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Joint Legislative Public Budget Hearing on Transportation Testimony by Lisa Daglian, Executive Director, PCAC Tuesday, January 28, 2020

Good afternoon, my name is Lisa Daglian and I am the Executive Director of the Permanent Citizens Advisory Committee to the MTA, also known as PCAC. Created by the State legislature in 1981, PCAC is the MTA's in-house rider advocacy organization, representing nearly nine million daily riders on New York City's subways and buses and the Long Island Rail Road and Metro-North Railroad. Thank you for holding this hearing today and allowing us to weigh in on funding and legislation for the region's critical transit system.

Last year, we came to ask that you pass congestion pricing legislation in order to raise desperately needed capital funds for new signals, tracks, rolling stock, accessibility projects, station improvements and capacity expansion projects like East Side Access and Third Track on Long Island. Despite the very unfortunate fact that NYC Transit President Andy Byford won't be at the MTA to see his *Fast Forward* vision become a reality, ensuring its implementation – along with that of *LIRR Forward* and *Metro-North Way Ahead* – is vital to the region's, and state's, economy.

Thanks to you and your strength in passing congestion pricing – a/k/a Central Business District Tolling – last year, the structure is now in place to fund the most ambitious capital plan in the MTA's history, and the eyes of the nation are on us. But the reality is the MTA won't see toll revenues until mid-2021 to 2022 – after the start of the MTA's FY20-24 capital program. It is vital the MTA has adequate money to start its capital projects on time. Therefore, we ask that the state's \$3 billion contribution closely follows the sales and mansion tax revenue streams and comes to the MTA before the \$1 billion annually – \$15 billion when bonded – raised through congestion pricing. We are asking the same of the city. It's the only way that allows for new debt, already at a ceiling that is far higher than any of us are comfortable with, and which takes a huge chunk out of the MTA's operating budget every year. We very reluctantly support raising the cap on debt service to meet the MTA's ongoing financial needs, but not to surpass 20-percent, with an eye on setting a goal and developing a plan to bring it down to a more palatable 15-percent. It can't be an endless cycle of borrowing and then raiding day-to-day operating funds to pay for debt service.

We appreciate the proposed 13-percent increase in operating aid, but even more is needed to increase service *and* to keep the agency from lurching from crisis to crisis. Until new dedicated operating funding streams are identified we are asking for an even greater increase, to \$10 billion, up from the proposed \$6.2 billion. We look forward to working with you to over the next year to find new and recurring dedicated revenue streams, but the system can't wait. With congestion pricing a year away, ridership is growing and service must be increased to meet the new demands CP will bring. Congestion pricing aims to reduce vehicular travel by getting people out of cars and onto transit. That means there must be service to get people where they need to

go. It is critical that the bus network redesign comes with substantially increased bus service, in the outer boroughs especially, and in subway deserts such as Co-op City, Cambria Heights and Mill Basin.

The vision for a new and improved Penn Station is exciting. The current complex will be vastly improved with a new entrance and the addition of Moynihan Train Hall, both of which will allow for greatly improved flow and circulation. The capacity-increasing proposal for eight new tracks to the south of the existing facility must also be matched with increased service for both the LIRR and Metro-North.

Value capture and Tax Increment Financing (TIF) are vital to sustaining the MTA, but not at the expense of an endless fight with the city over the funds. The TIF proposal in the Executive budget would only apply in New York City and the city's approval would not be required. It would end up starting an unnecessary fight. TIFs are a good way to fund critical capital projects – but the economic value brought by transit should also be shared by all the winners. We're concerned that a protracted brawl with the city will be resolved at the same time the Gateway tunnels are opened for business – and we can't afford to wait that long. The Citizens Budget Commission points out that: "Given that State law already allows the MTA to use TIF, the current proposal is not necessary to promote the use of value capture to raise revenue for the Authority." We believe that a collaborative effort is a more prudent approach and would be a win for the state, a win for the city, and a win for riders. We are also pleased to see funding for East Side Access and Penn Access in the budget and look forward to seeing LIRR riders have the flexibility of traveling to Grand Central Terminal, and new stations that will bring new riders onto Metro-North trains traveling into Penn Station. Both are long overdue, and wins for many thousands of New Yorkers.

Another opportunity for wins is through increased and improved use of technology, and the Executive budget proposes procurement reforms that would allow New York City Transit and the MTA to award contracts up to \$5 million for the development, testing and adopting of new and innovative technology without a competitive process. We are curious and wonder why the LIRR and Metro-North are not included? While we always support competition, we understand that it may not even exist for some of the technologies being considered. At the same time, however, we continue to believe in a transparent process that does not reduce from 15 days to five days the time between when a bid is solicited to the opening date. It may no longer be necessary to formally advertise in newspapers, but there still must be an announcement that the procurement is being sought to allow as many to bid as possible. Similarly, we do not see language included in the budget requiring a vote by the MTA Board for these contracts. It is critical that the Board weigh in on contracts over \$1 million as they do now. Public discourse has helped improve contracts, and the Board has to be stalwart stewards of taxpayer money for the riding public.

Both riders and MTA workers are entitled to feel safe in the system. With attacks on transit workers on the rise, we support legislation that would better protect transit workers by making the heinous act of spitting on them a class A misdemeanor, punishable by jail time. Similarly, we support adding transit employee titles to section 120.05 of the Penal Law, making it a felony to attack and physically injure transit workers. These men and women literally move millions of New Yorkers every day and deserve our thanks and support in the eyes of the law.

We are intrigued by the proposal to ban those who assault transit workers and three-time sexual predators from the system but have significant concerns about banning people from the subway

before they are even convicted of a crime. It opens the door to abuse and violates the basic tenet of innocent until proven guilty. It starts with those accused of sexual assault and assaulting transit workers, but who's next, where does it stop? It also begs the question of whether it is the best use of the police to keep a handful of recidivists out of the subways or to keep all riders safe from all crimes by using a data-driven approach to deployment. Hasten the process of protecting riders by decreasing the time from arrest to trial so that years don't pass before an outcome. It's better all-around for rider and worker safety.

We also question how such a ban would be enforced. Would citizen enforcement come into play with Wanted posters hanging from token booth windows? Would stations be plastered with photos asking people to alert police if they see these individuals? Would the police focus all their attention on enforcing these orders of protection? Increasing cameras in the system has shown elsewhere to be a very effective deterrent and combined with a robust advertising campaign and improved reporting system for sexual assaults should be a first and immediate step to improving safety. We will have much more to say on this topic in the coming weeks.

We appreciate your considering our comments as you begin discussion of transportation funding for the millions of riders who count on the MTA every day. Thank you.