



This Week in New York

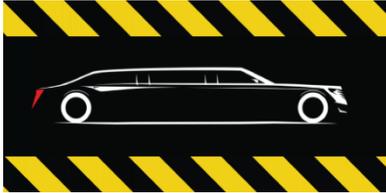
Covering New York State and City Government

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In the News – State



State Readies to Enact Limousine Safety Initiatives

Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, and Assembly Speaker Carl Heastie reached an agreement this week on a limousine safety package. The 10-bill package was approved by both houses of the Legislature and will be sent to Governor Cuomo for approval.

The proposals introduce new safety regulations including: seatbelt requirements, immobilization of defective limousines, increased penalties for illegal u-turns, GPS requirements, customer service resource requirements, regular validation of vehicle and driver safety information, new commercial driver's license requirements for limousine drivers, and drug and alcohol testing.

“These comprehensive reforms will give authorities much-needed new powers to get dangerous vehicles off the road, weed out bad actors and put into place common sense safety standards that will increase public safety in every corner of New York,” Governor Cuomo said.

The initiatives were sparked by crashes across the state. In October 2018, 20 people died in a crash in Schoharie County when a limousine went through a stop sign at the bottom of a hill and crashed into a convenience store. On Long Island, in 2015, four women were killed when a pickup truck struck a limousine making a U-turn.

"The crashes that have taken place because of unsafe limos and lax regulations are tragedies, and we have a responsibility to address this problem," Senate Majority Leader Andrea Stewart-Cousins said.

Assembly Speaker Carl Heastie noted that the 10-bill package builds upon the progress made in last year's budget, creating oversight for the for-hire limousine industry and ensuring they are held accountable. Specifics of the new the package include:

Seatbelt Requirements (S. 6191C/A. 9057) – Sponsored by M of A Paulin/Senator Kennedy

This legislation provides that motor vehicles converted into stretch limousines on or after January 1, 2021 have at least 2 safety belts for the front seat and at least one safety belt in the rear for each passenger the vehicle was designed to hold, as well as requiring all stretch limousines to be retrofitted to include seatbelts by January 1, 2023.

New Commercial Driver's License Requirements for Limousine Drivers (S. 6192A/A.8474A) - Sponsored by M of A Magnarelli/Senator Kennedy - This legislation requires individuals operating limousines carrying 9 or more passengers, including the driver, to have a passenger endorsed commercial driver's license.

Immobilization and Impoundment of Defective Limousines (S. 6193C/A. 9056) - Sponsored by Senator Kennedy/M of A Santabarbara - This legislation allows the Commissioner of Transportation to impound or immobilize stretch limousines in certain situations and provides that an impounded motor vehicle will not be released unless the Commissioner provides written notice that the vehicle has passed re-inspection. Any release of a vehicle without approval by the Commissioner will be punishable by a fine of up to \$10,000.

Increased Penalties for Illegal U-Turns (S. 6188B/A.8172B) – Sponsored by M of A Santabarbara/Senator Gaughan - Violations will be subject to a \$250 to \$400 fine and/or up to 15 days imprisonment. Second violations in eighteen months will be subject to a \$600 to \$750 fine and/or up to 45 days imprisonment. Violations involving a stretch limousine making an illegal u-turn while carrying at least one passenger would be subject to a \$750 to \$1,000 fine and/or up to 180 days imprisonment.

GPS Requirements for Limousines (S. 6187C/A. 9058) – Sponsored by M of A Santabarbara/Senator Gaughan - This legislation requires stretch limousines to use GPS technology designed specifically for commercial vehicles and meeting federal standards.

New Customer Service Resources (S. 6185B/A.8214B) - Sponsored by M of A Santabarbara/Senator May - This legislation requires the Commissioners of Transportation and Motor Vehicles to establish, maintain, monitor and publicize a telephone hotline operated and maintained by the Department of Motor Vehicles used to report safety issues with stretch limousines and safe limo website maintained by the Department of Transportation. The DOT and DMV may investigate the reports generated by the hotline and use verified information from those reports in their enforcement actions.

Driver's License Validation (S. 6604B/A.9059) - Sponsored by M of A Santabarbara/Senator Sanders This legislation requires that every motor carrier furnish the Department of Motor Vehicles a list of each altered motor vehicle designed to carry 9 or more passengers. Also it requires that the Commissioner of Motor Vehicles annually review the bus driver files of each driver employed by a motor vehicle carrier who operates a stretch limousine, along with publishing various safety metrics. DMV must annually update its website to provide information on motor carriers operating stretch limousines and data on limousine operations and drivers.

Creation of Passenger Task Force (S. 6189C/A.1316C) - Sponsored by M of A Paulin/Senator Kaplan This legislation establishes the stretch limousine passenger safety task force to conduct a comprehensive review of matters influencing the safety, adequacy, efficiency and reliability of stretch limousine transportation.

Drug and Alcohol Testing (S. 6186B/A.712A) - Sponsored by M of A Paulin/Senator Metzger This legislation will require that large for-hire vehicle drivers and motor carriers be subject to pre-employment and random drug and alcohol testing.

Seatbelt Use in Taxi and Livery Vehicles (S. 7134/A.8990) - Sponsored by M of A Magnarelli/Senator Hoylman - This legislation expands seatbelt use requirements in for-hire vehicles. Under the legislation, no person shall operate a taxi or livery unless all passengers age eight to 15 are restrained by a safety belt approved by the New York State Transportation Commissioner.



Public Service Commission Approves Con Edison Rate Hike

The New York State Public Service Commission (PSC) this week approved a three-year “joint proposal” rate plan for electric and gas customers of Consolidated Edison Company of New York, Inc., which will increase electric and gas rates in Manhattan, the Bronx, and Westchester.

Monthly bills for typical residential customers (an electric customer using 600 kWh per month and a gas heating customer using an average of 100 therms per month) will increase 4.2% this year for electricity and 7.5% for gas. In 2021, the average electricity bill will rise an additional 4.7% and gas rates 8.8%. In the third year of the plan, typical bills for electricity will rise 4%, while gas costs go up 7.2%. The increases will net Con Ed approximately \$1.2 billion in additional revenue over the next three years.

“The progressive plan we have adopted — endorsed with stakeholder support by environmental groups, large business customers, and municipalities in the region — benefits customers and includes provisions that further important state and Commission objectives,” said Commission Chair John B. Rhodes. “...Con Edison is required to pursue important energy efficiency initiatives among other progressive policies to advance the goals of New York State’s nation-leading climate change targets while lowering the bills for most low-income customers, as part of New York’s nation-leading policy for energy affordability.”

The decision requires Con Edison to pursue energy efficiency initiatives and new non-pipeline alternatives, update aging infrastructure, and implement electric reliability and gas pipeline safety programs. In addition, Con Ed must discontinue oil-to-gas conversion incentives and undertake more aggressive natural gas leak management. The company was ordered to replace 270 miles of leak-prone pipe.

According to the PSC, the increases in rates are necessary to meet increased company costs, including increases in property taxes (40 % of increase) and to support spending for capital improvements and employee additions.

The PSC asserted that under its initial proposal, Con Ed sought a first-year electric revenue increase of \$485 million, or 4.6 percent increase in total revenues. The company also sought a \$210 million gas revenue increase, or about 9.1 percent increase in total revenues. Instead, the PSC approved a first-year electric rate increase of \$113.3 million, or 3.1 percent, and a first-year gas rate increase of \$47.2 million, or 6.7 percent.

Parties who signed the joint proposal include the Consolidated Edison; Department of Public Service staff; New York City, Association for Energy Affordability, Blueprint Power, CALSTART, ChargePoint, Inc., Consumer Power Advocates, Direct Energy Services, LLC, Metropolitan Transportation Authority, New York Energy Consumers Council, New York Geothermal Energy Organization, New York State Office of General Services, New York Power Authority, New York Retail Choice Coalition, and the Sabin Center for Climate Change Law at Columbia Law School.

The Environmental Defense Fund and Natural Resources Defense Council signed on to the joint proposal only for the electric case.

In the News – City

Mayor de Blasio Releases Preliminary Budget for Fiscal Year 2021

In planning for the next year, we are facing an unprecedented \$6 billion State budget gap. Medicaid cuts could reverse years of progress at NYC Health + Hospitals and impact health care for the most vulnerable. We will work with our partners in Albany to continue to find savings while fighting to protect health care for all New Yorkers.

Mayor Bill de Blasio

The FY21 Preliminary Budget can be accessed [here](#).

Mayor Bill de Blasio this week presented New York City's Preliminary Budget for Fiscal Year 2021 (FY21) totaling \$95.3 billion. The budget for the current year is \$94.4 billion.

According to the Mayor, growth in the budget comes in at 2.7% and is primarily driven by labor settlements and benefits which account for two-thirds of the growth. In addition, the Preliminary Budget reflects signs that the local and national economies are slowing and projects revenue growth at 4.6% in 2020 and 2.0% in 2021.

The City budget also accounts for the impact of the State's \$6 billion budget gap, of which \$4 billion is a Medicaid deficit. The Mayor anticipates that the deficit could bring significant cuts to the New York City budget, with NYC Health + Hospitals (H + H) "bearing the brunt" of these cuts. The Mayor vowed to fight cuts and work with the State on changes to the Medicaid system that will provide savings.

The Metropolitan Transportation Authority is seeking \$3 billion from the City for the current five-year capital plan and \$100 million more each year for the paratransit service Access-A-Ride.

In the Preliminary Budget, the City saved \$714 million across FY20 and FY21 and new spending of \$441M in FY20 and \$243M in FY21 is completely offset by savings, according to the Mayor. The City has set aside \$1 billion in the General Reserve and \$250 million in the Capital Stabilization Reserve. The Retiree Health Benefits Trust fund currently has \$4.7 billion.

The City's spending plan includes:

Uniformed Force Wages and Benefits: Based on the recently established uniformed bargaining pattern, the budget calls a total investment of \$147 million in FY20 and 21.

Fair Fares: In partnership with the City Council, the City will renew its commitment to help low-income New Yorkers with their transportation needs by investing \$106 million in FY21 in Fair Fares.

Vision Zero: The plan would invest \$98 million in capital funds to improve street safety for pedestrians and cyclists on 4th Avenue in Brooklyn.

Street Accessibility: The Mayor will allocate an additional \$178 million in capital funds over FY21-23 in curb cuts citywide to improve street accessibility.

Resiliency: Funding will supplement a larger U.S. Army Corps of Engineers beach and bayside resiliency project with an additional \$33 million in capital across FY20 and FY21 to reconstruct beach crossings.

NYCHA: The plan calls for investing \$12.9 million in capital funds in FY21 to make improvements at NYCHA community centers.

Community-Based Justice Programming: New York City will commit \$1.8 million annually in FY21-23 to support community-based justice programming at the Community Justice Center in the Far Rockaways.



Comptroller DiNapoli: Outreach Failure Contributes to Rise in Subway Homeless Population

Despite spending \$36 million to reduce the subway homeless population, the homeless situation in the subways has grown worse, in part because the city's Department of Homeless Services (DHS) has not monitored the non-profit hired to conduct the outreach, according to an audit released this week by New York State Comptroller Thomas DiNapoli.

"Homeless outreach in the subway has been so shoddy and with so little oversight from DHS and MTA, that it should be no surprise the homeless population in the subways has grown," Comptroller DiNapoli said. "DHS seems to have hired the Bowery Residents' Committee to deal with the subway homeless population, then walked away. BRC's failure to even come close to fulfilling its contract has left vulnerable homeless men and women badly served and straphangers fending for themselves in increasingly difficult circumstances."

The audit covers the period of January 1, 2015 through June 6, 2019. Its findings include an increase in homeless individuals in the subways over the course of the contract, questionable placement claims, and failure to conduct site visits. In August of 2019, DHS placed non-profit Bowery Residents' Committee (BRC) on a Correction Action Plan (CAP).

The audit examined DHS' contract with BRC to provide outreach in the subway and place homeless individuals in shelters. The contract called for BRC to reduce the homeless population in the subways from 1,841 individuals (population count in 2013) by two-thirds to 626 individuals. It was also supposed to develop an outreach plan that prioritized subway stations and report its daily outreach activities to DHS. In 2017, the homeless population count was 1,812. In 2019, the population count was 2,178, an increase of 18 percent over 2013.

Questionable Placement Claims

Auditors found the MTA and DHS cannot trust that BRC is placing homeless into shelters as it claims it does. BRC said it placed 600 clients into shelters since 2016, but auditors determined the organization's claims were not reliable. Auditors looked at 50 supposed placements and found 20 of them (40 percent) were either not placed in the reported shelter or were not placed on the date reported.

Didn't Make Station Visits

Based on the homeless population, BRC was supposed to visit stations either twice a week (high risk station), once a week (medium risk), or once every six weeks (low risk). In the Bronx, BRC failed to make required visits to more than half of the high risk stations and medium stations, while in Brooklyn it didn't make the required visits to one-third of the high risk stations and over half of the medium risk stations.

Outreach Observations

Auditors made 12 station visits (7 announced and 5 unannounced) and found BRC outreach fell short. They were not providing services to the extent possible and in some cases offered no services at all. During four of the five unannounced visits outreach workers were scheduled to visit a station but never showed up. During 2018, DHS conducted only six ride-along visits, three taking place in one month. Without stronger oversight, DHS has no assurance BRC's is actually doing the work for which it was hired.

Beginning in January 2019, Comptroller DiNapoli began releasing a series of audits examining MTA's outreach efforts to the homeless population in the transit system including Long Island Railroad and Metro-North Rail Road. These audits have generally found lax MTA oversight of the non-profit entities it has hired, even as they failed to perform outreach as expected.

In response to the audit, DHS representative Maria Ciniglio noted the CAP instituted in August of this year which requires BRC to provide daily reports, maintain the schedule station visits, bring caseload numbers into compliance, and ensure proper staff certifications. In addition, a new RFP with new contractual performance measures has been issued.

Briefs

Attorney General James Launches Investigation Into NYPD For Alleged Targeting Of Communities Of Color On NYC Subways

New York Attorney General Letitia James this week announced she is launching an investigation into whether the New York City Police Department (NYPD) has been targeting communities of color through its enforcement of the “theft of services” law and the Metropolitan Transit Authority’s (MTA) ‘fare evasion’ regulations.

In a letter to NYPD Police Commissioner Dermot Shea, Attorney General James requested fare evasion data and other information that may show whether officers have exhibited racial biases or engaged in discriminatory practices in their enforcement of these laws and regulations at subway stations throughout the city. The information requested includes:

- The number of officers assigned to every subway station throughout the city each day.
- Any arrangements made between the NYPD and the MTA regarding enforcement of fare evasion laws.
- Information pertaining to policies and training of NYPD officers on the enforcement of fare evasion laws.
- Additional data on notices, summonses, and arrests pertaining to fare evasion, broken down by race and age.

New York Again Sends More to Federal Government Than It Gets

New York State is again paying more in federal taxes than it receives in federal funding, according to State Comptroller Thomas DiNapoli. The State has experienced a funding gap since 2013.

The Comptroller’s report found that New York paid \$26.6 billion more in federal taxes in the fiscal year ending in 2018 than it received in federal funds. New York has seen a gap dating back to 2013, when the difference totalled \$19.9 billion.

New York is one of seven states that sends more to the federal government than it receives.

Judge Strikes Down New York's Ban on Flavored Vaping Products

A state Supreme Court justice struck down New York's ban on the sale of certain flavored electronic liquids, granting an injunction sought by the vaping industry that challenged an emergency order issued last year by Governor Andrew M. Cuomo and the state Health Department.

In her decision, Acting State Supreme Court Justice Catherine Cholakis noted the devastating impact the emergency order would have on the vaping industry, but also acknowledged the real threat that vaping has had on public health, including targeting youth usage.

The ban was issued in September by the state Department of Health's Public Health and Health Planning Council, following Governor Cuomo's Executive Order to ban the sale of e-flavored cigarettes and related products.

Mayor de Blasio Nominates Aloysee Heredia Jarmoszuk as Chair & Commissioner of the Taxi and Limousine Commission

Mayor de Blasio this week nominated Aloysee Heredia Jarmoszuk to be the new Chair and Commissioner of the Taxi and Limousine Commission. She currently serves as the Chief of Staff to the Deputy Mayor for Operations, where she oversees and coordinates 25 agencies and programs, including the Taxi and Limousine Commission and the Department of Transportation.

Prior to her tenure at the Mayor's Office, Heredia Jarmoszuk served as the Chief of Staff for Central Operations at the Department of Education. Before DOE, Heredia Jarmoszuk worked at New York University as the Chief of Staff for University Development and Alumni Relations and the Director of Institutional Philanthropy and Development at the New York Women's Foundation.

Heredia Jarmoszuk received her Bachelor's degree from William Smith College in Geneva, NY.

The nomination will be submitted to the Council this month for its advice and consent, as required by the City Charter.

Supreme Court Will Hear Arguments on Whether States May Punish Electoral College Members Who Ignore Popular Vote Results

The Supreme Court on Friday agreed to hear the "faithless elector" cases which will determine whether Electoral College participants who cast the actual ballots for president and vice president are required to follow the results of the popular vote in their states? Or are they free to vote as they wish?

Lower courts have split on the question in cases involving ten members of the Electoral College who voted against their home state following the 2016 election between Hillary Clinton and President Trump.

More than half of the states have laws requiring Electoral College participants to cast ballots in accordance with the state's popular vote. Challengers assert that the U.S. Constitution only gives the states' discretion on how to choose the Electoral College members.

A decision is expected this spring.

Coming Up

New York State

The Legislature is in session Tuesday, January 21st through Thursday, January 23rd

Wednesday, January 22nd

The Economic Impact on the Three Unused Downstate Casino Licenses
Senate Standing Committee on Racing, Gaming and Wagering
Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Tuesday, January 21st

Committees on Aging & Finance, Committee Room-City Hall, 10 a.m.

Oversight - Examining the New York City Department of Finance's administration of the Rent Freeze Program (SCRIE and DRIE)

Committee on Governmental Operations, 250 Broadway - Committee Rm, 14th Fl., 10 a.m.

VOTE Office of administrative trials and hearings dismissing taxi and limousine commission-related violations pertaining to vehicle lights upon proof of correction.

Committee on Hospitals, Council Chambers - City Hall, 10 a.m.

Oversight - Prenatal Care in NYC Hospitals.

Committees on Technology & Governmental Operations, 250 Broadway, 14th Fl., 10:30 a.m.

Committee on Veterans, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.

Oversight - The Future of DVS

Committees on Public Safety & General Welfare Oversight, Council Chambers, 1 p.m.

NYPD Subway Diversion Program.

Wednesday, January 22nd

Committee on Civil and Human Rights, Committee Room - City Hall, 10 a.m.

Committee on Technology, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.

Committee on Transportation, Council Chambers - City Hall, 10 a.m.

Thursday, January 23rd

Committee on Finance, Committee Room-City Hall, 10 a.m.

City Council Stated Meeting, Council Chambers - City Hall, 1:30 p.m.

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