



Statement on L Train Tunnel Repair Decision

State Law Says MTA Board Is the “MTA”

Board Should Vote on L Train Tunnel Plan - A “Major Decision”

Governor Misusing MTA June 2017 Disaster Declaration – Must Be Ended
Ignoring the Law Invites chaos and a Loss of Confidence in the MTA as an Institution

We believe as a matter of law and good governance, the MTA board should vote on the final plan to either fully or partially close the L Train’s Canarsie Tunnel. Given the MTA board’s vote on a fare and toll hike next week, it does not make sense that they are not being allowed a vote on the other most important policy decision the MTA will make in 2019.

Reinvent Albany appreciates Governor Cuomo’s interest in making the restoration of the L Train’s Canarsie Tunnel as quick and painless to the public as possible. The public benefits when our elected representatives take a direct interest in public transit. We agree with the governor that the overall decision making at the MTA is not working and has allowed huge amounts of waste, cost overruns, project delays and a loss of public trust.

However, until the laws are changed and the MTA is potentially restructured, it benefits everyone for the Governor to follow state laws and for the MTA to follow its own by-laws. Ignoring the law invites chaos and a loss of confidence in the MTA as an institution and in turn damages the ability of the MTA professional staff to do its job.

State Law

The section of the New York State’s Public Authorities Law that created the MTA says that legally, the MTA is the MTA board (PAL Section 1263):

“The authority shall consist of a chairman, sixteen other voting members, and two non-voting and four alternate non-voting members ... The authority shall have power to act by a majority vote of the members.”

MTA By-Law: “Functions of the MTA Board”

Public Authorities Law 1263 also says that the MTA board (“the authority”) can create by-laws that “shall take effect in the same manner as any other action of the authority.” By-laws are internal rules for how the authority does things. The by-laws say that the [“Functions of the MTA Board”](#) include:

2.B “reviewing, approving and monitoring fundamental financial and business strategies and major actions.”

Major Actions

The decision to completely or partially close the L Train’s Canarsie Tunnel is about as major a decision as the MTA ever faces. The board had [previously voted in April 2017](#) to approve a contract that included a complete closing of the tunnel.

Governor Cuomo’s MTA Disaster Declaration In Effect Since June 2017 Should Be Ended

In June 2017 through Executive Order 168, the governor declared the MTA a “disaster” and suspended MTA procurement rules. Since then, the governor [has renewed his MTA disaster declaration twenty times](#). The MTA has serious problems, but per our [July 2017 analysis](#) of the order, we completely doubt that the MTA’s widespread problems are the kind of short-term emergency described in State Law. Under Section 20 of Article 2-B of the Executive Law, a disaster is an:

“occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse.”