



VIA EMAIL

April 5, 2019

Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Room 907, Legislative Office Building
Albany, NY 12247

Re: Conducting Meaningful Public Hearings for MTA Vacancies

Dear Leader Stewart-Cousins,

We write today to follow up on our February letter (attached), co-signed by 20 other organizations, asking you and your colleagues to conduct meaningful public confirmation hearings for appointees to the MTA.

We were disappointed that the confirmation hearing of CEO/Chairman Pat Foye was conducted on a Sunday during approval of the budget with no advanced public notice. This provided no opportunity for the public to provide their input on the nominee. A position as important as the head of the largest service provider in the state deserves a better and more public process, regardless of the qualifications of the person being nominated. As noted in our February letter, the Senate Democratic Conference in 2009 held a public hearing for the appointment of Jay Walder as Chairman/CEO, during which a number of important issues were raised over the course of several hours, members of the public were invited to participate, and advanced notice was provided.¹

We understand that there are three additional appointees to the MTA awaiting Senate confirmation: Haeda B. Mihaltses, Rhonda Herman, and Kevin Law. These appointees will be considered at a hearings next week beginning Monday. These nominations present an opportunity to conduct a better confirmation process, in which the Senate asks questions as presented in our February letter, and consults with other stakeholders regarding their perspectives:

¹ Video of hearing available on NYSenate Uncut, Youtube, <https://youtu.be/Rtq175f2-t4>
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1. How do appointees meet the qualifications required under section 1263 of the Public Authorities Law? Examples include experience with transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, and labor relations.
2. What, if any, business dealings do appointees have before the state or local governments within the MTA region? What other potential conflicts of interest may appointees have that should be considered?
3. How will appointees fulfill the fiduciary duty to the MTA and public as required by law?
4. What commitments will appointees make towards greater transparency and accountability of the MTA?
5. How will appointees work toward the interests of the MTA region as a whole while maintaining political independence and also being responsive to and representative of their appointing authorities?
6. How would appointees improve the diversity of the MTA Board, or ensure better representativeness of the MTA's riders?
7. How will appointees improve the MTA's compliance with the Americans with Disabilities Act, the New York State Human Rights Law and the New York City Human Rights Law?

We would like to note that Haeda B. Mihaltses, a nominee under consideration, has a current conflict of interest with the MTA through her role with Sterling Equities. She has been involved in the Belmont Redevelopment Project, which has concerns with the Belmont Long Island Rail Road station, and the Willets Point 7 train station, as she is the Vice President of External Affairs for the New York Mets. While she has committed to recusing herself from “any MTA board action that relates to the New York Mets, Belmont or Willets Point”² we note that recusals are not the ideal situation - better would be a nominee without current business involving the MTA. We urge the Senate to revise the qualifications for holding a seat on the MTA Board to disqualify those who have business before the MTA, at a minimum, or other business before the state.

We thank you for your consideration of our request. Please contact Rachael Fauss, Senior Research Analyst at Reinvent Albany, rachael@reinventalbany.org or 518-859-5307, should you wish to discuss this matter further.

Sincerely,

John Kaehny
Executive Director
Reinvent Albany

² Rubinstein, Dana. “Cuomo's MTA appointee to recuse herself from Islanders-related votes, following local request.” Politico Pro. April 3, 2019. <https://subscriber.politicopro.com/states/new-york/whiteboard/2019/04/03/cuomos-mta-appointee-to-recuse-herself-from-islanders-related-votes-following-local-request-9107320>
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Cc.

Senator Leroy Comrie, Chair, Corporations, Authorities and Commissions Committee

Senator Timothy Kennedy, Chair, Transportation Committee

Senator Liz Krueger, Chair, Finance Committee

All Members of the State Senate