August 20, 2019

VIA EMAIL

Temporary President Andrea Stewart-Cousins
New York State Senate

Speaker Carl Heastie
New York State Assembly

Senator Liz Krueger
Chair, Finance Committee
Assemblymember Helene Weinstein
Chair, Ways and Means Committee

Re: Transparency of Outer Borough Transit Account and MTA Capital Program “Set-Aside” Funds

Dear Temporary President Stewart-Cousins, Senator Krueger, and Speaker Heastie and Assemblymember Weinstein,

As leaders and chairs of the committees overseeing the state budget for your respective houses, we ask you to ensure that transit funds that are determined in full or part by the State Legislature are more transparent to the public.

Specifically, we ask for you to:

1. Publish in an open data format on the Senate and Assembly websites a list of funds “set-aside” for the State Legislature from the forthcoming 2020-2024 Metropolitan Transportation Authority (MTA) Capital Program; and
2. Ensure that the MTA or Capital Program Review Board (CPRB) publishes in an open data format a list of funds being distributed from the Outer Borough Transit Account, or that the State Legislature publish such a list if the MTA or CPRB fails to do so.

The Legislature has made strides in the past to be more transparent regarding funds that it distributes, such as member items and the State and Municipal (SAM) Facilities Program. Given the large interest of the public in projects to improve mass transit, particularly as they relate to increasing service for underserved communities, this information should be disclosed to the public. This will ensure that the public can better understand the intentions of these projects and determine whether they are distributed based on an evaluation of need and meeting their intended goals.
Disclosures for should include the following, and be provided in CSV or equivalent formats:

- Detailed information regarding the project or program, including its purpose and location
- The member(s) requesting the project or program
- The agency/division responsible for the project or program
- The total amount of the project or program
- Any relevant dates for distribution of funds or anticipated start and completion of the project or program

Specifically, we ask for greater transparency of funds that will be “set aside” for the Legislature from the MTA’s 2020-2024 Capital Program. Under this year’s state budget via the revenue legislation, an unknown amount is to be approved by the Secretaries of the Senate Finance and Assembly Ways and Means Committees for the forthcoming 2020-2024 Capital Program, which is anticipated to be approved by the MTA Board in September 2019, followed by the CPRB.

Likewise, funds currently being distributed under the $50 million per-year Outer Borough Transit Account, including capital projects and any fare or toll reductions, should be itemized and disclosed on the MTA or a CPRB website, or the Senate and Assembly websites, if the MTA or CPRB fail to publish it. The Outer Borough Transit Account was established in last year’s state budget through §1270-i(3) of the Public Authorities Law. We understand that Outer Borough Transit Funds are approved by three members of the Capital Program Review Board (CPRB), as recommended by the leadership in your houses and the Governor.

We would like to note that the CPRB is required to abide by the Open Meetings Law (OML), yet failed to do so in approving the 2015-2019 Capital Plan. As three of the CPRB members are required to approve the designation of Outer Borough Transit Funds, it is our understanding that this should be conducted publicly in an open meeting. We are attaching an opinion from the Committee on Open Government which confirms the application of the OML to the CPRB.

We thank you for your attention to this matter. Please direct any questions to Rachael Fauss, Senior Research Analyst at Reinvent Albany, rachael@reinventalbany.org or 518-859-5307.

Sincerely,

---

1 See page 259 of the Revenue Bill, Section 13, Subpart B of Part ZZZ.
https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A02009&term=2019&Summary=Y&Text=Y
Hayes Slade, AIA  
2019 President  
American Institute of Architects (AIA) New York

Susan Dooha  
Executive Director  
Center for Independence of the Disabled New York

Amy Torres  
Director of Policy and Advocacy  
Chinese American Planning Council (CPC)

Andrew S. Rein  
President  
Citizens Budget Commission

Peter H. Kostmayer  
Chief Executive Officer  
Citizens Committee for New York City

Betsy Gotbaum  
Executive Director  
Citizens Union of the City of New York

Susan Lerner  
Executive Director  
Common Cause/NY

Robert Paaswell, PhD, D.M. ASCE  
Director  
CUNY Institute for Urban Systems

Catharine Gray  
Co-President  
League of Women Voters of the City of New York

Laura Bierman  
Executive Director  
League of Women Voters of New York State

Jaqi Cohen  
Campaign Director  
NYPIRG Straphangers Campaign

Lisa Daglian  
Executive Director  
Permanent Citizens Advisory Committee to the MTA (PCAC)

John Kaehny  
Executive Director  
Reinvent Albany

John Raskin  
Executive Director  
Riders Alliance

Eric McClure  
Executive Director  
StreetsPAC

David Bragdon  
Executive Director  
TransitCenter

Ellen McDermott and Marco Conner  
Interim Co-Executive Directors  
Transportation Alternatives

Nick Sifuentes  
Executive Director  
Tri-State Transportation Campaign