. We want to make sure that we're doing our part.

Staffing levels. There's vacancies within the department, your department. What's causing the high vacancy rate?

EXECUTIVE DIRECTOR DRISCOLL: Well, I

don't know that it's a high vacancy rate. But I think there was a reduction in force that took place, I want to say, back in 2012 or '13. We've never fully recovered from that.

And by the way, I have to say again, you know, that again, our sole source of revenue is tolls.

But that said, what have we done to address that? And we do continue to hire, I don't want to mislead you. But some of the things that we've done here is consolidate functions internally, creating better efficiencies. You know, helping kind of support cross-training opportunities.

We -- candidly -- are not down in positions out on the roadway where we have our Thruway maintenance workers who are doing, you know, the plowing that you see here during the summer and in the winter months. We have about a 4 percent vacancy rate. That's really good.

And then, look, the obvious is -- and I think all of us know this -- you know,

there's a labor shortage. People -- there just are people that, for whatever reason, don't want to return to work. So this is something that's impacted us. I know it's impacted the private sector. It impacts other state agencies. So there's kind of this whole, you know, cycle of challenges when it comes to these positions.

SENATOR KENNEDY: Yeah, understood. And, you know, that's fair. What I would say, just to quantify my line of questioning when I said a high vacancy rate, the 2022 budget document showed that the 2020-2022 department reflected roughly half of the authority's budgeted positions being vacant. I consider that high, but --

(Overtalk.)

EXECUTIVE DIRECTOR DRISCOLL: I'll get clarification on that. I don't think that's accurate.

SENATOR KENNEDY: Okay.

EXECUTIVE DIRECTOR DRISCOLL: You know, and if you look at it --

SENATOR KENNEDY: Listen, you answered

it. It's fair, we'll move on. And listen, I recognize that there's a shortage and whatnot. We want to help you to get that message out there, though, as well, and fill these positions and make sure that you have all the resources necessary to carry out your work and that of your department.

I want to switch over to Tolls by Mail. You know, I know we already touched on E-ZPass a number of times in the conversation already. But have you seen a rise in ownership rates for E-ZPass in the wake of cashless tolling?

EXECUTIVE DIRECTOR DRISCOLL: Yes. It's growing every year. And again, I'll go back to 2016, you know, at the Tappan Zee Bridge. That was, you know, a real education process for people.

We spend time and effort and resources every year. We have a pretty robust marketing program here. In fact, at the end of last year we identified -- and we used data to help make these kind of site-specific decisions. We identified Niagara County,

Erie County and Monroe County as targets where we want to focus on, you know, getting people to buy more E-ZPass tags.

But to answer your question, yes, they've been increasing. We have a penetration rate of about 86 percent statewide. And that's up. So it's moving in the right direction. We've got another robust program that our press folks here will be rolling out, you know, this spring.

SENATOR KENNEDY: Great. And then has the implementation of cashless tolling raised the upstate E-ZPass numbers as well?

EXECUTIVE DIRECTOR DRISCOLL: Yeah. I mean, it was always larger in downstate because of the proximity to New York City, MTA, Port Authority. We are seeing the numbers come up.

And again, I think it's one of these things where, you know, we're going to have to continually educate the public on the benefits of having an E-ZPass. And then there will always be, probably, a percentage of people that don't. You know? For

whatever reason. People may want to do Toll by Mail.

We also -- part of our education is that we have multiple plans for the people who may only use the Thruway a couple of times a year, that they can enter into here. So really trying to make it easy for everybody to travel the Thruway. But clearly we'd love to have everybody have an E-ZPass.

SENATOR KENNEDY: Right. And as far as unrecovered toll rates since the transition of cashless tolling statewide -- can you talk about that?

EXECUTIVE DIRECTOR DRISCOLL: Well, look. First of all, there's been a little bit of a -- you know, COVID impacted all of us, right? People out of work, you know, all of that.

But -- so I mentioned the 400 million transactions in my testimony. And so we've got -- since 2020, we've got 400 million, you know, booked transactions. Of that number, about 95 percent we collect, and we collect in a timely fashion. Now, the remaining

5 percent is always in flux.

What do I mean by that? We may send somebody a bill -- first of all, a Toll by Mail person, you know, may have driven through here last week and will pay that bill on their own. Or we may have to send them a letter. They may not pay that. We may have to send them a second letter. They may pay that. And then there are those that, you know, will end up in collections.

But my point is that 5 percent, you know, it doesn't always start and stop on a particular day. It's always in flux. But the vast majority of our customers, thankfully, pay. And they pay on time.

SENATOR KENNEDY: I'm going to leave you with this last question. Last month or a couple of months ago you were helpful in getting a bridge that was deteriorating moved up in the schedule. There are many other bridges that need serious help across this state that are under your purview at the Thruway Authority.

What steps are being taken at the

Thruway Authority to replace bridges in the system as they age? And, you know, are you bundling projects as something to do for the Thruway Authority to address these as well?

EXECUTIVE DIRECTOR DRISCOLL: Yeah. So we do look at bundling projects because there's an economy of scale there. We have other --

THE MODERATOR: Pardon me, but your time is up.

SENATOR KENNEDY: I'll ask you later on the second round or --

EXECUTIVE DIRECTOR DRISCOLL: Yeah, we'll pick it up again, sure.

CHAIRWOMAN KRUEGER: Okay, Assembly?

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblyman Ed Ra, five minutes.

ASSEMBLYMAN RA: Thank you, Chair.

Director, good to see you. Thanks for being with us again.

Just a question: Has the authority been able to project or forecast when revenue will return to pre-pandemic levels? Obviously we saw a little bit of a rebound

last year, but we're still well below 2019, to my understanding.

EXECUTIVE DIRECTOR DRISCOLL: Yeah. No, you're correct in that. As I said, we saw a 17 percent reduction. And right now on our passenger side, we're still down about -- depending on the day -- 6 to 7 percent below those 2019 levels.

Commercial's been strong. You know, and I think all of us are aware, you know, through the pandemic people were ordering lots of goods and whatnot. So commercial's stayed pretty strong.

But our numbers on the passenger side are still down. We project to see a little bit of growth again as we go here into 2022. And we're hoping for the best, right, that that continues as we see COVID kind of eradicate.

ASSEMBLYMAN RA: All right, thank you.

The other thing I wanted to ask about -- and I certainly appreciate that you can't comment about the substance of it. But just in terms of the status of the lawsuit by

Tappan Zee Contractors with regard to that $900 million in the construction of the new Tappan Zee Bridge. Where does that case stand? Is it close to being resolved in some fashion?

EXECUTIVE DIRECTOR DRISCOLL: Well, you know, my personal opinion is it's not close. I think it's some time off.

We are in a dispute resolution process by way of contract that was embedded in the original language agreed to by both parties. So we are in that process now. And there's still another -- after this third step, of which we're in now, there's another step required before that dispute resolution process is finalized. Frankly, I don't see that happening for, you know, at least a year.

ASSEMBLYMAN RA: Okay. Thank you very much.

I'll yield back my time, Chairs.

CHAIRWOMAN WEINSTEIN: Thank you.

Do you have any other Senators?

CHAIRWOMAN KRUEGER: Just me, briefly.

I certainly don't need my 10 minutes.

CHAIRWOMAN WEINSTEIN: Go ahead.

CHAIRWOMAN KRUEGER: Thank you very much.

Hi, Matt.

EXECUTIVE DIRECTOR DRISCOLL: Hi.

CHAIRWOMAN KRUEGER: So I remember all the discussion about how were we going to pay for the new Mario Cuomo Bridge, then we got some loans, but then we owed them back, and then we were going to have a really big jump in tolls because we hadn't been graduating the increase in tolls. And I even looked back at some paperwork that talked about the tolls being between 13 and 15 dollars.

So that hasn't happened. How are we paying for it? And is there some shoe that's going to drop, and when?

EXECUTIVE DIRECTOR DRISCOLL: No, there's no shoe that's going to drop. I think it's how we plan.

And, you know, I will say that some of the numbers that were bantered about were pure speculation. I try to -- I've always

tried to refrain myself from speculating about things that, you know, until we have data and hard information will guide us on an answer.

But that said, you know, we have increased the toll on the bridge, 50 cents and 50 cents, plus commercial rates. Commercial rates went up 31 percent in 2021 and 30 percent this year. So, you know, we think we're still in a solid position for sometime before we look at, you know, other alternatives.

CHAIRWOMAN KRUEGER: And how much money do we owe back on this bridge at this point?

EXECUTIVE DIRECTOR DRISCOLL: Well, you know, we have paid the consortium, TZC, we've paid out $3.5 billion. As you may recall, the Legislature appropriated $2 billion towards that cost of that bridge. So until it's all full said and done -- we are on time, it's under budget -- you know, those numbers are still yet to be determined in its final form.

CHAIRWOMAN KRUEGER: So you don't have a number yet on what the final, total cost of the bridge is or what we still owe on it?

EXECUTIVE DIRECTOR DRISCOLL: That's correct. I can tell you we've paid $3.5 billion. And what -- you know, as you've discussed, there's been conversations on different sums. But no. We've paid that amount, and we think that's about right.

CHAIRWOMAN KRUEGER: So you don't have a pile of unpaid bills somewhere, you think you've actually made the payments you need to make on that bridge?

EXECUTIVE DIRECTOR DRISCOLL: That's correct.

CHAIRWOMAN KRUEGER: Okay. Thank you, Madam Chair, that's all I had to ask.

CHAIRWOMAN WEINSTEIN: Okay, we go to Assemblyman Walczyk, three minutes.

ASSEMBLYMAN WALCZYK: Thank you, Madam Chair.

When are the tolls scheduled to come off of the New York State Thruway?

EXECUTIVE DIRECTOR DRISCOLL: I'm

sorry, I'm not understanding the question.

ASSEMBLYMAN WALCZYK: Oh, originally -- I mean, you talked earlier about bonds and covenants and agreements and I remember I think the bonds for the original construction for the State Thruway were paid off in the mid-'90s, weren't they?

EXECUTIVE DIRECTOR DRISCOLL: I don't really know. I'm not sure.

ASSEMBLYMAN WALCZYK: Is there anytime in the future that you're planning to take the tolls off of the New York State Thruway?

EXECUTIVE DIRECTOR DRISCOLL: No. Because then how do you pay for the paving and the plowing and fixing the bridges and making sure it's safe for motorists?

ASSEMBLYMAN WALCZYK: Well, I think the agreement or that covenant, I guess, with New Yorkers that were paying that bond through tolls would be that it would -- you know, the authority would probably not be necessary and toll collection wouldn't be necessary anymore, the Department of Transportation would handle the bulk of those

things, would be my guess.

EXECUTIVE DIRECTOR DRISCOLL: Well, and look -- and if that was the decision, then the cost of operating and maintaining the Thruway would need to be spread to every taxpayer in the State of New York. Because you still have to pay to keep the system open and safe for motorists.

And as you already know, this is a huge -- it's a huge commerce driver in the State of New York and the Northeast. So --

ASSEMBLYMAN WALCZYK: That's a great point. I just wanted to ask one more --

EXECUTIVE DIRECTOR DRISCOLL: Yeah, sure.

ASSEMBLYMAN WALCZYK: The mix of license plates outside of New York State or contributions through tolls by way of the Thruway Authority -- the mix of outside of New York State versus New Yorkers, what does that mix look like?

EXECUTIVE DIRECTOR DRISCOLL: I don't have a percentage to give you. But, you know, maybe about a third?

ASSEMBLYMAN WALCZYK: A third New York or a third outside --

EXECUTIVE DIRECTOR DRISCOLL: No, no, a third out of state.

ASSEMBLYMAN WALCZYK: Okay. So two-thirds of New Yorkers are paying those tolls.

EXECUTIVE DIRECTOR DRISCOLL: That's right.

ASSEMBLYMAN WALCZYK: Okay. Thanks very much. That's all I had, Madam Chair. Appreciate the time.

EXECUTIVE DIRECTOR DRISCOLL: You're welcome.

CHAIRWOMAN WEINSTEIN: Thank you.

Back to the Senate.

CHAIRWOMAN KRUEGER: Yes. Senator Tim Kennedy for a second round.

SENATOR KENNEDY: Yeah, thank you, Chairwoman.

Director Driscoll, just again, speak to your bridge work through the Thruway Authority. Again, you know, what steps can the Thruway Authority take to replace bridges

in its system as they age?

EXECUTIVE DIRECTOR DRISCOLL: So we have a schedule and, I was saying, a robust asset management program that, you know, goes out and inspects these bridges. We're required to inspect, like DOT is and any agency or authority across the country, every two years the bridges.

But we also have -- in our four divisions, we have a Buffalo division that you're well versed on, a Syracuse division, an Albany division, and a New York division. So each of those divisions as well, you know, keep an eye on all of our bridges also. So we rank and score, you know, the bridges in terms of need.

SENATOR KENNEDY: And as far as bundling goes, the projects?

EXECUTIVE DIRECTOR DRISCOLL: We have bundled projects in the past. I'll tell you that that's been challenged in the court of law by others relative to, you know, whether or not they were, you know, fair and appropriate, I guess to say.

So we do still bundle bridge work. We try to be more site-selective. And, you know, on the Beaver Island State Park bridge as an example, we do that when we can find other economies of scale. As you know, we're doing a lot of work at the Grand Island bridges in the next two years. And that allowed for us to bundle that Beaver Island bridge into that, because we can -- as I say, we can glean some economies for scale on that.

So we try to be site-specific where we do do that.

SENATOR KENNEDY: Well, I think between the funding that's coming from the state as well as the Governor's new proposal to increase BRIDGE NY funding by a billion dollars in the next five years, there'll be great opportunities for us to collaborate and resolve some of these issues and get out in front of some of the deteriorating conditions that we're seeing.

Look forward to working with you on that. Thank you.

EXECUTIVE DIRECTOR DRISCOLL: Thank you.

CHAIRWOMAN KRUEGER: Assembly, yes.

CHAIRWOMAN WEINSTEIN: And we have Assemblyman Otis.

ASSEMBLYMAN OTIS: Hey, Matt, nice to see you. Thank you for all your good work.

EXECUTIVE DIRECTOR DRISCOLL: Good to see you.

ASSEMBLYMAN OTIS: Just wanted to follow up on the EV charging station issue, which is your agreement to have those installed at the service areas. There's room for growth in future years as the technology improves, and you're not limited to the numbers that are just being rolled out in the next couple of years.

EXECUTIVE DIRECTOR DRISCOLL: That's correct.

ASSEMBLYMAN OTIS: And a question that came up in a hearing we had the other day, your agency is moving ahead with EV vehicles for your own fleet.

EXECUTIVE DIRECTOR DRISCOLL: That is

correct also. You know, I'd like to say, look, we've had a very responsible and aggressive environmental program here. We've got like 425 E85 vehicles because, you know, we have bought into being environmentally sound and good stewards.

We are also right now planning to transition away from those vehicles to electric vehicles. And by that I mean how we will -- we'll utilize those in our fleet services in some cases in light, kind of supervisory work, you know, small pickup trucks, et cetera.

So we're working to identify the maintenance facilities where we could install EV chargers that makes the most sense logistically, right, as we start out this program. And we're already looking at those purchases to expand our fleet.

We do have some electrical vehicles, but certainly we want to be more aggressive on that, as we were with the E85 program.

ASSEMBLYMAN OTIS: That's great. I'd also like to thank you for down in New

Rochelle, which is part of the Thruway that includes my district, the transition a number of years ago from the traditional toll booths to the E-ZPass on the gantries -- and now you've done this all across the state -- is a great air pollution savings that you're not having the vehicles slow down every time they're paying a toll, which adds to neighborhood nuisance and emissions.

So thank you for all the good works around the state.

EXECUTIVE DIRECTOR DRISCOLL: Thank you.

ASSEMBLYMAN OTIS: That's all I have. I give back the rest of my time, Madams Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Krueger, did you have any questions?

CHAIRWOMAN KRUEGER: No, I think I did my questions already. How about you?

CHAIRWOMAN WEINSTEIN: No, we have nothing further.

So we have no other Assemblymembers

with questions, so want to thank Matt Driscoll for being here with us answering all of our questions -- ah, I see a late starter. Mr. Jacobson has raised his hand before I said goodbye.

So Jonathan, quickly now.

ASSEMBLYMAN JACOBSON: Well, Steve got me thinking about a question to ask -- here, let me turn this off. I'm trying to watch the session at the same time.

Concerning the EV chargers, I would hope that when you decide to put them in or have to do it, that you just don't put two chargers at a rest area, because that will just lead to fist fights or worse. I think you need at least eight of them: Four could be the slower ones, four could be the quicker ones, the Level 2 and Level 3. Because I think that eventually you want to make the charging stations as convenient as gas stations.

So I would hope that you would do that -- and any other areas that you have jurisdiction to put them in -- because I

think it would go a long ways to let people know that it exists and for those that have it.

EXECUTIVE DIRECTOR DRISCOLL: Agreed. And they will be, you know, separate facilities, and they'll be much like you see, you know, when you go up to a gas tank now, so -- hopefully there's no fist fights. I'm getting too old to try to get out there and break that stuff up.

ASSEMBLYMAN JACOBSON: Okay. No, that's all I have. There's nothing -- there aren't any crazy Title 7s in the law this year, so I am not going to stay up.

Thank you.

EXECUTIVE DIRECTOR DRISCOLL: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

So again, Matt Driscoll, thank you for being here with us and look forward to continuing to work with you.

EXECUTIVE DIRECTOR DRISCOLL: My pleasure. Thank you.

CHAIRWOMAN KRUEGER: Thank you, Matt.

EXECUTIVE DIRECTOR DRISCOLL: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. And with that, so colleagues, we now move to the nongovernmental portion, the public portion of the budget hearing. And you'll notice that we have the public members in various panels.

So just to go over the rules, each member of the panel will have five -- I'm sorry, three minutes to present your testimony. Your testimony has been distributed to all the members. And then if there are any questions, a member will have three minutes to ask a question of the panel or of a particular member of the panel, but not each member of the panel.

So Panel A, New York Public Transit Association, Carm Basile, past president; Permanent Citizens Advisory Committee to the MTA, Lisa Daglian, executive director; Reinvent Albany, Rachael Fauss, senior research analyst; Transportation Alternatives, Elizabeth Adams, senior

director for advocacy and organizing; and the final member of the panel, Tri-State Transportation Campaign, Felicia Park-Rogers, director of regional infrastructure projects.

So if we can have the panelists present in that order, starting first with the New York Public Transit Association.

MR. BASILE: Thank you, Chairwoman Weinstein and Chairwoman Krueger, for your support of public transportation. Thank you as well to Chairwoman Paulin and Chairmen Kennedy, Comrie and Magnarelli for their leadership on transportation issues, especially ways to expand access to jobs.

My name is Carm Basile. I'm the chief executive officer of the Capital District Transportation Authority right here in Albany, and I'm on the executive board of NYPTA. Earlier you heard from our largest member, the MTA -- and addressing their financial needs is critical, and we support their priorities.

My testimony will focus on the needs of transit systems upstate and in the

downstate suburbs.

Since the pandemic began, the importance of public transportation services has been spotlighted and reinforced. People needed mobility when other support systems were being curtailed or shut down. Our services became, and they continue to be, a critical part of the effort to keep people and our economy moving. As we emerge from the pandemic, our customers are returning and communities throughout the state are demanding better service and new mobility options. They want ways to travel other than driving, and they want easier access to our services.

Our members need to provide wider spans, better mobility, on-demand services, mobile fare payment options, and micro-mobility options like bikes and scooters. Here in the Capital Region, we are providing new mobility options, and they're very popular and need to be expanded. In fact, we're getting ready to launch our own car-share program, which is complementary to

the other services we offer.

Transit agencies, our employees and our customers thank Governor Hochul for recognizing the importance of public transportation in the 2022-'23 Executive Budget. After enduring pandemic-related reductions in state aid, the Executive Budget increases state operating assistance, which is very much appreciated and long overdue, to provide our service to more communities and more people.

State operating assistance to the MTA will grow by 24 percent, and other downstate systems by 36 percent, helping them to address structural deficits and giving them the ability to provide more service. The Executive Budget proposes a 13 percent increase for upstate transit systems. We support the Governor's commitment to transit in downstate communities and urge the same commitment be made to transit customers in upstate communities. Upstate communities deserve a stronger state investment in transit service so that our residents can

have the same opportunities for mobility access and economic growth.

NYPTA has testified about the importance of a new five-year capital program for non-MTA transit to replace aging buses and aging infrastructure, and we hope that our Legislature will recognize those needs and support that, as the Governor did in her Executive Budget request.

Thank you to everyone, and I'm open for questions.

CHAIRWOMAN WEINSTEIN: Thank you.

Next, the Permanent Citizens Advisory Committee. I think you're unmuted now, Lisa, so you can begin.

MS. DAGLIAN: Okay, hi. Good afternoon. I'm Lisa Daglian; I'm the executive director of the permanent citizens advisory committee to the MTA, or PCAC. Created by the State Legislature, PCAC is the MTA's official rider advocacy organization, representing riders on MTA, on New York City Transit, the Long Island Rail Road and Metro-North Railroad. Thank you very much

for holding this hearing today.

The $6.6 billion that Governor Hochul included for the MTA in her Executive Budget means that fares will remain flat this year, which is great news for riders. We're also glad to see that the MTA is piloting new discount programs, including a 20-trip ticket and expanded City Ticket, which includes off-peak travel on commuter rail within the city. We look forward to it in its next step as a full-fledged Freedom Ticket. Thank you, Senator Comrie, for always championing this project.

These will help get riders back on board, but without reliable service they'll turn to other options. Eighteen minutes is far too long to wait for an F train. Similarly, if people have to wait 90 minutes between trains on the LIRR or Metro-North, they're more likely to get into personal cars than into train cars.

Better and faster service for buses is also critical, and we support automated bus lane and toll enforcement and Mayor Adams'

call for the city to be able to manage its programs.

As our region reopens -- really this time -- it's more important than ever that funding and human resources exist to keep the trains and buses running. It's time to reassess how transit is funded. The red ink of 2025 isn't far off. We support "flipping" the gas tax, tripling the gas tax, redirecting revenue from marijuana sales and mobile sports betting to transit, increasing the sales tax an eighth of a percent in the MTA region.

And we look forward to continuing this important conversation with you. The MTA may be agnostic as to how it gets these funds, but get them they must. And this and other revenue dedicated to the MTA must be moved off-budget.

The best way to get riders back on board is to make them feel safe and to keep them safe. We support the S.O.S. program and whatever funding it will take to make it as robust as possible, including expanding it to

commuter rail. We also support the additional mental health service funding that's in the budget and that Mayor Adams requested.

Transit workers must also be safe in the system that can't run without them. We strongly support the addition of transit employees -- of adding transit employees to the Penal Law.

And building and improving the system is also critical. We applaud the state's $3 billion capital commitment and hope the MTA will be transparent in how and when it's used. The open data portal and improved capital program dashboard can't come soon enough. The Second Avenue Subway Phase 2 and Penn Access are both long overdue, and the IBX would be another game-changer. Let's see how we can connect it to LaGuardia.

Penn Station is a story unto itself. The transit-specific improvements are too important to tie up in controversy and should go forward without the distractions of the GPP --

THE MODERATOR: Pardon me, but your time is up.

MS. DAGLIAN: Okay. -- and without the TIF extender.

Thank you so much. We appreciate this. I'm open for questions as well.

CHAIRWOMAN WEINSTEIN: Thank you.

So can we go now to Reinvent Albany.

MS. FAUSS: Hi, there. Good afternoon.

My name is Rachael Fauss. I'm the senior research analyst for Reinvent Albany. We advocate for transparent and accountable government. And I'm going to focus my comments primarily on the MTA. And you have our full testimony, so I'll try to be brief.

On operating aid, 6.6 billion for the MTA is really good news for riders -- but unfortunately, it's only up 6 percent of where we were pre-COVID. And it's all from formulas and booming dedicated taxes, not a new appropriation.

The MTA should provide the Legislature and the public updated ridership projections

so that we can better understand their operating needs in the future. Three million riders last week was good news, but this is still only 55 percent of where we were in 2019. And by this time the McKinsey forecast had us at about 68 percent for the midpoint, so we're still trending below where we thought we'd be.

The MTA will face a fiscal cliff when the federal aid runs out in 2025 and will need billions in new dedicated taxes.

Speaking of dedicated taxes, we support having the Legislature remit all existing and future MTA dedicated taxes directly to the MTA to help protect them from raids by the Executive. And this should also apply to all the transit systems throughout the state.

Lastly, on operating funds, we ask that the Legislature use the Outer Borough Transit Fund to improve bus, subway and commuter rail service rather than looking at toll discounts at this time.

On the capital budget, the MTA must

get congestion pricing revenue, because as of now only 7 percent of the 2020-2024 capital plan funds have come into the MTA. Two years into the 2020 capital program funding is coming in at the slowest pace of the last capital program -- of the last three capital programs. It only has 4 billion on hand of the 55 billion it needs to complete the program.

Capital spending has also slowed in 2020 and 2021 due to COVID-19 impacts and delays to congestion pricing. And COVID-19 unfortunately exacerbates the MTA's existing challenge of quickly spending capital dollars.

On Penn Station, we concur with the New York City Planning Commission as well as Senator Krueger and Senator Hoylman's call that the ESD has to be fully transparent about the financing plan before anything moves forward. The public needs to understand what the loss of property taxes will be for New York City and the full cost of any subsidies to developer Vornado. And

as part of this, the Legislature should carefully review the forthcoming IBO report, the Independent Budget Office report.

On the Article 7 proposals -- I'm running out of time, but we support the design-build proposal that is being presented by the Governor and the MTA.

On procurement, we have concerns about the "piggybacking" proposal in Part I and in general think the Legislature should require the MTA to be more transparent about procurement, and one way to do that would be to bring back quarterly change order reports.

We think that the Part J TIF extender should not be extended as part of the budget, but there should be a full discussion of this separately in a public hearing.

The rest of our comment is available in the testimony on the rest of the budget, and I'm happy to take questions.

CHAIRWOMAN WEINSTEIN: Thank you.

Transportation Alternatives.

MS. ADAMS: Hi, good afternoon, chairs and committee members. Thank you very much

for the opportunity to testify today.

My name is Elizabeth Adams, and I'm the senior director for advocacy and organizing at Transportation Alternatives.

For nearly 50 years, Transportation Alternatives has been a leader in the fight to make our streets safer, more accessible and livable for all New Yorkers. Today we seek your support for the Crash Victims Rights & Safety Act and for local accountability and tools that municipalities need to respond to unprecedented levels of traffic violence.

We commend the Governor on her commitment to new infrastructure investment in the proposed budget. However, it is critical that this year's budget include deeper investments to combat New York's transit and street safety crisis. We are at a historic turning point for our state, and safer streets is a core budget issue. Our annual economic cost due to motor vehicle crashes is $18.4 billion.

I appreciated DOT's acknowledgement

that crashes have gone up earlier -- but it's not just an issue of distracted drivers during COVID. It's an issue of speeding and of infrastructure and street design. We don't have the infrastructure that we need to keep people safe. And so we see crashes on the same streets and at the same intersections which are putting people's lives at risk.

TA is here today as a member of the New York State Safe Streets Coalition, nearly 60 organizations across the state that are fighting to pass the Crash Victims Rights & Safety Act, several bills that will redesign our streets and protect all road users.

I want to highlight two bills. You have our full testimony with the full range of bills, but Senate Bills S3897 and S5130, bills to fund Complete Streets infrastructure across the state. Complete Streets features such as pedestrian crosswalks, sidewalks, and bike lanes make our streets safer for everyone and are critical to meeting our environmental sustainability goals.

I heard a number of legislators today call out the importance of protections for our seniors and our elder populations and people with disabilities, and this is an issue that directly impacts them. Seniors are at higher risk of crashes and fatalities from crashes. And Complete Streets are a smart investment -- for every $1 million spent on infrastructure, 47 percent more are spent on jobs created on bike and pedestrian infrastructure than they are on car infrastructure projects.

We would also like to request your support for a home-rule request for localities to be able to manage camera enforcement programs and lower speed limits locally. 2021 was the deadliest year in traffic violence in New York City since the start of Vision Zero, and it was the third year in a row of rising traffic violence in the city and fatalities. People won't ride bikes if they don't feel safe, won't move to other forms of transportation if we are not doing everything that we can to take care of

people's well-being.

Lower speed limits and speed safety cameras are proven to work, and it is time that we have the authority to set what is best for our streets.

Lastly, we are encouraged to see the MTA Bike Access bill pass and --

THE MODERATOR: Pardon me, your time is up.

MS. ADAMS: I look forward to your questions.

CHAIRWOMAN WEINSTEIN: Senator Krueger, we do not seem to have any Assemblymembers, but there are hands raised, so I know that Senator Kennedy does. So --

THE MODERATOR: We do have Felicia Park-Rogers.

(Overtalk.)

CHAIRWOMAN KRUEGER: There's one more panelist.

CHAIRWOMAN WEINSTEIN: Oh, I'm sorry.

CHAIRWOMAN KRUEGER: That's okay.

CHAIRWOMAN WEINSTEIN: I didn't turn to page 2 of my -- thank you.

Okay, now: Tri-State Transportation Campaign. Sorry about that.

MS. PARK-ROGERS: Hi, I'm Felicia Park-Rogers with Tri-State Transportation Campaign. Thank you for the opportunity to testify before you today.

We are a policy research and advocacy organization dedicated to sustainable, equitable and safer mobility in New York, New Jersey and Connecticut.

If you care about infrastructure and transportation, this is an exciting time for our country and our state. The passage of the Infrastructure Investment and Jobs Act is the single largest investment in infrastructure and transportation our nation has ever seen. It has the potential to do much good for New York State, as we see reflected in the sheer magnitude of the New York State capital budget of $32.8 billion.

However, due to the compromises required to pass the bill in Washington, D.C., the bill also has the potential to do

significant harm, as we stand on the precipice of catastrophic climate change. The IIJA Manhattan maintains the status quo of an 80/20 split in funding for roads versus transit. So even as we see historic levels of funding for transit, we also see the biggest roads bill since the Interstate Highways Bill of the Eisenhower administration.

However, the USDOT has built some off-ramps into the bill, and today I strongly encourage you to take them. Follow the guidance of the FHWA, and you have the power to invest these funds in ways that prioritize equity, the environment, safety and the economy. There are flexible spending options which for the first time don't require funds to be spent only on new, flashy but ultimately destructive carbon-focused transportation options.

I encourage you to look away from the status quo and instead spend these capital dollars on fix-it-first repairs, building Complete Streets, supporting multimodal

transportation, supporting safe active transportation access for cyclists and pedestrians -- building sidewalks, taking down highways, increasing boulevarding, and supporting the growth and service levels of mass transit.

Governor Hochul has voiced support for prioritizing environment and equity projects. In line with these principles, we urge you to avoid projects that directly undermine these goals with highway expansion projects, such as the Van Wyck, Kew Gardens and I-86 expansions.

We commend Governor Hochul for proposing to legalize accessory dwelling units statewide and boosting transit-oriented development around rail stations. And we recommend the state go further and ban parking minimum requirements and single-family-owning zoning, which reinforces unsustainable and inequitable land use.

I briefly want to say that we encourage you to support the passage of Green Transit -- Senate Bill 3535, Assembly Bill

3090 -- and Green Jobs -- S3405 and A2083. This bill package would mandate New York State transit agencies to only purchase zero-emission buses by 2029. Additionally, we urge you to support the transition of state school buses to zero-emission vehicles fully by 2035.

There's much more testimony in my written comments, and I look forward to speaking with you and answering any questions. Go, Gateway/Hudson Tunnels!

(Laughter.)

CHAIRWOMAN WEINSTEIN: Thank you. Thank you all. And sorry, Felicia, I hadn't turned the page to see you there.

MS. PARK-ROGERS: That's fine.

CHAIRWOMAN WEINSTEIN: So now we have Assemblywoman Gallagher with three minutes. Every legislator, regardless of chair, you have three minutes to ask a question of the panel.

ASSEMBLYWOMAN GALLAGHER: Thank you very much, Chairs. And thank you to the panel.

Ms. Park-Rogers and Ms. Adams, could you speak a little bit more about this idea of Complete Streets and what the state might do to further their production in our communities and what they might give in terms of safety and environmental impact and how we might make sure that -- I'm sorry, I'm having a little allergy -- how we might integrate that with the many uses of the roadways?

Thank you.

MS. PARK-ROGERS: Elizabeth, do you want to start? Or I can.

CHAIRWOMAN KRUEGER: You might as well start because you started already.

MS. PARK-ROGERS: All right. Well, the idea of Complete Streets are building streets that work for the whole person and for all-transportation mobility.

So that's -- right now most of our streets are built around the needs of cars, but this would be the needs of pedestrians, with sidewalks that are straight and even and no tripping, with good lighting, with clear access to bus and transit stops that are safe

and protected from roads and cars and easily accessible from off-ramps as well as bike lanes and protected bike lanes.

Earlier the commissioner spoke about how when they look at new roads projects -- I think it was in answer to your question -- that they look at all of these different modes. But they can do more. And previously that wasn't funded with federal funds for transportation, and now it is -- which is the first time ever -- so we can move away from the status quo and truly build Complete Streets.

I'll give the rest of the time to Elizabeth.

MS. ADAMS: Thank you.

I would add what's important about Complete Streets is that we have to move away from a reliance on car culture as our everyday norm. And it's much harder to do that when we don't have crosswalks, when we don't have bike lanes, when we don't have sidewalks that are real options for people to use in its place.

It is not only an environmental issue, it revitalizes jobs, it brings more foot traffic to small businesses. And so it really is ways that we can invest in our communities in a whole way.

And then I would just lastly say, you know, for municipalities and localities that are looking at funding Complete Streets themselves, cost is often the barrier. So what this package of bills does is it says, look, the state will match that investment. We'll provide that funding to localities or provide the means to jump-start, to get to where they need to be when it comes to safer street design.

ASSEMBLYWOMAN GALLAGHER: Thank you.

Thanks, Chairs.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: For the Senate, yes, we have Chair Tim Kennedy, who still only gets three minutes.

SENATOR KENNEDY: That's quite all right. I won't need it all, I promise.

I just wanted to, number one, thank

these five extraordinary advocates for your testimony and your work. A number of bills that were cited, from Complete Streets to the zero emissions to the electric school buses, those are bills that I carry. And I look forward to working with you all on getting those over the finish line. And I truly appreciate your efforts.

The one question I would ask, and it's all I have -- and whoever would like to answer it -- was improving initiatives and services for individuals with disabilities, those that utilize paratransit services. Can you talk a little bit about where we're at and if adding an individual that utilizes paratransit services regularly to these boards would be beneficial?

And again, thank you.

MR. BASILE: Sure, I'll take that one. And you and I have talked about this in the past.

I think we see the need to expand the service area, and I know that you've been a champion of that. I think the question is

how much and how quick. Because paratransit's a different business model, demand-based. It's much more complicated than fixed-route service.

So what I would urge is that we all work together and figure out how much and how quick to expand our service areas. Because right now we're three-quarters of a mile on either side of a fixed route. And some of the legislation that we've seen, or the proposals, have us moving to 3 miles. That's a big jump.

So what I'd suggest is that we work together, figure out how to do this -- you know, there's no need that -- there's no doubting, no argument that people with disabilities need more service, they need more access to service. And I think that's really the issue, access to service. So the question is how big and how quick.

NYPTA is committed to working with you and your staff and others on this great panel discussion to talk more in depth about that.

MS. DAGLIAN: Hi, thank you. I would

just like to add that one of the things that the MTA can do also is to increase its accessibility to its stations so that's there the ability for people to travel without that same reliance on Access-A-Ride. And they're doing that slowly and surely, but still too slowly.

There is no requirement at the moment for somebody with a disability to be on the MTA Board. It's something that we all collectively advocate for. There's legislation that one of your colleagues has put forward that would increase participation on the board to include a member of the disability community -- of the Access-A-Ride community, in fact. That is a consideration.

But, you know, there's -- we encourage it but it's not a requirement. So who knows what it will look like going forward.

CHAIRWOMAN KRUEGER: Thank you. Let's see. Assembly?

CHAIRWOMAN WEINSTEIN: Yes, we have several.

Assemblywoman Paulin.

ASSEMBLYWOMAN PAULIN: Thank you. And I too want to just add my thanks to all of the advocate community. We learn so much by your close watch on all of these things. And I just want to let you know that I appreciate all your testimony and your hard work.

I just -- I have a question for Lisa. You know, I've seen other groups besides yours advocate for the reverse or the flipping of the gas tax, which it's claimed that will raise an additional $500 million. So I'm assuming that $500 million now that is -- the whole thing is 1.5 with that. So 500 million would be taken out of roads, essentially. And I'm assuming it's state roads. But what I don't know -- and I wondered, you know, if the group of advocates -- you know, it's always nice to know exactly what you're taking the money from. Is it regionally based?

In other words, is that $500 million now for roads distributed among or within the same region, or is it a statewide pot of money? You know, it's unclear to me what

we're actually taking it out of.

MS. DAGLIAN: That's a great question. And thank you for it.

So flipping the gas tax is something that -- you know, let me just put it this way. I think these are conversation starters right now. We don't anticipate that any action is going to be taken this year, that we have -- you know, we begin the conversation really in earnest now, that there will be more of an opportunity for us to work toward getting all the numbers figured out and these really important considerations figured out in the coming months and into the next year, into the next budget year. Because I don't have the exact answer for that.

I do know that when we looked and I'd spoken with your staff and with some of the Assembly staff last year about different ways that we could maybe change the percentages of the way that the gas tax and business petroleum tax were adjusted between roads and bridges and between the MTA, at a different

percentage between the MTA region and upstate, but also where upstate transit would benefit, including Amtrak, that it looked like it could be a win/win across the board.

But there's clearly a much deeper dive that needs to happen. And that's where we want to sort of tease this out and begin the conversations. Because nobody wants to lose the money. I've listened to these conversations about the dire states of the roads too, and we -- you know, that's -- we don't want unsafe roads either, but just that transit is funded appropriately.

ASSEMBLYWOMAN PAULIN: Thank you for that, and I appreciate that. Thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And we've also been joined by our Authorities chair, Leroy Comrie.

SENATOR COMRIE: Thank you.

I just wanted to take the opportunity to also thank the group for your consistent advocacy and your persistence in making sure

that all the issues are aired. I appreciate the opportunity to interface and speak with all of you.

I'm at a public place right now; I'm in transition because there was something that I had to get done. So I'm not going to ask any questions, other than to just take the opportunity to thank you and ask you to please keep in touch with us so that we can consistently learn from you the things we need to know to be total advocates for the MTA system.

So I want to thank all of you for being unafraid and to continue your advocacy publicly and personally so that we can all do what we need to do to make this a better system.

Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Next to the Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Magnarelli.

ASSEMBLYMAN MAGNARELLI: I just wanted to thank everybody on the panel for your

testimony today. I do appreciate it. Many of you I have already spoken to over the last two years as chair of the Transportation Committee. I continue to learn every day, and it's days like today that just bring up more questions and more things to think about going forward as far as New York State is concerned, and how do we meld everything together.

I think we all have the same goals, I really do. I think we're all pushing for a lot of change that's coming very fast. And I hope that we're going to be able to pull it all together. I think we will. But I want to thank you for taking part in this; it's important. Thank you.

CHAIRWOMAN KRUEGER: Thank you. Back to Senate?

CHAIRWOMAN WEINSTEIN: Yes. Do you have -- I don't see anyone, unless yourself.

CHAIRWOMAN KRUEGER: Well, my hand is up, actually.

CHAIRWOMAN WEINSTEIN: Go ahead.

CHAIRWOMAN KRUEGER: See, I always

trick you when I have my own hand up.

I also want to thank you all. I want you to perhaps more think about these questions than feel like you need to answer me right now, but if anybody wants to ...

One, there was a proposal earlier today by one of my colleagues that mass transit, public transportation, MTA should be looking into helping with rail freight as well as what we're trying to do.

And I'm curious whether anybody has thought about that and actually thinks it's complementary, slash, might even generate revenue for MTA, as opposed to one more thing they can't afford to do. Because certainly getting things out of trucks and onto rail is a win. I just don't know that it's the MTA assignment or other public transit systems in the state.

So if no one has an answer, don't worry, but I would love to hear from you at some point.

MS. PARK-ROGERS: I have a comment on that, which is just a lot's been talked about

today about the IBX. And in my written testimony I also am supportive. One of the innovative things about the IBX is that it includes a way to share the rail line with freight and with passenger rail, and I think that might be a more economical way to go into the future.

And there are some potential problems with the sharing of those lines, but they are working through them in a way that's innovative. And paired with the potential of the cross-harbor freight tunnel from New Jersey to Brooklyn, that could be a really great way to get a lot of trucks off of the road, and I strongly encourage the support of that.

CHAIRWOMAN KRUEGER: Thank you --

MS. DAGLIAN: I'm sorry, I just wanted to add for one moment that absolutely the -- looking at getting trucks off the road and the integration of how the freight -- how the rail systems work together, because freight rail does take up so much of the existing use of the rail infrastructure that it's

important that they be able to coexist.

NYMTC, the New York Metropolitan Transportation Council, has a freight working group that's done great work over the last number of years that does look at the entire system, including New Jersey and Connecticut and all of the different systems, and seeks in many ways to figure out how to get trucks off the road, but looks at different modes and different ways to really maximize the ways that freight can travel and minimize its impact on the environment.

CHAIRWOMAN KRUEGER: And one more question, not to answer necessarily today, but please think about it, I guess particularly Elizabeth and Felicia.

We have lithium battery fires every day in New York City now, every single day, because people are trying to plug in their electric bikes and their scooters in their homes, and then they set fire to their building. We recently had a whole boat that was taking away recyclables from a site in my district that blew up -- happily someone

figured out, let it go float in the river and blow up rather than on the land portion.

So I know we need to move more and more into recyclable batteries for all kinds of purposes, but I need your help so that I can help figure out how we're not going to continue to have the problems that are really growing exponentially. And I don't know if people are putting the two stories together, fires and the lithium batteries, but it's absolutely correlated.

So -- I'm out of time, so get back to me. I'm easy to find. Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you, Madam Chair.

And I too want to join the chorus of thanking all of you for your advocacy and your work and your testimony today.

One of the things that was mentioned by another of my colleagues with regard to disability access to public transit as well as to rail, and the issue of Access-A-Ride,

paratransit. As you know, in New York City that has been a very, very difficult situation, in part because of who the vendors are. I don't know whether any of your organizations have looked into that. Every once in a while there's like an expose in the Daily News about who actually the vendors are and their connections to certain organizations.

Then the other issue is earlier today -- I wasn't able to ask this question -- the head of the MTA testified about disability access to stations and expanding that, and also a public/private partnership to deal with that. And I'm wondering whether you know anything about that public/private partnership, particularly about elevators. I'm concerned because there are a lot of developments where the developer has said they would maintain the access elevator to public transit, Barclay Center being one of them, for example, and very often those elevators are out of order, more frequently than simply the MTA elevators.

So I'm wondering if you have any comment on that or any work that you've done on that issue. Do you know anything about it?

MS. DAGLIAN: I believe that he was talking about zoning for accessibility, which was an agreement with the city -- Department of City Planning and the MTA, or it's actually a land-use agreement that will allow for zoning for additional bonus -- some bonus floors and floor-area ratio in exchange for putting in accessibilities to elevators and escalators. And it presents the opportunity for increasing the amount of accessibility and accessible stations tremendously.

The MTA has said that one of the things that they're looking at doing is making sure that there's a contract in place for those developers to be required to do the maintenance. We've just come across looking at one site that looks like a really terrific project, but they're still discussing who's going to be doing the maintenance of the elevators and escalators. And I don't feel

comfortable with the discussion; I would like to see it in writing because I've come across too many of those also.

Felicia, I know you guys weighed in on that.

MS. PARK-ROGERS: Everything Lisa said. And then in addition, the MTA is in serious consideration because they're aware of the problem that you rightly point out, Assemblymember Simon. By the way, you're my Assemblymember. Thank you.

And so there are serious conversations happening with that, but I think there is room for the Legislature to weigh in with the MTA and really enforce to them how important -- an elevator is only good if it works.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Zer -- Zinerman.

ASSEMBLYWOMAN ZINERMAN: Zinerman.

Good afternoon, everyone. I too want to thank you all for your testimony today,

and certainly for your advocacy on behalf of older New Yorkers and those living with disabilities.

First I'd just like to plus-one Senator Krueger. I actually have a bill out about the e-bike batteries. In my district just recently we had two fires, the same building, and the second one was worse than the first and actually blew out the power for the whole block. So we do have to do something about that, but help is on the way.

But that has nothing to do with the fact that we want our pedestrians, our bicyclists and our motorists all to work together in harmony on the roads. And we are not doing so well in that category. So if you heard my testimony a little earlier, you heard that I asked how are we going to work, just in terms of messaging and education, to really help people to work together on sharing the roads.

I still hear so much in the alternatives that the motorists have to make

all of the accommodations for what's going on. And I think that that is causing some bad behavior in some other folks. And certainly, you know, cars are more dangerous than people walking and those on bikes. But it's a little uneven and we've got to kind of work on that.

So just thoughts about how we get to kind of public -- public agreement on how to plan for the future of transportation in our state and utilize our roads. And I have another question.

MS. PARK-ROGERS: I'll say very quickly that part of the IIJA funding includes, for the first time ever, $5 billion in funds for Safe Streets and Vision Zero work, and the State of New York should absolutely apply for as much as it possibly can of those funds to help its efforts.

ASSEMBLYWOMAN ZINERMAN: I did hear that. Most of those plans, however, are around what cars should do and not what we all should do.

Hi, Elizabeth. Looks like you were

going to unmute. How are you doing?

MS. ADAMS: Hi. Good, thank you.

I just would add -- I think this goes back to the importance of infrastructure. When we design Safe Streets, we're designing it to work for everyone.

Right now, you know, because our streets are so unsafe and -- you know, a block near me there is no bike lane and so as cars are going down, bicyclists are going into the roadway and so it's unsafe because everyone's competing for the same space.

I think when we have designated protected bike lanes, protected busways, we are not putting people at risk because you don't have buses competing against motorists competing against bicyclists. And --

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYWOMAN ZINERMAN: Which is a bit of a flaw, because bike lanes should never be on a bus route. But we did that, so we've got to -- we've got to talk. Got to continue to work together.

CHAIRWOMAN WEINSTEIN: And we'll be doing that offline. Thank you, Assemblywoman.

So I want to join my colleagues in thanking the panel members for the work you do and for being with us today and sharing your insights on the Governor's budget.

We're now going to move on to Panel B. So Panel B is -- and I see Panel B is here, too. Panel B: Alliance for Clean Energy New York, Deb Kelleher, director of policy analysis and operations; Jobs to Move America, Mo-Yain Tham, New York senior researcher; Rivian Automotive, LLC, Kaitlin Monaghan, manager of public policy and senior counsel; Tesla, Albert Gore III, East Coast lead, public policy and business development; World Resources Institute, Justin Balik, senior manager; ElectrifyNY, Jessica Enzmann, transportation lead; and lastly for this panel, Greater New York Automobile Dealers Association, Mark Schienberg, president.

So if we can go in that order. And just to remind the panelists, as you were

instructed previously, each of you has three minutes to make your presentation. Your prepared remarks, submitted by email, have been distributed to all of the members, both those that are here and those that had to leave for other meetings. And to the extent you can summarize your testimony, that would be great. And then we will go to questions, if there are any.

So if we can go in that order, starting with the Alliance for Clean Energy New York.

MS. KELLEHER: Thank you for having this opportunity to testify on the State Budget on behalf of the Alliance for Clean Energy New York. I'm Deb Peck Kelleher, the director of policy analysis and operations.

ACE NY is a broad coalition dedicated to promoting clean energy, electrified transportation, and energy efficiency. And our members include renewable energy, energy efficiency, and electrified transportation companies.

ACE NY supports the Governor's

proposal to achieve 100 percent electric school buses in New York by 2035, which is in Part B of the ELFA budget. The ambitious but achievable 2027 target for all new school bus sales to be electric will help the state meet its climate goals and remove some of the heaviest-polluting vehicles from our streets.

We are asking the Legislature to accept portions of Part B and modify others. We suggest that Part B be modified to ensure that schools have immediate access to robust incentives; that you prioritize incentives to school districts most in need; that you utilize existing school aid systems for distributing incentives that extend the lease terms from five years to 15 years because electric school buses have cheaper fuel and need less repairs -- the more that you spread the cost over time, the more comparable the total cost of ownership is to a diesel bus; and that you include a sales tax exemption on electric school buses so that it's easier and cheaper for school bus contractors to afford to switch over.

ACE NY also asks that the provisions of Senate Bill 1763/Assembly Bill 4614 be included in the final State Budget. This bill will allow the manufacturers of only-electric vehicles to sell their EVs in New York at retail locations. The auto dealers will tell you that they should be the only ones to sell EVs in the state, and yet they don't even have EVs on their lots.

In November, at the height of a new car season, we called 75 auto dealers in upstate New York; only 25 of them had new or used EVs on their lots.

As you can see, the current limit of five non-franchise sales locations in the state is a true burden on our upstate consumers. Residents of Central New York do not have the ability to easily travel to New York City, a bordering state or even Canada to purchase an electric vehicle of their choice.

Consumers want to purchase EVs and should be able to shop locally and conveniently for their vehicle --

(Zoom interruption.)

MS. KELLEHER: Thank you for the opportunity to speak today, and ACE NY and our member companies stand ready to support you in implementing these measures and all that we need to do to meet the ambitious goals of the Climate Act. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Now Jobs to Move America.

MS. THAM: Great, thank you. Members of the committee, appreciate this opportunity to speak on the proposed Executive Budget. My name is Mo-Yain Tham, and I'm the New York senior researcher with Jobs to Move America. We are a strategic policy organization focused on making sure our public investments do the most public good, creating good jobs, opportunities and healthier communities.

Jobs to Move America, alongside our allies from Electrify New York, urge you to consider two significant transportation transitions: Electrification of public transit buses, through the Green Transit, Green Jobs bill, and the campaign for

electric school buses.

The Green Transit, Green Jobs bill, S3535 and S3405, includes JMA's signature good jobs procurement policy, called the U.S. Employment Plan. USEP would allow transit agencies to utilize a best-value framework in order to encourage bidders to compete up to win these contracts. Bidders are given extra credit for proposing good wages, benefits and retraining, such as training diesel fuel mechanics to work on electric buses. Manufacturers can also commit to building facilities in New York State which would help bring good green jobs. Once a bidder wins the project, these commitments become enforceable in the contract.

The Green Transit, Green Jobs bill will help New York achieve its ambitious zero-emission goals required in the Climate Leadership and Protection Act. The bill also ensures this transition maintains and creates good family-sustaining jobs at transit agencies and in manufacturing.

With electric school buses, there is

the opportunity to protect the health of students, drivers and mechanics. To do this right, we need to make sure there is equitable funding for school districts in disadvantaged communities to offset the upfront costs for electric school buses.

One way to help bring down the cost is through the statewide "best value" solicitation of ESBs, either through NYSERDA or the Office of General Services. This would help bring about better prices, quality, training, and jobs. Through a centralized best-value contracting framework, a statewide master contract would encourage bulk bidding, which could help bring the prices down.

In addition, we encourage a small amendment to Education Law to allow best-value contracting for school bus services. Currently the Education Law does not allow this, which is a disservice for students as well as drivers and workers. Utilizing a best-value framework could help improve service for students through contract

accountability and ensure drivers receive competitive wages, benefits and training.

We encourage your committees to support the adequate funding for the transition to electric school buses and to utilize a best-value procurement process as New York State starts on its economic recovery and continues to address the ongoing climate crisis.

And I thank you for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

Jobs to Move America.

(Pause; discussion off the record.)

CHAIRWOMAN KRUEGER: I'm sorry, it should be Rivian Automotive next.

MS. MONAGHAN: Hello.

CHAIRWOMAN KRUEGER: Okay, take a shot. Go for it.

MS. MONAGHAN: Thank you, Madam Chair, members of the committee for this opportunity to provide testimony on behalf of Rivian.

My name is Kaitlin Monaghan. I am on the policy team here at Rivian. Founded in 2009, Rivian is an American manufacturer of

all-electric adventure vehicles. With over 12,000 employees across the U.S., Rivian's focus is on the design, development, manufacture and distribution of all-electric, zero-emission vehicles. Rivian has begun production, sales and delivery of our first two models, the R1T pickup and R1S SUV, from our manufacturing facility in Normal, Illinois.

In addition to our consumer-oriented vehicles, Rivian also produces medium-duty fleet vehicles. Our first commercial contract is with Amazon for the purchase of 100,000 all-electric vehicles by 2030. Production of these vehicles has started; it began last year. And Rivian is also building out a nationwide charging network.

Rivian would like to thank Governor Hochul and the state for continued leadership on climate policy. During climate week last September, Governor Hochul signed into a law a bill which established a rule for the sale of all new passenger vehicles in New York to be zero emission by 2035, and for medium- and

heavy-duty by 2045. New York has also signed the Multi-State Zero Emission Vehicle MOU, and the state has demonstrated leadership by adopting the Advanced Clean Truck Rule, and of course the landmark Climate Leadership and Community Protection Act, which commits New York to a 40 percent reduction in greenhouse gas emissions from 1990 levels by 2030 and 85 percent by 2050.

These policies that create goals and requirements are really critical, but for New York to meet these goals, the state must shift from intention to implementation. And there are some really essential policy gaps.

For example, Rivian offers the only electric pickup available on the market today, and the only large SUV. Our vehicles displace the heaviest polluters on the road. And yet, because of a law passed in New York in 2014, Rivian cannot sell our vehicles in the State of New York. We can sell them online today, but we cannot invest in the state, hire and train the new EV workforce, and sell our vehicles in person to

New Yorkers. For that reason, we are very limited in our ability to help New York meet its ambitious climate goals.

You will hear from the franchised dealers that they're all in on EVs, and we sincerely hope that they will be in the future. But as you heard from Deb's testimony, they're not there today. The policy under consideration would not change their ability to sell EVs, it would simply allow more parties or companies like Rivian and others to sell EVs and to help us meet the state's goals.

Thank you. I'm happy to take any questions.

CHAIRWOMAN WEINSTEIN: Thank you.

Now, Tesla.

MR. GORE: Thank you, Chair Weinstein and Chair Krueger, for the opportunity to testify, and also to Chairmen Magnarelli and Kennedy, as well as to the members of the Legislature who have joined here today.

I want to start by applauding the many proposals in the budget that encourage and

facilitate a transition to zero-emission transportation, and also the leadership from the Senate, the Assembly, Governor Hochul in committing to 100 percent zero-emission sales for light duty vehicles in 2035, for adopting the Advanced Clean Truck Rule so New York can be a leader in adopting that crucial emerging technology for the heaviest polluting vehicles on our roads today.

This has enormous implications not only for climate change but also for public health in disadvantaged communities, who always bear the brunt of the health impacts from particulate matter and other pollutants associated with burning fossil fuels.

All of these policies are recommendations within the Climate Action Council's draft scoping plan released in December, and action now on these policies demonstrates an understanding of the urgent need for near-term progress on all fronts if the state is going to have a fighting chance to achieve the required reductions put in place by the Climate Act.

The draft scoping plan also states that New York should enact legislation to expand direct-to-consumer sales of zero-emission vehicles by manufacturers, which can serve to increase the availability and sales of zero-emission vehicles in the state.

And I want to start out by saying we don't view this as an issue of Tesla and Rivian versus the auto dealers. Our opponents in this fight are the barriers to adoption of electric vehicles. It's been that way for over a decade. They're well known to be price, charging, availability, unfamiliarity with the technology, and we've spent a decade finding ways to address them both in our product offerings and with customers everywhere that we've been able to open stores and engage with them on all the questions they have about electric vehicles before deciding to buy.

And our purchase process is very simple. Our pricing is transparent and fixed; everybody pays the same price for the

same products. It's a different sales process than gas cars, and different than the franchise dealer model. We've had success with it. We've gone from a few thousand cars to 936,000 cars over the last 12 months.

And New York law was never intended to dictate that every car must be sold through a franchised dealer. In April of 2014, a month after the law was passed that has blocked Tesla, Rivian and others from opening any more stores in New York, the director of the FTC's Bureau of Competition said -- I'm quoting here: "Instead of 'protecting,' these state laws became 'protectionist,' perpetuating one way of selling cars -- the independent car dealer.

"Regulators should differentiate between regulations that truly protect consumers and those that protect the regulated. We hope lawmakers will recognize efforts by auto dealers and others to bar new sources of competition for what they are -- expressions of a lack of confidence in the competitive process that can only make

consumers worse off."

I will stop there. I'm hopeful that we can discuss the other merits of this policy, and thank you very much for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

We now go to World Resources Institute.

MR. BALIK: Thank you, Chairs. And thank you, other members of the committee for the opportunity to testify today.

My name is Justin Balik. I'm the senior manager of state policy for transportation electrification at World Resources Institute. We are a global climate and economic development organization.

And recently over the last year we've set up an initiative specifically focused on helping policymakers and school districts identify best practices when it comes to electrifying their school bus fleets. I'm excited to talk to you about this today because working on this across the country is my full-time job and that of several

colleagues.

So the proposal that Governor Hochul put forward to electrify by 2035, our view is that it is both ambitious and attainable, provided that it is funded adequately and that there is an equity-first approach to implementation. I don't need to go over the climate goals that so many other folks talked about, except to say that electric school buses presents a unique opportunity to serve disadvantaged communities and advance environmental justice.

In terms of the specific Executive Budget proposal, we believe again that it is doable. We are projecting -- and we know that there are some concerns about the cost of these buses compared to their diesel counterparts. We are projecting that over the total life of the vehicle, total cost of ownership, cost parity will be reached around 2027, which is when the Governor is calling for all new bus purchases to be electric.

We also believe that upfront price parity in terms of what you pay upfront will

be reached in 2032. And so again, that's in line with meeting the Governor's timeline.

However, we recommend some specific improvements. We believe the state should provide technical assistance through NYSERDA and the Department of Education and the New York Power Authority to assist school districts with this transition. School districts have so much on their plate right now that the state needs to be in the business of helping them go from A to B in this process.

In terms of costs, we believe that the state should appropriate, either via the Environmental Bond Act or other sources of funding through the state budget, $800 million to help in the first few years to cover the incremental gap between diesel and electric. We again believe that that incremental gap will come down rapidly, but it's important that some initial incentive dollars are allocated on the front end. That will help incentivize early adopters so that nobody is waiting around until just 2027 to

start working on their electrification transition. We need to set up a glide path as opposed to something more abrupt.

Again, the biggest barrier to ESB adoption in the short term is the cost, and so we believe the financial assistance will help with that. And in keeping with the CLCPA, we believe the assistance should be targeted towards disadvantaged communities, at least 40 percent.

We also believe there needs to be, in the one-house budgets and the final budgets, considerations for promoting workforce development associated with this transition. And there needs to be utility considerations and a bunch of other things that are important, and would love to talk to you further about it if there's time for questions.

Thank you for the time.

CHAIRWOMAN KRUEGER: Thank you very much.

Next we will go to Jessica Enzmann, ElectrifyNY, transportation lead.

MS. ENZMANN: Thank you. Thank you all for the opportunity to provide comments that support progress towards cutting emissions in the transportation sector.

ElectrifyNY is a statewide coalition of advocates for environmental justice, public transportation, social justice and good jobs fighting for clean, equitable electric transportation for New York.

ElectrifyNY commends Governor Hochul's commitment to reducing greenhouse gas emissions and minimizing the public health impact for New York State's transportation sector with her pledge to transition the state's school buses to zero-emission vehicles fully by 2035. This is an ambitious but achievable deadline that will bring the way we transport our children into the 21st century, while significantly curbing carbon and toxic air emissions across New York State.

While the Governor's mandate is ambitious, it falls short of a full commitment to priorities equity for

communities that would stand to benefit the most from school bus electrification. We fear that without specific funding earmarked in the budget, the plan to fully electrify New York's school buses will not meet the state's own deadline.

In order to fully benefit New York's communities, the transition to electric school buses must also center the needs of manufacturing, electrical and school bus workers. The state should adopt a state centralized best-value procurement process for school buses and school bus services that will lower bus prices, increase quality and ensure high-quality training for drivers and technicians.

As we fight for a clean energy future, New York State has a unique opportunity to create good family-sustaining manufacturing jobs in the communities that need them most. With the Climate Action Council's draft scoping plan released and recent major transportation commitments from Governor Hochul, the transition of our buses to

electric is already underway. Green Transit, Green Jobs (the A3090 and A2083 bills) can codify these health-improving emission reductions while also ensuring economic benefits for New York's workers.

The Green transit bill will phase in battery-electric buses and paratransit vehicles across our state, requiring all agencies to make the switch fully by 2029, a policy that will have a myriad of public health benefits, particularly for bus drivers, depot workers, environmental justice communities, and riders.

The Green Jobs aspect of the bill has a simple premise: every public dollar we invest in clean transit infrastructure for the future should also contribute to good job creation in communities. Communities hit hardest by the pandemic, climate change, and disinvestment will benefit from both the elimination of tailpipe pollution from highly-polluting diesel buses and from potential job growth throughout the state.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And then the last for this panel, Mark Schienberg, Greater New York Automobile Dealers Association.

MR. SCHIENBERG: Thank you for the opportunity to address you today.

You know, two nights ago, if you were tuned into the Super Bowl game, even if just for the commercials, you couldn't miss the exciting news coming out of the automobile manufacturers' industry -- one electric vehicle ad after another showed precisely where my industry is going. And by the way, a public poll I think voted GM as the number-one commercial on the Super Bowl for the electric Silverado pickup.

But this transition has really been underway for several years now. Manufacturers have been expanding and reshaping their EV inventory in response to growing incentives and changing government policy every year, and New York's approximately 1,000 new car dealers continue to make critical investments in their

facilities and workforce to prepare for an all-EV future.

Our dealers welcome the shift to a zero-carbon future, which is critical to winning the fight against climate change. And while the future is promising, we all have much to do to make it happen. New York must focus on three critical areas to help consumers make the switch to all-electric models. First we have to help consumers afford EVs.

An August 2020 Consumer Reports survey found that 43 percent of the people believe electric cars cost too much. NYSERDA's Drive Clean rebate program, which my association, the greater New York auto dealers association, supported from the beginning, helps lower the cost of going electric for thousands of New Yorkers every year. This program is critical to average consumers who are not looking for a luxury electric car as a second vehicle.

Second, New York must continue to invest in our EV charging infrastructure. A

February 2019 Volvo survey found that 58 percent of consumers "are afraid they will run out of power" before they're able to charge their vehicle, and a recent State Comptroller's report on public fast-charging stations found New York is far behind. California, for example, has just over 34,000 public charging stations, while New York has fewer than 7,000.

And third, New Yorkers must support mass distribution of EVs. The franchise model that my members participate in is the only one that has the workforce, the reach, the infrastructure to get hundreds of thousands of cars on the road in the coming years. But a proposal you are now considering to allow direct sales by only-EV manufacturers does nothing to achieve any of these goals. In fact, some of its main proponents shun mass production in favor of a one-at-a-time manufacturing process that cannot possibly meet the ambitions of EV goals.

Again, I have submitted the rest of my

testimony, and I'd be glad to answer any questions. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We'll go to our Transportation chair, Assemblyman Magnarelli first.

ASSEMBLYMAN MAGNARELLI: I just wanted to say thank you to everybody who's testified. I know you've been here a long time, many of you, watching the proceedings.

And I also want to thank you because I've seen you either in my office or at other hearings that we've had over the past few months. Again, this information is critical for legislators to see all parts of an issue and to take that information in as we go forward.

I want to say thank you one more time. Thank you for being here.

CHAIRWOMAN WEINSTEIN: Thank you.

So Senate, do you have anyone?

CHAIRWOMAN KRUEGER: I'm looking and I don't see any hands up, so let's keep it going with the Assembly.

CHAIRWOMAN WEINSTEIN: We'll go

until -- oh, I see Senator Kennedy popped in.

CHAIRWOMAN KRUEGER: Oh, there you go.

SENATOR KENNEDY: I can't help myself with such an auspicious group here, Chairwoman.

I just wanted to reiterate what Chair Magnarelli mentioned, and just our gratitude for all of your hard work, your collective partnership with me and my office, everything that we're working on together to electrify New York and to improve the environment. We look forward to our continued work together.

So again, thank you for all of your efforts.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Okay. Now we'll go to Assemblyman Ra.

ASSEMBLYMAN RA: Thank you, Chair.

So just some questions about, you know, the practicality of all this. I know several have talked about it being an attainable goal. And I certainly agree with the idea that, you know, the proposal with

just the Building Aid, Transportation Aid piece of it, that's certainly not going to be enough to fund this.

But I was wondering if you could just address some of the issues that have come up with electric buses. In particular, when we were looking at school buses -- you know, in New York State we obviously have upstate areas with very cold climates and rural areas where the bus routes are rather long. And my understanding is that there has been some issues in places that have tried this with buses holding their battery charge in very cold temperatures.

So I was wondering if anybody can address that issue.

MR. BALIK: Sure, I'm happy to speak to that, Assemblyman.

I would say overall we see on the range on these vehicles as pretty solid right now and getting better over time. I agree with you that there have been issues. I think that those are generally isolated issues. We have had some good conversations

over the last week with the Rural Schools Association.

And I think overall we're seeing that buses that are out there today are able to get somewhere between 155 and 200 miles in terms of a single charge. And by the time we get to 2027 and 2035, we expect that to improve dramatically. And we're in talks with the industry about some of those issues.

I would say additionally the whole -- you raised an excellent point on the funding. Part of our impetus for needing dedicated funding for this is so that there are early adopters and that there are people that are willing to buy electric school buses in 2022 and 2023, and that there are people that are willing to not just buy one bus or two buses at a time.

We think that there needs to be significant scaling up in terms of the manufacturing -- that came up in another context, in someone else's testimony. But we view on the school bus front scaling up as really important to sorting out some of these

issues. And we also see --

ASSEMBLYMAN RA: And not to cut you off, but I have very limited time.

The other thing is the life span of the buses, if you can address that. I know there's been, you know, buses in the past that didn't quite last as long as they had been projected to, and that certainly could be a problem too with the costs as we move forward into full implementation.

MR. BALIK: Sure. I'm happy to send you as follow-up, to your office and everyone here, that we have some specific information on battery life from the different manufacturers that are out there.

And again, we expect that to improve over the next decade-plus, which is why we think that that -- this goal is ambitious but attainable.

But happy to send you follow-up information in terms of where the existing manufacturers are in terms of battery life. We do think it tends to be along the 15-year range that Deb kind of talked about in terms

of the lease terms. But happy to send you some specifics on some models.

ASSEMBLYMAN RA: Okay, I'd appreciate that. Thank you.

CHAIRWOMAN KRUEGER: No more Senators.

CHAIRWOMAN WEINSTEIN: Okay. And now, Assemblywoman Gallagher.

ASSEMBLYWOMAN GALLAGHER: Hi. Thank you, Chairs, and thank you to all who testified.

I first want to assert that I am a huge fan of anything that moves us towards decarbonization. But since we're all here and we're all allied in that, I thought I would have a little fun with the Tesla representative, because I do have some concerns about the electric automobile being framed as a saving grace for us environmentally, when many of your corporate practices are not actually environmentally friendly.

According to Auto Week magazine last spring, almost all of Tesla's profits in a given quarter came from the sale of emissions

credits issued under a cap-and-trade system. Plus $100 million from the sale of bitcoin -- which, as we know, requires environmentally devastating practices in cryptocurrency mining.

So how does Tesla, through selling emission credits to other polluting corporations, and boosting the value of cryptocurrency that requires a nation-state's worth of electricity to mine -- how does that help New York State meet its climate goals?

Thank you.

MR. GORE: Well, thank you for your question. It's a very good one.

To the sale of regulatory credits, that is a regulatory system that was put in place in order to reduce emissions across a large -- a large area of states that join together using authority under the EPA's authority to regulate greenhouse gases. So the fact that we sell zero-emission vehicles above what the target would be implemented by that program, that creates credits. We're not necessarily out there seeking to sell

credits. That's the way the program works for every automobile delivered in the United States with --

ASSEMBLYWOMAN GALLAGHER: Shouldn't we be wanting there to be -- you know, for those companies to follow you instead of you giving them the opportunity to create more polluting vehicles? Which is essentially you're profiting off of your environmental friendliness in order to continually allow other companies to degrade the environment.

MR. GORE: I think the best way for us to encourage other companies to accelerate their adoption of electric vehicles and deploy them is to create more competitive markets for the sale of electric vehicles. Which brings us to this policy we're talking about today.

I think there's no substitute for the pull of competition and demand in the market. And if they're not going to serve it, somebody else will. So that will motivate the entire industry to move much more quickly.

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYWOMAN GALLAGHER: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Jacobson.

ASSEMBLYMAN JACOBSON: Thank you, Madam Chair.

I have questions for the representatives of the manufacturers. You want to sell directly. My concern is service. Let's say you have a dealership in White Plains but you don't have another one till -- to Albany. That means people in between are going to have an hour and a half or worse travel to get service. Or you have one in Long Island, and that's it. Or in Queens, and that's it.

So how are you going to commit to having proper service? Will you have -- other than just dealerships, will you have service centers throughout the state?

MR. GORE: I can answer that, and I'm sure Kaitlin can speak for Rivian on that as well.

So we have many service centers across the state beyond our sales footprint, so including upstate in Rochester. In Albany, we have a service center. And our goal here is to be located closer to where our customers are, both for sales and service.

But to the extent that folks live beyond a 30-minute drive or an hour drive, we have a large remote-service Ranger program. They work out of vans. They will come fix customers' cars at their homes or places of business. About 80 percent of service calls on an electric vehicle can be handled through that process; they don't need to be put up on a lift. So it actually -- it works very well.

But, you know, our challenge is scaling service with the deployment of vehicles --

ASSEMBLYMAN JACOBSON: All right. Could I hear from Rivian? Can I hear from Rivian?

MS. MONAGHAN: Thank you for the question.

Rivian's first New York service center is open now. It's in Brooklyn, in the Bushwick neighborhood. We have plans to open service centers in upstate as well. We're also deploying a mobile service. Really, we'll service these vehicles like our brand.

ASSEMBLYMAN JACOBSON: Thank you. That's not going to fly.

Next question. The problem is chargers. And I think until you make it that everybody has the same technology, it's going to be very, very difficult. I know Tesla now has a separate one than others, but you charge extra to convert it to the ones.

Can't you all commit to having either the first or second most popular technologies so then we can standardize the chargers or the stations and everything else and make it as convenient as -- as gas stations? Because when GM and Ford and Volkswagen get into it, they're going to flood the market. So it's not -- we can't have -- it's just like a light bulb, we can't have 10 different technologies.

MR. GORE: Yes, a great question --

THE MODERATOR: I'm sorry, your time is up.

ASSEMBLYMAN JACOBSON: Ah, we don't have many people. Let him answer.

CHAIRWOMAN WEINSTEIN: If we can --

MR. GORE: I could give a very brief answer.

CHAIRWOMAN WEINSTEIN: For this -- if he could give a very quick answer.

MR. GORE: Thank you.

The quick answer is we have begun the process of opening our network to make chargers universal. It's going to be a long process, it's starting in Europe. But I think we will begin that process in New York relatively soon. So --

CHAIRWOMAN WEINSTEIN: Thank you. Thank you.

So now Assemblyman Walczyk.

ASSEMBLYMAN WALCZYK: Thanks, Madam Chair.

So Deb, we're going to be all zero-emission passenger vehicles by 2035.

How does direct sales fit into that equation?

MS. KELLEHER: I think it just allows more vehicles to get on the road quicker, and then that will also drive more competition.

So the auto dealers, although they have these great commercials, it's very hard to find them in our state to purchase them. So we'll just encourage them to get them in their showrooms, to get people in there and to get people buying them.

So I think direct sales is a great way to just drive competition. It's no cost to the state to do, so it's one of those -- when we address climate, there are a lot of costs. This one is no cost to the state. So I think it's just a great way to let the market move us forward.

ASSEMBLYMAN WALCZYK: Thanks.

Kaitlin, what is the -- what's the biggest hurdle, or what are some of the hurdles for somebody in upstate New York to buy Rivian?

MS. MONAGHAN: They can buy a Rivian online, but they cannot test-drive a Rivian

in their state, we can't offer a lot of the services that your regular dealer can offer without a dealer license -- tax, title, trade-in, all of these. There's a lot of barriers without having that license for the consumer.

ASSEMBLYMAN WALCZYK: Al, can you elaborate on some of the hurdles that your customers will face in upstate New York in particular?

MR. GORE: Sure. So in Buffalo, for instance, it's a six-hour drive down to Mount Kisco, and there's an explosion of demand for electric vehicles in cities like Buffalo, Rochester, Syracuse. And so it is difficult. What Kaitlin described, a customer can't test-drive a car that's offered for sale and then buy it, other than at a licensed location.

So New York is a very big state, and five stores is simply not enough to be able to serve the demand to deliver the cars. As Kaitlin mentioned, it's very simple to go and order and buy online, but the best entity to

protect customers in New York State is New York DMV. So the best way to have this happen is to allow all of us to deliver cars through locations that are licensed and regulated by New York DMV.

ASSEMBLYMAN WALCZYK: Some people have said that consumers benefit from the price competition in the franchise model, and having fixed pricing in direct sales would actually hurt customers. Can you just offer some thoughts on that?

MR. GORE: My thought on whether price competition exists in the franchise model -- I know that's something that we hear a lot. The National Bureau of Economic Research did a working paper in 2020 that really concluded that there is no price competition because the price and the interest rate and several other factors are all bundled and it's impossible for consumers to compare one dealership to another.

So I think when you actually have transparent pricing and everybody knows what they're going to pay when they come in, that

actually does allow for inter-brand price competition and benefits customers.

THE MODERATOR: Pardon me, your time is up.

ASSEMBLYMAN WALCZYK: Thanks, Madam Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

We'll go to Assemblyman Otis now.

CHAIRWOMAN KRUEGER: I'm sorry, Helene, I just wanted to jump in with a question.

CHAIRWOMAN WEINSTEIN: Oh, sure.

CHAIRWOMAN KRUEGER: Thank you. Just because I think it's follow-through.

So I'm totally confused because you're all saying what we have now does work, doesn't work, we need to keep the dealerships, we should or shouldn't let in the other folks. But I watch TV commercials like every day -- wait, someone else is talking. Will everyone else mute? Thank you.

I watch TV commercials every day that are advertising I can buy a car by going

online or even apps on my phone, and the cars will show up magically in my driveway if I had a driveway. So what's that? And how is that different than what you guys are fighting over?

MS. MONAGHAN: I can speak to that quickly. So this prohibition doesn't exist for used cars, so Carvana, Vroom, these companies sell used cars pretty easily in-person or online.

This restriction is for the sale of new cars, and it's in-person. So what Rivian, Tesla, Lucid want to do is establish dealers as bases towards retail operations in the State of New York, and we're restricted because of this law that was passed in 2014.

MR. SCHIENBERG: If I might just jump in, just as a clarification, Tesla and Rivian are not restricted from being able to sell their products in any part of the state that there is. They just have to make a decision whether they would participate in a franchise system, because there's a lot of people that would be willing to take up their makes and

models.

One other thing. There are two new entries coming in, they'll be displaying at the New York International Auto Show, they're pure electric vehicles. And those car companies said that they would clearly follow the state's requirements, whatever it might be -- California is direct sales, they would do that. In New York they would go through the franchise system.

It is just Tesla and Rivian and Lucid -- a $186,000 car company -- that wants to have their own business model that goes on a direct and doesn't follow all the state consumer protection requirements.

CHAIRWOMAN KRUEGER: Thank you.

Thank you, Helene.

CHAIRWOMAN WEINSTEIN: Yeah. Just wanted to sort of alert folks that we sort of have veered off from the budget and are talking about a legislative proposal that post-budget we will most likely be having some continuing discussion on. So if we could try and get back to the budget.

And with that, I call on Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you, Helene.

On the EV, we have some folks here that manufacture EV electric vehicles and others very interested in growing that market. We had a hearing last week about what is the best way to grow our electric vehicle charging infrastructure that will help consumers feel comfortable buying your vehicles.

So we don't have much time. If one or two of you wants to give a little snippet of that -- but I would ask that any of you that have more in-depth suggestions on how New York State -- dos and don'ts on growing our EV charging infrastructure, please send us something in writing and we'll work it into how we try and evolve policies on this front.

Would someone like to feed in with some initial thoughts?

MR. SCHIENBERG: Assemblyman, if I might -- not on a manufacturing side but

again on the retail side -- there are a thousand franchised new car dealers, and they're all investing heavily into their infrastructure at their dealerships to developing charging stations on it.

And the average cost to a retail dealer is anything from $250,000 to a half a million dollars on charging ports and upgrading their electric facility to handle Phase 3 chargers on it. That's an amazing investment that the retail dealers across the state are making to be able to support this transformation into electric vehicles.

MR. BALIK: I would just add the school bus charging is kind of its own unique beast and needs to be thought of in a comprehensive way and in terms of, you know, where school buses are going and are there opportunities for them to charge at other schools when they're going to sports games or something like that. There's just a lot of unique school bus charging considerations.

Specifically, I will also say -- and I didn't have time to mention this in the

testimony -- we were very glad to hear that the Green Schools initiative that Governor Hochul is expanding as part of the Environmental Bond Act, or proposing to expand, does include school bus charging assistance for disadvantaged communities as part of that expanded initiative.

So just flagging that school bus charging is kind of its own animal, to some extent.

MR. GORE: If I could follow that just to say that rate design is really important. New York State has some of the highest non-coincident demand charges in the country.

And thank you, Senator Kennedy, for carrying a bill this year that's going to make a big difference in reducing the costs to install fast chargers around the state.

And I think long-term, looking at folks who live in multi-family housing, building codes is really important. Strengthening the building codes to require EV-readiness at the time of construction, when it's cheapest to do it, will have

effects for decades.

ASSEMBLYMAN OTIS: Thank you all. And please send stuff in writing if that helps expand our universe.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Simon.

(Pause.)

ASSEMBLYWOMAN SIMON: Sorry.

Thank you for your testimony.

I wanted to follow-up a little bit on the issue of the environmental footprint, for example, of Tesla, which has manufactured many more cars than others, as well as some of the -- there was a recent recall, for example, of many Tesla vehicles because of issues with cameras, front and back -- and also that the automatic driving feature, one would come to a rolling stop, which is a concern in terms of safety. So I'd like to hear if you could address that.

And then the other issue that I think is relevant to the direct-sale manufacturers is labor practices. And there are concerns

about the ownership of these organizations and their labor practices, which does have a tremendous budget impact on the workers of the State of New York.

MR. GORE: Thank you for the question, the -- about the recalls and specifically the rolling stop. So that was a feature that had very, very tight parameters under which it could occur, but it was clearly something that needed to be recalled.

So the good thing about these connected vehicles is it's very simple to do a recall over the air at night, automatically, to all the customers that are affected. And it was a very limited section of customers who had opted into the Full Self-Driving pilot program.

So I will say that it is a very effective way to perform those recalls and to do various repairs. A lot of repairs can be done through software updates.

I don't know if you'd like the other manufacturers to weigh in or I can move to the --

ASSEMBLYWOMAN SIMON: If they can.

And then the labor practices. I know that, you know, the ownership of these companies, for example, are people who have not been supportive of, you know, union organizing, for example, and have had a number of lawsuits brought against them for discrimination and unfair practices.

MR. GORE: Yeah, I will say that we take any allegation of discrimination or harassment extremely seriously.

To the question about our production facility in California, that's a factory that we took over after it was shut down in 2010. We hired a lot of those folks back. We've grown a lot since then. And I'm hopeful that we can disentangle the issue of sales of electric vehicles that are made in the United States by the best-compensated workers in California on auto manufacturing. It's the most --

THE MODERATOR: Pardon me, your time is up.

MR. GORE: -- in the country, and that

hopefully we can disentangle that from the topic of getting more electric vehicles on the road.

But thank you very much for the questions.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, I think my question would probably be more directed for Mr. Gore.

Mr. Gore, a lot of people are talking about the need to expand the deployment of electric vehicles to meet our clean energy goals and the CLCPA, for example. But I kind of wanted to focus on the international environmental and human rights issues connected with electric vehicle rare earth minerals extraction.

For example, we know the Democratic Republic of Congo, 70 percent of the cobalt is extracted there. And we've heard the stories of child labor law issues, with children dying, with children being maimed in mining accidents. Some estimates are some

40,000 children are mining in these areas, some as young as six years old.

And I think the concern I have with that, and in addition to, you know, the fact that China has basically control of the rare-earth materials market -- it seems like people are okay with that and then turning our energy security over to China and having to deal with them on these rare-earth materials.

So I guess -- I don't think it's enough, necessarily, to say that the U.S. government has to take the lead on this. I think, you know, I heard that from the DEC commissioner and deputy commissioner last week. And especially when New York wants to put itself out there as a leader when, in terms of the CLCPA, I think they should also -- if they're going to be out there on that, then they should also be a leader on this.

So I guess my question to you would be with these child labor issues that we know that's going on in the Congo with child labor

with the cobalt mining -- which goes into our electric vehicles. With China and slave labor that we know happens on there, what should New York be doing, what should companies like you be doing to address these human rights and environmental issues that are connected with electric vehicle rare-earth materials extraction? I believe that's a problem that really needs to be addressed as we move forward.

MR. GORE: It's a very important topic, Assemblymember. Thank you for bringing it up. And I'd love to share with you the impact report from 2020 which goes in depth into this topic.

But for brevity's sake I'll just say we have a supply chain due diligence program. We conduct a country of origin inquiry with respect to the entire supply chain. And it's very important to work within large coalitions that are focused on this issue so the OECD due diligence guidance for responsible sourcing is something that is strengthened by the participation of all the

companies in the industry.

So beyond that, we take a number of measures which I can go -- I'd be happy to go into detail with you offline.

ASSEMBLYMAN PALMESANO: Okay, just as a follow-up to that, I mean, the fact that we know that China has a total control, basically I would say almost in terms of a monopoly on the rare-earth materials, from the statistics we've seen -- aren't we basically, with this push towards full electrification, basically turning the fact that China is continuing to build out coal plants, now they control the rare-earth materials mining, which is for electrification, aren't we turning over the future of our energy security for our country and our state moving forward over to China by having to adopt these policies?

MR. GORE: I think that -- for instance, our nickel-based cathode has much less cobalt content that some of the chemistries that are out there. I think there are ways forward that take these

concerns into account properly, and --

THE MODERATOR: Pardon me, your time is up.

CHAIRWOMAN WEINSTEIN: So, Mr. Gore, you indicated you offline were going to have some further information, so -- and to any of the other panelists who were asked to submit information, please make sure that that is submitted to the -- well, to myself, the chair of Ways and Means and Senator Krueger at Senate Finance. So please include any additional answers that there was not time for you to be able to reach.

And with that, I want to thank everybody for their participation today, and we are going to move on to the next panel.

So the next panel is smaller -- it is Panel C, for those following along -- Empire State Passengers Association, Gary Prophet, president; New York Aviation Managers Association, Michael Hall, president; and Railroads of New York, Scott Wigger, executive director.

If we can go in that order, starting

with Gary Prophet.

MR. PROPHET: Yes, hello, I'm Gary Prophet, the president of the Empire State Passengers Association. We're a statewide organization looking to improve transit, both local transit and intercity transit across the entire State of New York, from Long Island to the North Country and out to Buffalo or Niagara Falls.

I want to thank the Governor for increasing the funds to both the MTA and to upstate public transit. This will create a much better situation for people traveling across New York State without vehicles, and will also provide people with much more access to transit in the MTA region and outside of the MTA region.

Also the budget seems to start the process of replacing the Livingston Avenue Bridge, which is a key rail bridge across the Hudson River up near Albany that allows rail passenger service to go from Albany to the west and to the north.

I also wanted to note that the recent

stations, including Rochester, Niagara Falls and also the one in downtown Buffalo that was completed during COVID are ADA-accessible and -compatible, and we have gotten very good feedback from our members about those stations and how good they are and useful they are for the people upstate, especially those that have disabilities.

New York State controls the frequency of service, the fares and the on-board standards, but they often defer to Amtrak for running the rail service and for handling marketing. We would encourage New York State to take a look at that, especially as they are now able to hire people and maybe take some of that work in-house, such as handling marketing and handling more of the decisions regarding the fares and the level of service in order to provide a much better service to New York State residents, which we believe that New York State DOT can handle a lot better than handling outside of the state by Amtrak.

We would also like a written plan to

improve passenger rail service upstate and what projects may or may not be funded. As we've heard, there's lots of federal funding with the infrastructure plan, and certainly much of this can help to improve rail service upstate, as this is basically a once-in-a-lifetime opportunity with a lot of discretionary planning. We don't need 220-mile-an-hour trains going across New York State from Albany to Buffalo -- we need trains going a mix of maybe 90, 110 miles an hour so that people can get from Albany to Buffalo faster than they can drive and do it reliably and consistently.

We also believe that New York State should pursue a state rail plan, such as the one Virginia or Maine have, in order to make a push to improve the service, as service can always be improved in order to attract more customers and to just run a better operation.

Finally, I would also like to mention that the Buffalo rail extension up to Amherst and the metro area in Buffalo, that's an item that would drastically improve the service at

the western end of the state. And on the eastern end of the state, one of the key initiatives that we have, are looking forward to, is an additional round trip to Saratoga from New York City. That's a rail market. That's a perfect distance from New York City and takes a lot of people off a very busy section of roads between New York City and Saratoga in order to improve rail service and allow people to get upstate for entertainment purposes without necessarily having to drive their car.

THE MODERATOR: I'm sorry, your time has expired.

MR. PROPHET: So that was it. Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

Moving on -- just keep an eye on the clock. I forgot to mention that when I introduced the panel. Michael Hall?

MR. HALL: Good evening, Senator Krueger, Assemblymember Weinstein, and members of the committees. I'm Mike Hall, the president of the New York Aviation

Management Association.

We have a pretty extensive written testimony that we've filed with you. I want to hit a couple of high points this evening.

I think first of all we have over 13,000 members, and they are invested in a half-million jobs and nearly $75 billion worth of annual impact on the New York State economy. So we are a big part of the health of New York State.

Our principal focus right now in terms of the workforce is to recover from the impact of the pandemic. We're no different than any other industry. We're hurting for workers right now, and our message is really simple. In the past, if you found the workforce you needed by looking through a narrow lens, widen that lens now and consider recruiting people from places that weren't traditionally part of your industry.

And to support that, we've got a very aggressive program to help our members understand and become facile with diversity, equity and inclusion -- and the opportunity,

because so many of our workers have permanently left the workforce, is tremendous right now. And we're also heavily involved in developing training programs and academic outreach to get young people interested in the industry and come on board.

Second point, public health. The airline industry did a terrific job during the pandemic of maintaining service and doing so in a very safe way. Harvard University found that travel by air was the safest form of public transportation. There are a lot of things that added up to make that the case. But those things are going to pay dividends in years to come in two ways.

First of all, air travel will continue to be very safe because of the practices that we developed and employed throughout the pandemic. And also other sectors in public transportation will have an opportunity to learn from those technologies and procedures. So overall, public health and transportation will be improved coming out of the pandemic.

The last thing I think that's very

important is infrastructure. All this takes an infrastructure of airports to sustain, and it's important to understand that while a large measure of funding for those airports comes from the federal government, in almost every case it's the state and local share -- 5 percent and 5 percent, 90 percent coming from the feds.

And the second thing is that there are some things that the federal government does not fund that are uniquely state. So we appreciate the investment, particularly the interest in the upstate airport development programs that have taken place and are going to take place in the future.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

And now, Railroads of New York.

MR. WIGGER: Hi, good evening. Thank you to the chairs and the members for the invitation to speak here today.

I'm Scott Wigger. I'm the executive director for Railroads of New York and represent the freight rail industry here in

New York State, which includes four Class 1 railroads and 36 short-line and regional railroads, directly employing over 2600 individuals here in New York.

Our member railroads provide access to the nationwide rail network, which gives the businesses who are connected to the rail network a substantial competitive advantage over other businesses without rail access.

Freight rail is also the most environmentally friendly way to move goods and products by land, as moving goods by freight rail reduces highway gridlock and reduces greenhouse gas emissions.

In 2019 here in New York State we enacted the CLCPA, which is an ambitious environmental initiative designed to reduce greenhouse gases across all sectors of the economy, including transportation. According to the USEPA, the transportation sector accounts for about 27 percent of total U.S. greenhouse gas emissions, so it is the largest by sector.

Of this, freight railroads account for

just 0.5 percent of total U.S. greenhouse gas emissions and just 1.9 percent of transportation-related greenhouse gas emissions, despite carrying approximately 40 percent of all U.S. freight movements. In order to help achieve the emissions goals of the CLCPA law, shifting long-haul freight movement from trucks to rail would significantly contribute to reducing emissions in the transportation sector.

In the transportation sector, greenhouse gas emissions are directly related to fuel consumption, an area where freight rail has significant advantages over trucks, as moving freight by rail reduces greenhouse gas emissions by about 75 percent. Railroads on average are approximately four times more fuel efficient than trucks and can move one ton of freight over 480 miles on one gallon of fuel.

The freight rail industry invests significant capital back into the rail network to ensure a safe, efficient, environmentally friendly mode of

transportation. Examples of this, environmentally friendly technologies that have been invested in are advanced computer systems for precision routing; new, more efficient locomotives; anti-idling technologies; enhanced operating practices and railcar components; zero-emission electric cranes; and improved railcar designs.

Included in the Governor's Executive Budget proposal is approximately $35.5 million for freight rail infrastructure projects and a separate $10 million allocation for a mix of freight rail, passenger rail and port-related projects. Also included is a $100 million allocation for a local bridge and highway improvement fund that includes highway railroad crossing projects as eligible.

On behalf of RONY and all our members, I want to express our support for this funding, which many of our freight rail companies do rely on to keep the network in a state of good repair. As we continue to get

out of this post-COVID economic recovery, it's important to keep our freight network running. It will help essential goods move without supply-chain-related delays.

I want to thank our partners at the Governor's office, the Legislature and New York State DOT for your support, and I'll be glad to answer any questions.

CHAIRWOMAN WEINSTEIN: Thank you all.

We have Assemblyman Walczyk for a question.

ASSEMBLYMAN WALCZYK: Thanks, Madam Chair. Appreciate it.

Could you hit me with those numbers one more time, Scott, the comparison between trucking emissions per gallon of fuel and freight rail per gallon of fuel?

MR. WIGGER: So railroad, we can move a ton of freight 480 miles on just one gallon of fuel. So that's -- we're about four times more fuel-efficient than trucks. And we reduce -- moving freight by rail instead of truck reduce greenhouse gas emissions by about 75 percent.

ASSEMBLYMAN WALCZYK: I think that's a really key point that I think this committee and every committee in New York State, as we're talking about electrification, should consider. Despite whatever energy source, rail continues to be the most efficient for moving freight across this country and, you know, the world.

So I think that's a great consideration. I'm glad that you brought that point up.

In the past we've talked a little bit about short rail. What's the Governor's budget look like, and does it do enough for short rail in New York?

MR. WIGGER: Well, so a lot of these funds, these grant funds, they do mostly go towards our short line and regional rail operators, because they're the ones who just generally need it the most to make the improvements in their rail network.

So the Governor's budget proposal does increase this program significantly. It was -- so $10 million was the freight,

passenger and port allocation. That remains the same.

And in this year's budget it is $35.5 million for just freight rail projects, where in the past I believe six years it's leveled off at $17.5 million. So certainly a substantial increase.

ASSEMBLYMAN WALCZYK: Great to see. I appreciate it. Thanks, Madam Chair.

MR. WIGGER: Thank you.

CHAIRWOMAN WEINSTEIN: Do you -- yes, I see you have a Senate --

CHAIRWOMAN KRUEGER: I do have Senator Tim Kennedy.

SENATOR KENNEDY: Thank you, Chairwoman, again.

And I just wanted to take the moment again to thank Gary, Scott and Michael for their efforts, improving passenger rail, freight rail and making sure that our airports {inaudible; Zoom interruption}. These are essential components to not only transportation but clearly making sure that our economy is moving, not just for

New Yorkers but the nation.

So just wanted to give a hats-off to each and every one of you for our continued work together in partnership. And as always, it's great to see you. Thank you for your testimony today.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Magnarelli.

ASSEMBLYMAN MAGNARELLI: Just very quickly. Again, I want to thank everybody for taking part and testifying today in front of the committee. I really appreciate it. Thank you very much. I know we all do.

CHAIRWOMAN WEINSTEIN: Thank you.

And then Assemblyman Jacobson.

ASSEMBLYMAN JACOBSON: Thank you for hanging in there today.

My question is concerning freight railroads. And I realize that most of the railroad industry as far as freight is controlled by federal rules and regulations. But we've had problems on the west side of the Hudson that CSX and other freight trains can just -- mainly CSX -- can decide when

they want to just stop, for whatever reason, in the middle of a track without any notice.

I was at a situation, it was a public event on the river, and the train -- one of the trains came by and they just started to -- they stayed there for two and a half hours, so we were all trapped.

And I was just wondering, is there something that can be done so that there could be a schedule so those of us that live near the river and use the river for a lot of purposes can have some advance notice and to plan how we're doing things?

MR. WIGGER: Yes, sure, Assemblyman.

So scheduling and routing decisions are all, you know, determined by the individual railroads. And I can't speak directly to that, but I would be glad to bring in our CSX rep and talk to you directly on this.

ASSEMBLYMAN JACOBSON: We did talk to them, but, you know, we got the answers, Well, we don't know, we don't know when things are going to stop and -- but I think

there could be some way, particularly -- just some way of knowing so that people can have advance notice so we can plan things.

I mean, freight trains are great, but not if they just block everything. So that's my -- and if you have suggestions, you can send it to my office as well as the chairs here.

MR. WIGGER: Yes, understand.

And with respect to that, you know, so routing and timing information, we generally don't make public for very good reason, and that's for safety. By federal law, we -- freight railroads have to carry certain designations of chemicals and hazardous materials, basically the worst of the worst, because we are by far the most safest land transportation mode to get those products delivered.

So we -- you know, it's just for safety reasons, for -- obviously we don't want that kind of information to be made public.

ASSEMBLYMAN JACOBSON: Well, I don't

want you to be a terrorist target or bumping things in my district, as has happened in the past.

But there's got to be some way that we can plan on something without the -- becoming a terrorist target. So I'll let you figure it out, because I know you're an expert.

MR. WIGGER: Thank you.

ASSEMBLYMAN JACOBSON: That's it. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, my question is for Mr. Wigger.

I wasn't going to ask a question, but these kind of things just came to my mind as I was thinking.

What are some actions New York could take to help be more supportive of the rail industry? Are there certain regulations or things that we're doing here in New York that could help enhance that aspect of the industry?

And also, are you seeing -- just out

of curiosity, with the supply-chain crisis we're seeing going on across the country, are the railroads experiencing some of that? And how is that impacting the railroad industry in general, from your perspective?

MR. WIGGER: Well, to take your second question first, obviously, you know, the supply chain is linked, you know, everything. You know, ports, railroads, aviation, trucks. So, you know, you're pretty rarely going to find a package goes from Point A to Point B on just one mode of transportation.

So, you know, we are interlinked, but I will give our railroad members a lot of credit. From everything I've heard and everything I've understood, like throughout this COVID crisis and especially when it got started and nobody really knew what was going on, they were able to keep goods moving as they need to. And it was especially important because there's like food and medical supplies that have to get out.

So, you know, to some extent, of course, it did hit us there. But I think in

New York we actually handled it pretty well.

As far as being able to support the freight rail industry, regulations -- really just heavily regulated by the FRA. So New York really kind of is limited as far as that. But, you know, the grant program certainly, you know, helps our railroads.

You know, one thing I will mention is what's hitting a lot of other industries is workforce development. A lot of our member railroads are having trouble finding workers.

And, you know, especially I've heard anecdotally from some of our members down in New York City/Long Island regions that language barriers exist. We have a lot of people coming from countries that English isn't their, you know, native tongue and they want to get into the railroad industry and, you know, they may be learning conversational English, but it's such a technical industry, like it has to be just very specialized and focused in order to be able to get these jobs in the railroad industry.

So eliminating language barriers and

just workforce training I think would also definitely help promote freight rail.

ASSEMBLYMAN PALMESANO: Great. Thanks for your time. I appreciated those answers.

Thank you.

MR. WIGGER: Thank you.

CHAIRWOMAN WEINSTEIN: I see no other members --

CHAIRWOMAN KRUEGER: I agree. I think we have no other questioners for this panel.

CHAIRWOMAN WEINSTEIN: Okay. I want to thank this panel for their participation today and for continuing to work with us on these important issues.

And now we will call Panel D: American Council of Engineering Companies of New York, John Evers, president and CEO; Rebuild New York Now, Fred Hiffa, consultant; Trucking Association of New York, Kendra Hems, president; Associated General Contractors of New York State, Michael Elmendorf, president and CEO.

And if we can go in that order, starting with John Evers.

And just a reminder, everyone has up to three minutes for an oral presentation. Your written remarks have already been circulated to all members of the panel and are part of the official record. So to the extent you can summarize, that's fine. And just keep an eye on the clock.

And with that, if we can start with Mr. Evers.

MR. EVERS: All right. Thank you, Madam Chair. Thank you, members of the Assembly and the Senate. I'm Johnny Evers. I'm the president and CEO of ACEC New York, a proactive coalition of about 300 firms representing every discipline in engineering. About 25 percent of our membership is MWBE.

The first thing I'd like to comment on is that we're happy that New York State is getting back on the five-year-plan track. This is a tremendous opportunity time with the IIJA coming up. The proposed levels at 32.8 billion for the DOT capital plan and the 52 billion for the MTA plan is just a start. And I'll be eager to see what some of my

colleagues say about how we can build on this for the future. But the preliminary indications, as we like to say, are good.

Our biggest concern about this is the $1 billion in engineering firms that's spread out over the next five years. And we'd like to see how that's broken out between engineering and the administration.

The alternative project delivery system -- I can't let a hearing go by without mentioning progressive design-build. We're advocating for the extension of design-build, but we think the word "progressive" needs to be in there. The 60 percent design negotiated level is something that's going to protect both the engineering and the public owner and the construction world.

We're also going to hope that there's more contracting certainty. And I could talk more about this, I could spend a whole day on this, but the contracting certainty and the contractual terms that are being presented are often being changed on the engineering community. We have a lot of concerns about

that going forward, particularly at the start of a five-year capital plan.

We're going to encourage QBS. There's a comptroller's program bill on this. We want to make sure there's uniformity when it comes to QBS, and a proper understanding of it.

Another issue that I have -- I feel compelled to discuss is the PPP loans. I want the members of the Transportation Committees in both houses to realize that the PPP loans that were given to engineering firms were forgiven but are now being recollected because of federal law. We're working with Congress right now to have that stopped so that we can have engineering not be alone amongst all the industries to have to pay back the loans.

It's true, engineering firms must pay back the loans. The 60-day letters are coming due now through DOT. We've asked for some breathing room to try to get congressional action to stop this. But if it's not, at the very time we're going to

start letting of five-year capital plans, engineering firms, particularly as I mentioned 25 percent -- it's more like 35 percent of our membership will be paying back federal loans via the DOT at the same time when we're going to be proposing work for both the MTA, for the DOT, and for other areas.

So I would encourage the Legislature, when it comes to the five-year capital plans, to know that this is just the first entree right now and that these levels, we have an opportunity now to increase these to provide a certainty for the next five years, if not more, particularly now that we have a healthy surplus in New York State -- which has been talked about -- and the start of the IIJA. So it's a building time.

So thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

And now if we can go to Rebuild NY Now.

MR. HIFFA: Good evening. My name is Fred Hiffa. I'm here today on behalf of the

Rebuild NY Now coalition.

As a former first deputy commissioner at DOT, I have some understanding of what condition the state's roads and bridges are in and what amount needs to be invested over the next five years to improve those conditions. NY DOT's engineers do an outstanding job of tracking the system's conditions and know the level of funding necessary to properly maintain these public assets.

Regrettably, in the Executive's five-year capital program, there seems to be virtually no correlation between its funding levels and the system's needs. DOT's Highway and Bridge Condition Reports show declines in pavement conditions. In the last report, 45 percent of the state's pavements were in fair and poor condition -- nearly half of the state's roads. And that report said that we have over 4,000 bridges in fair and poor condition, over a quarter of the state's bridges.

DOT's reports on paving show a 15-year

life cycle for paving the system, the entirety to get around the system. Then you compare that to the average life of the treatment DOT is using, unfortunately the life of the treatment is only 9.4 years. So it takes DOT nearly six years longer to get back to repair a road than the treatment lasts. That's why we're seeing these declining pavement conditions.

Just like DOT's staff thoroughly reports on the conditions of its system, they also clearly lay out the resources needed to properly maintain the roads and bridges. In June 2019, NYSDOT wrote their most recent Transportation Asset Management Plan, which projects the system's future bridge and pavement conditions based on the current level of funding. As a point of reference, in 2019 DOT spent 2.521 billion on bridge and road construction. The first year of the proposed five-year plan by the Executive spends 2.575, virtually the same amount -- less if you take into consideration inflation.

The report states: "Left unabated, the amount of poor pavements on New York's national highway system will more than double in the next 10 years. Similarly, bridge conditions will become roughly 5 percent worse in terms of deficiency and poor bridges."

The report goes on to state: "Because New York DOT has roughly only a third of the resources it needs to preserve the system, conditions are expected to be significantly worse in the future."

The report also notes that the agency needs to increase its capital spending threefold. If they received that increased amount, it will take 10 years to get the pavements to a state of good repair, and for the bridges it will take nine years. Our highway system didn't fall apart in a day; it will take years to bring it back.

The engineers at DOT have calculated that the state needs to invest $2 billion a year more in roads and bridges than the DOT's five-year capital plan. With the state

projecting a record $24 billion surplus, and the federal government delivering a record 52 percent increase in infrastructure spending, if we don't make the commitment to restore these public assets now, I fear we never will.

Thank you for your consideration.

CHAIRWOMAN WEINSTEIN: Thank you.

We go now to Trucking Association of New York.

MS. HEMS: Okay, good evening. Thank you for your time this evening. My name is Kendra Hems, and I'm president of the Trucking Association of New York. We represent the trucking industry across the state.

The highways are the trucking industry's workplace, and we have seen firsthand the impact when trucks are not able to operate efficiently. Supply chain disruptions, deteriorating roads and bridges, severe congestion, and freight bottlenecks all serve to place strains on the trucking industry, leading to increased costs,

significant delivery delays, and negative environmental impacts.

As it relates to investment needs, I would encourage the Legislature to refer to the New York State DOT freight plan, which provides a framework for enhancing the safety and optimization of freight goods movement across New York, including potential strategies and initiatives to reduce congestion, improve reliability, and increase productivity.

Specifically, the association encourages the prioritization of investments to address the following needs.

Increased truck parking. This is a significant safety issue, and our truckers deserve accessible, safe and secure places to obtain their needed and required rest.

Investment in charging infrastructure to support the transition to electric vehicles. And this is directly related to the lack of truck parking.

Congestion reduction, to reduce idling, reduce emissions and improve

productivity for freight deliveries.

Alternative freight movement options related to the state's signature projects, to reconnect communities. Maintaining an efficient route of travel is critical to ensuring continued economic vitality in the cities of focus.

Finally, I would be remiss if I did not address the need to reform New York's antiquated and onerous Highway Use Tax. This is a tax that's exclusive to commercial vehicles. The infusion of federal funds gives us the unique opportunity to look at ways to phase this tax out while identifying new sources of revenue to replace the tax with a fair and equitable option.

And since I have some time, Senator Krueger, I just wanted to mention you had suggested a summit to potentially address issues on our roadways. We deal with challenges every day, competing needs, and we would certainly be interested in participating in that if that were to come to fruition.

So with that, I thank you for your time today. Certainly happy to answer any questions you may have. And we look forward to working with you on all of these issues. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

And to the Associated General Contractors of New York now.

MR. ELMENDORF: Thank you very much. Thank you, Chairs and members of the Legislature, and thank you for your continued attention here this evening at what I hope for you is the end of what has been a pretty long day for everybody, but particularly for all of you. So thank you for still being with us.

I'm Mike Elmendorf. I'm the president and CEO of the Associated General Contractors of New York State. We're New York's leading statewide construction industry organization, and our members on the heavy highway side are among those who work in close partnership with the Department of Transportation to maintain our statewide network of roads and

bridges.

There's a lot of positives in Governor Hochul's Executive Budget proposal for a five-year capital plan. First of all, it's a five-year capital plan. It's been a while since we've been able to do that. That's the kind of certainty that the industry and the department needs, to be able to plan.

It continues the record levels of funding and in fact has some increases for local governments that the Legislature has largely driven in recent years. But that said, like my friend Fred Hiffa said, there's some work to do.

You can't really talk about the DOT capital plan without talking about conditions, and we have seen record declines in the condition of New York's roads in recent years -- declines that have afflicted just about every region of the state.

The good news is that the passage of the federal infrastructure bill, the bipartisan infrastructure bill, provides us with a once-in-a-generation opportunity to

rebuild and improve the condition of our infrastructure, creating jobs in the process and building a foundation for a stronger economy.

But we have some real concerns that the capital plan, as proposed, is not fully realizing that opportunity. First, it grows by less than half the amount of the increase in federal funding that the infrastructure bill provides. The infrastructure bill is a 4.6 billion increase for New York. The capital plan grows by only $2 billion over the five-year period.

It spends less on -- for DOT construction needs that go to improving the condition of roads and bridges that we are seeing declining. That's a concern. When you factor in inflation, we actually believe the spending power will be even more diminished over the period of time.

What we really should be aiming to do here is enact a capital plan that will improve the condition of roads and bridges across New York State on the state system.

And we believe that that's going to require some additional investment -- as Fred said, about $2 billion more a year over the course of the five-year capital plan.

This is a singular opportunity, right? This is the greatest federal investment we've seen in transportation infrastructure since the Eisenhower interstate system was built. If this is not the time when we are going to improve conditions of our roads and bridges across New York State, I'm not sure when that time will be.

We know that the Governor has prioritized infrastructure. We look forward to working with the administration and the Legislature to make some adjustments here that will see us with roads and bridges that are much closer to a state of good repair at the end of this five-year capital period.

Thank you for the opportunity to address you tonight, and I would welcome the chance to respond to any questions you might have. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We have a couple of Assemblymembers with questions. Assemblyman Walczyk.

ASSEMBLYMAN WALCZYK: Thanks, Madam Chair.

Mr. Hiffa, the DOT commissioner talked about this five-year capital plan. Does it go far enough? And where does it -- where specifically does it really fall short?

MR. HIFFA: As Michael said -- and I do give the Governor a great deal of credit -- it is a five-year, fully funded plan. I think the separation, though, is that we focus too much on what we're going to see as the amount of money we're spending versus the true needs of the system.

Fortunately, when we look at the MTA, they have two separate budgets, a capital budget and an operating budget, and the capital budget truly focuses on bringing a state of good repair for the rolling stock in the system.

Unfortunately, that wasn't tied to this analysis. It needs to be, and then I think that drives that number -- Assemblyman,

it brings us up to about $10 billion over the next five years that we need to help bring it to a state of good repair.

ASSEMBLYMAN WALCZYK: Gotcha. And just for a layman, what kind of investment is going to be lacking? Are we talking about culverts and rural roads, or what do you see?

MR. HIFFA: One of the things that's really scary is that you've got this significantly growing portion of the roads that are poor. DOT's projecting you could have 27 percent of our roads are poor over the next five years under these spending levels.

It takes 16 times more to repair a poor road than it does one -- maintaining one that's in good condition. It's just a huge cost to the taxpayers that just needs to be dealt with. Long term, it really becomes a problem. And once you do get it to the point where it's in a state of good repair, then the costs go down significantly for you and you have a better system for yourself and your constituents.

ASSEMBLYMAN WALCZYK: Thanks very much.

And then Mr. Elmendorf, is he right? You said 4.6 billion in federal infrastructure and investment here. Is a lot of it just going to MTA operating costs? Or where is it all going?

MR. ELMENDORF: No, this is $4.6 billion in additional funding for roads and bridges.

ASSEMBLYMAN WALCZYK: Okay.

MR. ELMENDORF: That is funding in this capital plan. But the capital plan's only growing by 2 billion over the five-year period.

So there's two things happening. You know, the state can fairly say that the program has grown in recent years -- and in fact, it's grown by a larger percentage in recent years than under this new infrastructure bill, than it would under this plan. The state stepped up to the plate with additional resources. And clearly at this point we don't know how much, because we

don't have a lot of clarity. The state is shifting state dollars out of the plan.

The other thing that's happening that is reducing the growth that you'd expect to see is the megaprojects. There's about $4.1 billion in megaprojects. They're great projects, they're important projects that span from Buffalo all the way down to New York City. But not every legislative district has a megaproject. Not every community has one. And where most New Yorkers spend their time driving or most goods are moving are on the rest of the state system where you're seeing those declines.

ASSEMBLYMAN WALCZYK: I think your last point was a great one.

And thank you, Chairwoman. And thanks, guys.

CHAIRWOMAN WEINSTEIN: To the Senate now.

CHAIRWOMAN KRUEGER: Thank you.

Chair Tim Kennedy.

SENATOR KENNEDY: Thank you, Chairwoman.

And ladies and gentlemen, thank you for your testimony here. Certainly appreciate it. And again, our continued partnership with each of our organizations, from the ACEC to the Trucking Association, we've been doing a lot of great things, of course, with AGC and the Rebuild NY.

We're working on this five-year capital plan. I just want to get into that a little bit more.

I asked the commissioner earlier if she felt that the conditions of the roads would improve with this five-year capital plan. Unequivocally, she believes they would. Do you believe that as well?

MR. HIFFA: I would tell you, we have to look at DOT's own public analysis that they submit to Federal Highways. Less than two years ago, they said under the existing funding levels -- which are almost duplicate to what the Governor's proposing for next year -- we would see declines, significant declines in pavements and bridges.

So I respect the commissioner and I

respect, you know, the engineers at the agency, but I think they'd have to point to their own analysis and tell us what's changed.

SENATOR KENNEDY: So how did you come up with the numbers -- $2 billion and then $10 billion -- to address the needs?

MR. HIFFA: Sure. What we looked at -- you know, DOT runs models that they publicize through the reports. We looked at those models. And what it does, Senator, is it -- when we talked about the system and it taking almost 16 years to get around the system, but treatment's only lasting about nine years, the industry standard, when I was at DOT many years ago, is 12 and 12. So that's your treatment and the life cycle.

So we calculate what the pavements will be, and as you'll see in our analysis, the pavements are significantly more than the bridges over the course of the next five years. That falls in line with the last needs analysis or assessment that was done by the agency. We're using very similar numbers

as far as percentages. It's just the costs have changed -- I would say about 30 percent difference since that was done.

And so that's how we arrived at the analysis, using their models and their own projections as the basis, sir.

SENATOR KENNEDY: And then just lastly, you know, lookit, we're still waiting on numbers and information coming in from the federal government, and timing. On a year to year basis, we will have the ability to address this five-year capital plan. Is that not sufficient to be able to move forward with the five-year capital plan as it's planned right now?

MR. HIFFA: I think the difficulty is -- and I would look at it this way. The DOT is looking at three -- there's about nine programs that the federal government has. Three of them are new. We've got the obligation, until we get the federal appropriation, we won't have full definition of those. But I think we all can guarantee Senator Schumer is going to make sure that

that --

THE MODERATOR: Pardon me, your time is up.

MR. HIFFA: -- is out the door, Senator, this year and be able to be spent by the states this year. I can't imagine he's going to let it roll.

SENATOR KENNEDY: Well, we'll be working with him. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

So let's go to Assemblyman Magnarelli, chair of Transportation.

(Pause.)

ASSEMBLYMAN MAGNARELLI: They have such a hard time with this sometimes.

I just want to say thank you, as I have to the other panels. Just about everybody on this panel I have talked to, either in other hearings or in my office or both. So we've gone over most of these issues, and I really appreciate all of the information that you bring to the table. So I want to thank you again for taking the time and spending the time with us today.

Thank you very much.

CHAIRWOMAN KRUEGER: Anyone else?

CHAIRWOMAN WEINSTEIN: We have some Assemblymembers. Do you have any Senators?

CHAIRWOMAN KRUEGER: I have me, but very briefly.

CHAIRWOMAN WEINSTEIN: Go for it.

CHAIRWOMAN KRUEGER: So -- thank you.

So Kendra from Trucking, yes, New York City apparently has more trucks than we've ever seen before, and we do know that we need you to deliver products, but we all have to come up with a better plan.

So are you working on electric trucks, are you working on smaller trucks for deliveries in the city? Are you interested in night deliveries? Which is my fantasy in Manhattan, that if all the trucks just came through at night we might be able to function during the day. I'm just curious whether you've been thinking about it from the perspective of a complicated city like New York.

MS. HEMS: Yeah. Actually, all of the

above. We've been working very closely with the City Department of Transportation on their Smart Truck Management Plan, which looks at alternatives. So we're working on electric vehicles, we are looking at, you know, actually utilizing cargo bikes, and some of our members are interested in that.

We're working with a consultant on finding ways to do freight consolidation, to take the freight off the larger trucks and move it to smaller trucks.

So yes, we are looking at everything in terms of trying to address that truck congestion issue in the city, particularly considering how things have changed since COVID with the rise of e-commerce. That's a challenge not only for the folks in the city but also for all of our drivers, our professional drivers that are trying to operate down there.

The off-peak delivery, we support it. We've worked very closely with City DOT as well as RPI, who did the initial pilot program. The challenge for us is in

industries, we don't dictate when we go into the city, our customers do. So unless the receiver is prepared to take an off-peak delivery, we don't have that option. So it's really -- the need is a way to incentivize the receivers to be able to take that, through funding or other ways of support so that we can actually do those deliveries at night. Our drivers prefer it. It's quicker, it's more efficient, there's less parking tickets.

So we are in full support of off-peak delivery where it makes sense.

CHAIRWOMAN KRUEGER: Thank you. And yes, I was a little off-budget, so you can slap me around, Helene. Thank you. But I did want to ask that question.

CHAIRWOMAN WEINSTEIN: That's okay.

Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Thank you.

I think Chairman Kennedy and Mr. Walczyk addressed some of my questions regarding the five-year capital plan. So I had a couple of quick questions that

hopefully -- I think for Mr. Hiffa first.

I know you mentioned in your testimony about the need for a $2 billion a year increase. My question is -- I think that I know the answer. Are these bonded funds, and what does that mean as far as leveraging in actual dollars?

MR. HIFFA: Historically, you're looking at generally a 10- to a 30-year life for most of the structures. And so just like you do with your CHIPS funding, it's bonded. So you're looking at about 25 cents on the dollar.

So for the purposes of the $2 billion a year, it would be about a half a billion dollars in cash that would have to be expended to meet the needs.

ASSEMBLYMAN PALMESANO: So half a billion to get -- leverage $2 billion in the capital infrastructure dollars you need.

MR. HIFFA: The same thing we're doing with congestion pricing for the MTA's capital program.

ASSEMBLYMAN PALMESANO: Okay. I have

another question that I had asked to the commissioner. This might spin more towards local. And it's about the -- I think the last time the DOT did a transportation needs assessment was in 2007. And at the time it was found that locally owned roads -- I know you guys are talking about a broader perspective, but I think it gets to the point about needs and assessments. At that time, you know, through that 2007 assessment there was a $32 billion need over 15 years to restore locally owned roads through repaving and improvements.

Don't you think it's about time we kind of update that to get a better assessment? Because I think through -- you know, these numbers have probably changed because probably the investment wasn't made to meet these needs. And given the changes we've had with inflation, is there any suggestions you have there? You know, obviously to direct to the commissioner, because -- when she talked about this.

MR. HIFFA: You know, that report was

only dealing with touring routes on the local system. Which are a very small fraction of the overall local system. The local system is almost 87 percent of roads in the state. You almost have to use modeling. The ability to really do a site-on analysis like you do with the state roads would be almost impossible.

So we use modeling. We represent the Town Highway Superintendents, who have 60 percent of the state roads. The Comptroller just referred to a study that we did for a needs analysis in the updated report that he did last month.

So I think you need to do modeling versus the way DOT does their roads. It's just, I would think, too large of a task.

ASSEMBLYMAN PALMESANO: Okay. And I just wanted to say I just -- more of a comment, with less remaining of my time, and I guess to my colleagues on this committee that I think we definitely need to re-look at -- although appreciative of the Governor's five-year capital plan, to have a five-year

capital plan, but based on the needs and the conditions and the historic opportunity we have this year from a funding perspective with the federal dollars, with the five-year projected $24 billion state budget surplus, we should be looking to enhance our five-year capital plan for DOT to make sure we can meet those needs and make the improvements we need to do for our conditions.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Ed Ra.

ASSEMBLYMAN RA: Thank you, Chair.

Mr. Hiffa, I'm wondering if you can give us an idea of what, you know, people within the group might think regarding this pothole program. It was asked earlier of the commissioner, and it seems like, you know, we don't have really detailed how this should be apportioned out.

So I was just wondering if you have any thoughts in that regard.

MR. HIFFA: Sure. And I'll certainly

defer, because I know in the next panel we've got the real experts.

But I'll give my humble opinion, which is, you know, it becomes difficult for a lot of the small communities to be able to go through the reimbursement process for multiple programs. And then you're keeping track of multiple programs.

The monies are absolutely needed. But the CHIPS program, the PAVE program, the emergency winter work -- they're great programs. You've created them, as the Legislature's been a part of this, the Senator coming up last year with the train routes program -- great programs.

But I'm almost suggesting that the additional funds are needed, but maybe using the existing programs so that the folks -- you know, we've got 934 towns and villages in this state. That's -- you know, there's a different capability at these levels to be able to go through the process of reimbursement for these new programs. And these are mainly elected officials, so you're

having change-over in the offices.

So we need the money, they need the money. I think it makes a ton of sense. And you can call the programs whatever you want, but if you use the same reimbursement format, that would be great.

ASSEMBLYMAN RA: Okay, great. Thank you.

CHAIRWOMAN WEINSTEIN: I believe there are no further questions for this panel, so we want to just join in thanking you for the work you do in New York State and being here with us tonight.

And we'll move on to Panel E: New York State Association of Town Superintendents of Highways, Richard Benjamin, president; New York State County Highway Superintendents Association, Andrew Avery, president; New York State Association of County Clerks, Michael Bartolotti, president; Families for Safe Streets, Amy Cohen, cofounder; and Open Plans, Sara Lind, director of policy.

If we can go in that order, starting

with Richard Benjamin.

MR. BENJAMIN: Good evening, Senator Krueger and Assemblymember Weinstein and members of the Legislature. I am Richard Benjamin, president of the New York State Association of Town Superintendents of Highways, and highway superintendent for the Town of Thompson here in Sullivan County.

I am submitting these comments as part of a joint testimony with the New York State County Highway Superintendents Association.

The pandemic hasn't just impacted our health, it has changed where people work, live and where they travel. According to the MTA, during the week of 2/7/22, Long Island Rail Road passenger volumes were down nearly 50 percent of their pre-pandemic levels; metro-North Railroad was down 55 percent; subway ridership was down 45 percent. During the same period, bridge and tunnel traffic and traffic throughout the state were within 2 percent of 2019 levels.

On behalf of our 933 town highway superintendents, I want to thank you and your

colleagues in the Legislature for your past support of the state's local highway and bridge system. I was able to rehabilitate an aging bridge in my town with the increase in last year's funding.

We are very pleased that the Governor is proposing a fully funded $32.5 billion five-year capital program maintaining current funding levels for all of the local highway and bridge programs, including CHIPS, Marchiselli, Pave NY, and EWR. In addition, the Executive budget increases funding for the Bridge NY program by $100 million annually and creates the new Pave Our Potholes program at $100 million annually. A recent report by Comptroller DiNapoli, titled "Locally Owned Roads By the Numbers," concluded that local governments, excluding New York City, spent $2 billion on road maintenance and improvement in the 2020 fiscal year.

The price of fuel, asphalt and construction materials has skyrocketed in the last few years, leaving a spending deficit of

1.7 billion annually on local infrastructure. Despite our best efforts, local infrastructure spending has declined over the last decade relative to inflation.

As fellow public officials, we understand the difficulty in trying to meet all of our constituents' needs with limited resources. We must work together so that all state and local critical infrastructure needs are being addressed in the next five-year capital program.

Our requests are to increase CHIPS by 250 million and EWR by 50 million. I can attest that these programs are vital to my community's road maintenance programs.

We look forward to our continued partnership to provide the necessary resources to meet our state's vast economic and transportation needs. I truly appreciate your time tonight -- it was a long day for you -- and your consideration. Thank you, and I'd be available for any questions.

CHAIRWOMAN WEINSTEIN: Thank you.

Next we go to County Highway

Superintendents Association.

MR. AVERY: Thank you.

Good evening, Chairs Krueger and Weinstein and members of the Senate and Assembly. I'm Andrew Avery, president of the New York State County Highway Superintendents Association, and the Chemung County public works commissioner.

Thank you for this opportunity to offer comments today on the '21-'22 Executive Budget. These comments are submitted to be part of joint testimony with our partner, the New York State Association of Town Superintendents of Highways.

As you know, 87 percent of the roads and over half of the bridges are owned by local governments. This vast system has been underfunded for years, predictably resulting in stress on the condition ratings of many roads and bridges throughout the state.

Governor Kathy Hochul has presented an Executive Budget that includes a new five-year transportation capital program sized at $32.8 billion. Her proposal

restores the Extreme Winter Recovery appropriation at $100 million and appropriates another $100 million in support of State Touring Routes. The Executive Budget also funds PAVE-NY at $150 million per year over the next 5 years and proposes BRIDGE NY funding at $200 million per year. The CHIPS program, the lifeblood of most local highway departments, is held at $538 million annually.

The last few years has seen the worst recorded decline in the state's pavement conditions. State and local highway pavements rated poor or fair have increased from 36 percent in 2016 to 45 percent in 2020, due to the aging system and deferred maintenance from inadequate state and local funding. The additional funding in the Governor's budget for BRIDGE NY will help, but it's still not enough. Over the last four years, $678 million was awarded for 231 bridge and 175 culvert projects. This means we've funded only 32 percent and 13 percent of bridge and culvert applications,

respectively.

The BRIDGE NY program limits the number and value of bridge and culvert project applications submitted to the state by each municipality, so the need is much greater than apparent.

The new federal Infrastructure Investment and Jobs Act includes an off-system bridge component. States are required to set aside a minimum of 15 percent of their bridge formula program funding to address off-system bridge needs. The ownership disparity and relevant condition range between local and state-owned bridges reinforce the need to assure adequate federal funding be made available to local governments.

Our joint Town and County Highway Superintendents budget requests are as follows. We support increasing the CHIPS program to 788.1 million annually. We also support increasing Extreme Weather Recovery funding to 150 million annually. We further request maintaining the Local BRIDGE NY

program at 200 million, the Local PAVE-NY at 150 million, and the State Touring Route program at 100 million annually.

We also request that the 100 million Pave Our Potholes program be distributed using the CHIPS or EWR formula.

Thank you. We look forward to working with you as budget deliberations continue, helping to assure appropriate levels of funding for essential local road, bridge and culvert projects, and assisting in the economy recovery and job creation brought by public infrastructure investment to New York communities.

Thanks for your time.

CHAIRWOMAN WEINSTEIN: Thank you.

Now, the New York State Association of County Clerks.

MR. BARTOLOTTI: Thank you all for this opportunity to address the joint committee. My name is Mike Bartolotti. I'm the president of the Association of County Clerks. I'm also the Putnam County Clerk. I'm here to discuss the role the county

clerks play in DMV operations.

County clerks in 51 counties serve as agents of the State DMV commissioner and oversee operations in 113 DMV offices. Though we are agents, it's important to note that the costs of the operations, the employees within, and the offices are all county government entities or responsibilities. These interactions with residents are largely done in person, and this process can help with some of the more difficult questions one may have that may not always be clear with online guidance.

In many ways, the county clerks are best positioned to operate DMV offices that serve the driving and identification needs of local residents. County clerks take pride in understanding local needs and can respond in a timely manner and have flexibility, in some cases, office by office, to change operations to meet those local needs.

Much of the revenue received by the state through DMV actually comes from the county level of operations, yet only

12.7 percent of that revenue is retained by the county to help run these local DMV operations, and the state gets 87.3 percent. This sharing system is in statute and was negotiated over 20 years ago.

In addition, county offices receive only 3.25 of any online revenue after a county-specific threshold number is reached. Using 2020 as an example, approximately $469.6 million were generated from transactions processed by or from residents of the 51 county-run DMV offices. Of that total, those counties only received approximately $41.8 million.

While this current system is clearly imbalanced, it's our residents, who rightfully want effective and efficient DMV operations, that are negatively impacted.

County-run DMV offices have seen an increase, not a decrease, of the business transactions in recent years, but this increase involves more time and resource-intensive services, many of which have no fee collected. Accordingly, our

local revenues are going down because of the easier transactions process online, and the state receives nearly all of those fees.

In short, county clerks are being asked to do more with less, and this inequity is growing exponentially year after year. Perhaps no clearer example exists on why local DMV operations are so vital than how our offices functioned throughout the COVID pandemic. During that time, although offices were closed, we still kept working. During that time we availed ourselves and our staff to processing dealer and customer transactions via drop-off. We also assisted State DMV in the processing and the work that they had in their central offices. This action by county clerks single-handedly allowed for car sales and traffic safety operations to continue throughout the pandemic.

We thank you for your time and for listening. NYSACC is seeking what you seek -- to ensure the best DMV services possible for our residents and for automotive

dealers. We ask that you consider a modest increase in the current state and local DMV revenue sharing to ensure that high-quality services continue and so that our offices may remain sustainable.

Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

Now, Families for Safe Streets.

MS. COHEN: Thank you for the opportunity to testify today, and for being able to give a face to the crisis on our roads across the state.

My name is Amy Cohen, and I am the cofounder of Families for Safe Streets. I know firsthand the pain of traffic violence and how it can bisect lives and fracture families. It's 3052 days since I last kissed by 12-year-old son Sammy goodbye for the last time, in the fall of his eighth-grade year -- 3052 days since I touched his face, smelled his special Sammy smell, saw him chatting with his sister, made him breakfast, and gave him a hug. That fateful day marks the time before. Instead, for the last eight years,

at every holiday, meal and milestone, the cliche of an empty chair manifests our family's reality.

I share more about Sammy in my testimony, and I hope you will all read it.

I thought my love for my family was so strong that I could create an invisible shield around my children. But every year, thousands of New York parents like me learn that their shield is fallible, that they cannot protect the ones they love from senseless death and life-altering injuries.

After Sammy's death, I joined with others and helped form Families for Safe Streets. Our mission is to confront the preventable epidemic of traffic violence and support those personally impacted.

This year we have joined forces with dozens of organizations and started the New York State Safe Streets Coalition, and together we're fighting to pass the Crash Victim Rights and Safety Act, seven lifesaving bills that will address the rising rates of injuries and fatalities on our

streets. The CVRSA bills will redesign our streets with safety as a priority, to protect all road users, address the speeding rampant on our streets, educate drivers on bike/pedestrian safety, and provide support to those personally impacted.

You can read about all seven bills in my testimony, and you also heard about the bills from others today as well. I do want to add that the comments that the crisis is purely because of pent-up COVID energy and distraction is missing the fact that this crisis has been going on for years, with no end in sight.

Traffic deaths went down in Europe and Canada during COVID because they spent decades addressing the causes of crashes. We now need to focus on the underlying conditions that encourage speeding and reckless driving -- dangerous street design, speed limits set too high.

Complete Streets not only separate road users, but they narrow roadways to encourage drivers to pay attention and follow

the speed limit.

We urge the Legislature to pass the package in this year's budget to ensure adequate funding for the two Complete Streets bills as well as the study on the adequacy of current compensation and services for crash victims.

We also urge the Legislature to continue the speed camera program and lift the restrictions on when they can operate.

In the nation's first National Roadway Safety Strategies report, Secretary Buttigieg called for lower speed limits, automated enforcement, managing speeds with Complete Streets, and protecting those most vulnerable. He urges states and localities to partner with him to end the crisis on our roadways, and we're counting on you to rise to that challenge. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

And our last testifier, from Open Plans, Sara Lind.

MS. LIND: Hi, good evening. Thank you all for staying so long. And I'll be

quick so we can get out of here, hopefully.

My name is Sara Lind. I'm the director of policy at Open Plans. We are a nonprofit dedicated to making our streets safe, livable and equitable. And along with Families for Safe Streets, who you just heard from, we are part of the New York State Safe Streets Coalition, Open Plans is part of the New York State Safe Streets Coalition, a group of organizations from around the state working to pass the Crash Victim Rights and Safety Act.

As an organization that works to build livable and joyful streets to help bring communities together, we know that it's impossible to have livable streets without safe streets, which is why we're here today.

I would just echo all of Amy's testimony about the Crash Victim Rights and Safety Act, and also what you heard from Elizabeth Adams of Transportation Alternatives earlier today. And there's more detail on the specific bills in my written testimony.

I'll take a few minutes also to talk about a few other issues. Open Plans believes that automated enforcement should be extended in the budget. Red-light cameras and speed cameras are critical lifesaving tools. We support home rule, which would allow New York City and other municipalities to make lifesaving changes to our speed limit and automated camera enforcement.

In the event that New York and other municipalities are not granted home rule, New York City should be empowered to operate speed cameras 24/7 and restrictions on the number and location of both speed and red-light cameras should be lifted. And all of these items should be addressed in the State Budget.

As an organization we also strongly support increased funding for the MTA, including flipping the gas tax to provide dedicated revenue to the MTA and to disincentivize driving. We also support getting congestion pricing done as quickly as possible.

Additionally, we urge the state to stop funding increased highway building and widening. Adding more lanes does not alleviate congestion, but merely creates additional induced demand and yet more traffic. As we face the existential crisis of climate change, we should be doing everything we can to reduce driving, not incentivize more of it.

And related to that, we support the Governor's proposal for transit-oriented development, and we urge the state to eliminate parking minimums in new construction.

I also wanted to say, to Senator Krueger's point, we also support alternatives to trucking in New York City, especially cargo bikes. I would note that the state needs to adjust the laws around the size of cargo bikes allowed, so that cargo bikes can actually be effectively used in New York City. So I'd encourage you to look into that.

Thank you for your consideration of

these critical issues, and I'll wrap up early. Thank you again.

CHAIRWOMAN WEINSTEIN: Thank you.

We'll go first to our chair of transportation, Assemblyman Magnarelli.

ASSEMBLYMAN MAGNARELLI: Well, again, especially to this group, who has had to wait so long, thank you so much for your testimony and for taking part in our hearing. Again, I've met most of you and have talked about these issues, but it's always good to be updated, and I thank you again for your testimony. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you. I see our chair of transportation, Tim Kennedy, who's never flailed today. He's continued with us all day.

SENATOR KENNEDY: Thank you. I appreciate your steadfastness to both Chairs Krueger and Weinstein.

So first of all, let me just thank all of you again. What an exceptional panel, a

great and diverse panel.

I want to just make a note -- budgetary, from a funding perspective -- that I was very pleased to see the Governor put forward a continued effort for CHIPS funding where we were able to increase that number by $100 million last year. And year in and year out, we have had to fight to get funding put in place, and for nearly a decade that number did not increase. Last year we increased it in a big way.

Governor Hochul included that in this year's budget. We're thrilled about that. I know the highway superintendents played a big role in getting across the finish line last year. So thank you for your efforts and your continued work on behalf of the people of New York State.

To the other folks that are here, I especially want to recognize those that are working on the Crash Victims Rights and Safety Act. Those seven bills are so important, and I can tell you that I, in my role as chair of Transportation and the

Transportation Committee, am committed to getting those bills across the finish line in their entirety as a package, the seven bills. We've already moved through the committee two of them, including Sammy's Law.

And I just want to recognize you, Amy, again. I know it's a difficult story to tell, but you are really changing the world on Sammy's behalf. And two weeks ago today, in the Transportation Committee, we passed Sammy's Law. We're looking forward to getting that over the finish line this year, in his memory and on behalf of New Yorkers, and for safer streets.

So really appreciate the work on a very personal, heartfelt level that all of you do, but especially those of you that are fighting for New Yorkers and safer streets because of grief that you have turned into action.

So thank you very much, each and every one of you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, thank you.

My question is probably more directed for Mr. Avery and probably Mr. Benjamin as well.

The Governor proposed this pothole program of $100 million. During the budget hearing earlier, the commissioner said it would be negotiated. There's a number of us who said that it should really go through -- the best way and most effective way is going through the CHIPS-type-based formula. Some have said that maybe we should look at a needs-based program.

From your perspective, from our local towns, villages, cities and counties, are you more supportive of going through the CHIPS-based formula? Would that be a more effective and fairer way to make sure everyone benefits? Don't all of your communities have potholes through them?

MR. AVERY: Thank you, Assemblyman. Appreciate the question.

Definitely. I haven't driven through

a community in New York or anywhere else in the country, for that matter, that doesn't have potholes. I think the most fair way to try to address that is on a formula-driven basis, whether that's CHIPS or EWR, something that's already in place where everybody works, whether it's New York City or any of the local governments or even the state -- who's going to get 50 percent of the funding regardless -- would have the opportunity to address some of these roads that are in poor condition.

So definitely we'd like to see it formula-driven. Thank you.

ASSEMBLYMAN PALMESANO: All right.

My other question actually for you, Mr. Avery, is you mentioned in your testimony about this new federal infrastructure investment on off-system bridge components and that states are required to set aside 15 percent of their bridge formula program to address these off-system bridge needs.

Can you comment on that, how that will be helpful to local municipalities and how

critical it is to get that funding there?

MR. AVERY: Absolutely. It's -- the states are required to set aside a minimum of 15 percent, but there's nothing keeping them from putting more money into the off-system bridges.

And I think it's important that everybody remember that local government maintains about 50 percent of the bridges across New York State. A bridge is anything 20 feet or longer. That doesn't even begin to include our culverts. For example, in Chemung County we maintain 148 bridges, but over 1200 culverts, which need just as much effort put into them.

So hopefully the BRIDGE NY III program will help that as well.

ASSEMBLYMAN PALMESANO: So 15 percent is the minimum. We can do more, given the conditions that we're facing on our local roads.

MR. AVERY: That would be right.

ASSEMBLYMAN PALMESANO: One thing I would do -- like a comment here, just more of

a comment, I think, and one quick question -- is that, you know, certainly with a $24 billion five-year state surplus, $13.4 billion in federal aid, I think the need to and the opportunity there to increase the CHIPS program above and beyond, again, this will be a historic opportunity. So that's something a number of us are going to be pushing for. I hope my colleagues do the same.

And with these new programs, is it usually more effective for you to deal with increased funding in current programs like CHIPS versus newer programs coming online? Does that make it work better for you guys? Like maybe Mr. Benjamin can answer that question.

THE MODERATOR: Sorry, your time is up.

CHAIRWOMAN WEINSTEIN: If you will send us the answer, even though I think you said it was more of a comment.

And we'll go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you,

Madam Chair.

I too just want to thank everybody on this panel for their testimony -- particularly, Amy, to you, for always showing up and for being there, for representing Sammy and for really gathering so many families of people who have been killed or injured in automobile crashes. You know, it takes a lot to do what you're doing, and we're very appreciative of it. And I want you to know how much we all love you and respect you and support the work that you're doing.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Krueger, did you want to say something before --

CHAIRWOMAN KRUEGER: I also just wanted to thank everyone, and also to thank Amy for her continued advocacy for really everyone's safety. And how important that is that you continue your efforts, as painful as I know that they are. But you are changing the world, one person at a time.

Thank you.

MS. COHEN: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

So before I end this hearing, I too want to thank all the participants we've had today, but now the participants at this panel. You provided us with good information and just want to say also, Amy, I know it's difficult to tell a personal story, but it makes an important impact on those of us listening. So I think that it's -- you know, I just want to thank you for being here with us today.

With that, we will be ending our Transportation budget hearing. For all those who haven't gotten enough today, join us tomorrow morning at 9:30, where we will be having the Economic Development joint budget hearing, and then at 1 p.m., Taxes -- assuming that Economic Development ends in time for that.

CHAIRWOMAN KRUEGER: They rarely end in time for that, so we just run later.

CHAIRWOMAN WEINSTEIN: We're optimistic. We start off being optimistic.

Today, look at that. Today we were only nine and a half hours instead of last year's 10 hours. So you never know.

With that, everybody, thank you for your participation, and this hearing is officially over.

Whereupon, at 7:20 p.m., the budget hearing concluded.)