



This Week in New York

Covering New York State and City Government

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February 22, 2019 Edition

In the News – State



Governor Cuomo Calls for Protections Against Assault on Transportation Workers

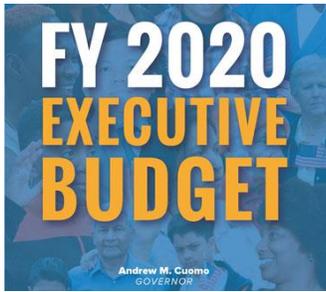
Governor Andrew Cuomo's FY2020 Executive Budget amendments include new measures to protect transportation workers in New York State against assault. Under the new provisions, offenders charged with attacking transportation workers would be subject to a Class D felony, which is punishable by a mandatory term of imprisonment of up to seven years and a fine of up to \$5,000.

Current NYS Penal Law states that assaulting certain MTA employees such as train operators, bus operators, ticket inspectors, conductors and station agents is a Class D felony punishable for up to seven years in prison and a fine of up to \$5,000. The proposal in the FY 2020 Executive Budget would expand the scope of MTA workers protected under the law to include station customer assistants; any individual whose responsibilities include sale of tickets or collection of fare to ride a train or bus; individuals whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal system, elevated or underground subway tracks, transit station structure, or train yard; and passenger service employees.

The Governor's proposal would also include an expanded category of workers covered by these protections, including highway workers and contractors with the State Department of Transportation and Thruway Authority, municipal highway workers and contractors, as well as workers at airports statewide. With respect to airport workers the provisions include: terminal cleaners, cabin cleaners, facilities cleaners, wheelchair assist employees, baggage handlers, skycaps, ticket agents, customer services employees, security guards, queue management employees, shuttle bus drivers or any employee whose duties require working on the tarmac. The workers covered would include those employed by any airport, airport authority or company/vendor - public or private - that performs these services at an airport in the State of New York.

In addition, the proposal would mandate that any motorists who endanger highway workers with an unauthorized intrusion into an active work zone would be subject to a term of up to three months in jail and a fine of up to \$500.

"New York has zero tolerance for anyone who flagrantly puts the lives and safety of transportation workers in jeopardy," Governor Cuomo said.



Governor's Plan to Revamp MTA Begins to Take Shape

Governor Andrew Cuomo included a series of amendments to the FY 2020 Executive Budget aimed at establishing accountability, providing new funding, and overhauling the MTA's "archaic bureaucracy." The Budget Amendments outline a set of proposals for the Legislature provide a dedicated funding stream through congestion pricing, oversight of MTA finances and operations, reform of the MTA Board and management structure, and improve processes for major agency projects.

"The MTA's dysfunction is no secret, and for decades it has been suffering due to a lack of investment, accountability, and creative thinking," Governor Cuomo said. "... The MTA desperately needs money, but it also needs a structure that is rooted in accountability and new ideas that will ensure the agency is finally operating as it should be and as New Yorkers demand."

The Governor proposed the following Budget Amendments:

Create an Expert Panel to Set Congestion Pricing Rates and Provide Key Oversight of MTA Finances and Operations: The Budget Amendments would establish an expert MTA oversight panel, which would be comprised of six members with extensive backgrounds in critical areas, including auditing, public finance, engineering, transportation/transit, corporate restructuring, and risk management. The panel will be tasked with a number of important functions, including setting and approving the rates within the proposed congestion pricing zone, which then will be implemented by the Triborough Bridge and Tunnel Authority (TBTA). The panel will also be charged with overseeing an audit of the MTA's operating and capital budgets, approving the next MTA capital plan and operating budgets, and analyzing and ultimately approving MTA plans for reorganization.

Establish a Variable Pricing Structure and a Lockbox for Congestion Pricing Revenue: The Budget Amendments would require that rates for the congestion pricing plan must be set using a variable pricing structure, which would take into account the type of vehicle, the time and day of the week, credit for any tolls paid at other bridges and tunnels, as well as other key factors that will be determined through conversations with the Legislature. The Budget Amendments also would require the creation of a dedicated lockbox to ensure that 100% of congestion pricing revenue goes to the MTA capital budget prohibits the use of congestion revenues for non-capital spending. The expected revenue generated by the plan would provide \$15 billion for the MTA's next capital budget, which begins in 2020 and runs through the end of 2024.

Require MTA to Develop a Reorganization Plan: The Budget Amendments require the MTA to develop a comprehensive reorganization plan to end the agency's decades of mismanagement and bureaucracy. The MTA's plans would be subject to the approval of the expert panel.

Ensure MTA Board Member Terms Align with Their Appointing Entity: The Budget Amendments establish provisions to ensure MTA Board member terms are aligned with the terms of the official who appointed them. When the appointing individual's term ends, the Board member would be placed on holdover status until a successor is appointed to the Board by the newly elected official. The proposal is designed to create additional and necessary accountability so that Board members are answering directly to the authority by which they were appointed.

Implement Design-Build for Major Capital Projects: The Budget Amendments would require the use of design-build for all major MTA capital projects. Design-build - which combines the design and construction services into single contracts - reduces the bureaucracy and costs of major infrastructure projects, and shifts the responsibility to the private sector.

Speaking this week at a New York State Senate Transportation hearing, MTA head Patrick Foye thanked Governor Cuomo for his commitment to the MTA's funding quandary. Mr. Foye estimated that it would take the MTA two years to implement congestion pricing.

"It took three years-plus in London," Mr. Foye said. "We believe we can do it in two."



Chapters of the Laws of 2019

Chapter 17 – Sponsored by M of A Jones/Senator May – This bill would temporarily reduce the number of signatures required for designating petitions by 1/4 for candidates running for office, with the exception of NYC, in 2019 to allow candidates to organize their campaigns, print their petitions, and begin collecting voters' signatures after the change in the primary date.

Chapter 18 – Sponsored by M of A Dinowitz/Senator Bailey – This bill to reduce the petition signature requirement on party positions for ward, town, city, or county committees to 3 percent of enrolled voters of the party residing within the election district.

In the News – City



City Continues Action Plan to Make Most Dangerous Streets Safer

Mayor Bill de Blasio released DOT's new Borough Pedestrian Safety Plan which details the next wave of streets and intersections the City will target as part of its Vision Zero pedestrian safety plan.

According to the Mayor, Vision Zero safety projects and enforcement tools at the new priority streets and intersections include speed cameras, police enforcement and re-engineering. By the end of 2019, the City will change traffic signals on all the newly added corridors to discourage speeding and give pedestrians exclusive crossing time at 300 intersections to prevent crashes.

New Priority Locations

Using crash data, new Priority Corridors were added to the new Borough Safety Plans, including:

- **Bronx:** Westchester Avenue (3rd Avenue to Bronx River Avenue), Boston Road - 3rd Avenue to Bronx Park East, Soundview Avenue – (White Plains Road to Bruckner Boulevard).
- **Brooklyn:** Linden Blvd (Flatbush Av to Sapphire St), 8th Avenue – (39th Street to 73rd Street), Surf Avenue – (Ocean Parkway to Atlantic Avenue), Bedford Avenue – (Manhattan Avenue to Flatbush Avenue).
- **Manhattan:** Columbus Avenue (9th Avenue to Morningside Drive), York Avenue – (Sutton Place to the FDR), 10th Avenue (West Street to 59th Street).
- **Queens:** Rockaway Boulevard (Eldert Lane to 3rd Street), 37th Avenue – (114th Street to Woodside Avenue), 21st Street (50th Avenue to 20th Avenue).
- **Staten Island:** Targee Street - (Van Duzer Street to Richmond Road), Bradley Avenue – (Watchogue Rd to Brielle Avenue), Lincoln Avenue – (Richmond Road to Father Capodanno Boulevard)

New Actions for 2019

- Modify signal timing to reduce speeding on all feasible Priority Corridors by the end of 2019.
- Launch Integrated Speed Reducer Program (speed humps & speed cushions).
- Launch a High Visibility Enforcement Program on Priority Corridors.
- Launch a Driveway Safety program to address issues with vehicles crossing sidewalks.
- Collaborate with the Business Integrity Commission to improve the safety of commercial waste fleets.

In February 2015, DOT compiled data on crashes, deaths and serious injuries on our streets to create the Borough Pedestrian Safety Plans. Since then, the Administration has made these areas the focus of its Vision Zero efforts. DOT has now addressed 90 percent of those intersections and 86 percent of the street-miles targeted in 2015 – leading to a 36 percent drop in pedestrian deaths at these locations.

Public Funds Payments of the 2019 Public Advocate Special Election

The New York City Campaign Finance Board (CFB) has issued public matching funds totaling \$7,178,120 to eleven candidates for the February 26 special election. The Board has approved the following payments:

Candidate	<u>Jan. 31</u> Payment	<u>Feb. 8</u> Payment	Feb. 21 Payment	Total Received (to date)
Michael Blake	\$716,133	\$24,358	\$97,525	\$838,016
Rafael Espinal Jr.	--	\$461,547	\$113,749	\$575,296
Ronald Kim	--	\$537,789	\$52,825	\$590,614
Nomiki Konst	--	--	\$512,568	\$512,568
Daniel O'Donnell	--	\$491,151	\$124,625	\$615,776
Melissa Mark-Viverito	--	--	\$408,359	\$408,359
Ydanis Rodriguez	--	--	\$510,560	\$510,560
Dawn Smalls	\$574,636	\$41,838	\$184,110	\$800,584
Eric Ulrich	--	\$476,026	\$159,174	\$635,200
Jumaane Williams	\$690,194	\$85,400	\$372,873	\$1,148,467
Benjamin Yee	--	--	\$542,680	\$542,680
Total	\$1,980,963	\$2,118,109	\$3,079,048	\$7,178,120

This is the first election cycle under the matching funds program adopted by voters in November 2018 and applied to the Public Advocate Special Election by the City Council. Under the new limits, the City provides public funds to qualifying candidates at a matching rate of \$8-to-\$1 for the first \$250 contributed by city residents, for a maximum matching payment of \$2,000. Candidates in the special election may choose to participate in the new program or in the old program, which matches contributions by \$6-to-\$1 for the first \$175 per contributor.

Candidates must receive a minimum of 500 contributions of \$10 or more from New York City residents, as well as an aggregate amount of matchable contributions of at least \$62,500. Program rules prohibit contributions from registered political action committees or union, to be eligible for public funds. The New York City Campaign Finance Act prohibits all contributions from business entities such as corporations, limited liability companies, and partnerships.

Comptroller Stringer: Benefits of Granting Driver's Licenses To Undocumented New Yorkers

New York City Comptroller Scott Stringer renewed his call to expand access to driver's licenses to all New Yorkers, without regard to immigration status – citing economic and safety benefits of the policy. Specifically, the data shows that expanding driver's license eligibility would increase license fees and vehicle ownership-related revenue, resulting in increased funding to the City and State – with more than \$5 million going towards mass transit annually.

The data also shows the policy change would help support immigrant families by expanding job opportunities, while potentially lowering insurance premiums for all state drivers and improving public safety on roadways, with the fiscal costs of implementing the proposal more than offset by added revenues from driver's license fees.

According to Comptroller Stringer's office, there are approximately 525,000 undocumented adult New Yorkers living across the five boroughs. The Comptroller's Office estimates that implementing the policy in New York City would result in 150,000 undocumented immigrants in New York City receiving licenses.

Currently, 12 states, the District of Columbia, and Puerto Rico grant drivers licenses to undocumented immigrants.



Briefs

Appeals Court: Police Body Camera Footage Subject To Public Disclosure

An appellate court this week ruled footage from police body cameras should be subject to New York's public disclosure laws. The ruling from the Appellate Division determined that footage is not dissimilar to that of arrest or stop reports, as opposed to personnel records which are considered confidential under State Law.

“The footage, here, rather, is more akin to arrest or stop reports, and not records primarily generated for disciplinary and promotional purposes. To hold otherwise would defeat the purpose of the body-worn-camera program to promote increased transparency and public accountability,” the court found.

The court said the union did have “valid concerns” about personal privacy and the safety of police officers, but ultimately determined the record was not solely to be used in performance evaluation.

Comptroller Stringer Economic Update: NYC Continues Expansion

New York City's economy continued its strong growth in the fourth quarter of 2018 (Q4 2018), as gross city product grew 3.9 percent, according to an analysis of the City's economic performance released by New York City Comptroller Scott Stringer.

Comptroller Stringer's economic update shows that employment in the City grew at its fastest quarterly rate in the last four years, as the city's private sector added 34,000 jobs. Of the 34,000 private-sector jobs added in the fourth quarter, 21,100 were in low-wage industries; 10,100 were in medium-wage industries; and 2,800 were in high-wage industries. The greatest private-sector job gains were in health care and social assistance sectors, at 11,000 new jobs. Average hourly earnings (AHE) of all private NYC employees rose 3.4 percent on a year-over-year basis to \$36.69 in Q4 2018. For the year 2018, AHE rose 3.1 percent in New York City.

Personal income tax (PIT) revenues, a proxy for personal income, fell 10.3 percent or \$331.0 million on a year-over-year basis to about \$2.9 billion in Q4 2018 due to an 85.5 percent decline in estimated taxes. However, PIT revenues rose 10.9 percent for the year as a whole in 2018, the highest growth rate since 17.7 percent in 2013.

City Moves to Digital Placards to End System Abuse

Mayor de Blasio this week announced the next steps in his plan to tackle fake placards and the first steps towards a digital parking management system to replace physical placards by 2021. The Mayor aims to phase out the use of physical city-issued placards throughout the city in 2021 and eliminate the use of fraudulent placards. This will be accomplished with an increase in penalties, a strict three-strike policy for misusing a placard, culminating in revocation, and dedicated DOT placard enforcement unit.

In 2018, there were roughly 125,500 city-issued placards. DOT issued 50,000, NYPD issued 44,000 and DOE issued 31,500. This total number does not include state or federal placards. Since the 2017 announcement, there has been a 93% increase in NYPD summons for illegal parking while displaying a placard from the 2016 baseline. There were 28,269 summons in 2016, 41,931 in 2017 and 54,608 in 2018.

Seawall on Staten Island's East Shore to Move Forward with Federal Funding Guaranteed

Federal, State and local officials this week announced that they have successfully brokered a Project Partnership Agreement (PPA) with the U.S. Army Corps of Engineers and New York State to lock in funding for the construction of the Staten Island Levee project. This PPA also ensures that the \$400 million federal contribution to this \$615 million project is unlikely to be re-allocated should the federal government declare a national emergency on the southern border.

The Staten Island Levee project is comprised of a series of interconnected levees, berms, and seawalls stretching from Fort Wadsworth to Great Kills on Staten Island's East Shore. This system will protect against the growing threats of sea-level rise and storm surge and will dramatically strengthen the resilience of the area, which was severely damaged by Hurricane Sandy. According to a U.S. Army Corps of Engineers study, the Staten Island Levee project is projected to reduce damages to the area by \$30 million annually over a 50-year timeline.

The Army Corps of Engineers plans to break ground on the project in 2020 and expects full completion in 2024.

In addition to the \$400 million in federal funds allocated to the project, New York State's Department of Environmental Conservation is contributing \$150 million and New York City is contributing \$65 million in City Capital funds.

Coming Up

New York State

The Legislature is in session Tuesday February 26th through Thursday February 28th

New York City

Monday February 25th

Committee on Public Safety, Committee Room – City Hall, 10 a.m.

Committee on Justice System, Committee Room – City Hall, 10 a.m.

Committee on Parks and Recreation, Council Chambers – City Hall, 10 a.m.

Committee on Cultural Affairs, Libraries and International Relations, Council Chambers, 10 a.m.

Committee on Women, Council Chambers – City Hall, 10 a.m.

Committee on Environmental Protection, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Committee on Governmental Operations, Committee Room – 250 Broadway, 1 p.m.

Committee on Education, Committee Room – City Hall, 1 p.m.

Committee on Hospitals, Councils Chambers – City Hall, 1 p.m.

Committee on Health, Committee Room, 16th Floor, 250 Broadway, 1 p.m.

Charter Revision Commission 2019, Council Chambers – City Hall, 6 p.m.

Tuesday February 26th

Committee on Criminal Justice, Committee Room, 14th Floor – 250 Broadway, 10 a.m.

Committee on Land Use, Committee Room – City Hall, 11 a.m.

Committee on Fire and Emergency Management, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Committee on Veterans, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Committee on Mental Health, Disabilities and Addiction, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Wednesday February 27th

Committee on Aging, Committee Room, 14th Floor – 250 Broadway, 10 a.m.

Committee on Public Safety, Council Chambers – City Hall, 10 a.m.

Committee on Consumer Affairs and Business Licensing, Council Chambers – City Hall, 10 a.m.

Committee on Civil and Human Rights, Council Chambers – City Hall, 10 a.m.

Committee on Justice System, Council Chambers – City Hall, 10 a.m.

Committee on Mental Health, Disabilities and Addiction, Committee Room – City Hall, 1 p.m.

Thursday February 28th

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

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