

American Institute of Architects NY (AIA NY)  
Center for Independence of the Disabled New York (CIDNY)  
Chinese American Planning Council (CPC) • Citizens Budget Commission  
Citizens Committee for New York City • Citizens Union of the City of New York  
Common Cause/NY • CUNY Institute for Urban Systems  
League of Women Voters of the City of New York • League of Women Voters of New York State  
NYPIRG Straphangers Campaign • Permanent Citizens Advisory Committee to the MTA (PCAC)  
Reinvent Albany • Riders Alliance • StreetsPAC • TransitCenter  
Transportation Alternatives • Tri-State Transportation Campaign

August 20, 2019

**VIA EMAIL**

Temporary President Andrea Stewart-Cousins  
New York State Senate

Speaker Carl Heastie  
New York State Assembly

Senator Liz Krueger  
Chair, Finance Committee

Assemblymember Helene Weinstein  
Chair, Ways and Means Committee

**Re: Transparency of Outer Borough Transit Account and MTA Capital Program  
“Set-Aside” Funds**

Dear Temporary President Stewart-Cousins, Senator Krueger, and Speaker Heastie and  
Assemblymember Weinstein,

As leaders and chairs of the committees overseeing the state budget for your respective houses,  
we ask you to ensure that transit funds that are determined in full or part by the State  
Legislature are more transparent to the public.

Specifically, we ask for you to:

1. Publish in an open data format on the Senate and Assembly websites a list of funds  
“set-aside” for the State Legislature from the forthcoming 2020-2024 Metropolitan  
Transportation Authority (MTA) Capital Program; and
2. Ensure that the MTA or Capital Program Review Board (CPRB) publishes in an open  
data format a list of funds being distributed from the Outer Borough Transit Account, or  
that the State Legislature publish such a list if the MTA or CPRB fails to do so.

The Legislature has made strides in the past to be more transparent regarding funds that it  
distributes, such as member items and the State and Municipal (SAM) Facilities Program. Given  
the large interest of the public in projects to improve mass transit, particularly as they relate to  
increasing service for underserved communities, this information should be disclosed to the  
public. This will ensure that the public can better understand the intentions of these projects  
and determine whether they are distributed based on an evaluation of need and meeting their  
intended goals.

Disclosures for should include the following, and be provided in CSV or equivalent formats:

- Detailed information regarding the project or program, including its purpose and location
- The member(s) requesting the project or program
- The agency/division responsible for the project or program
- The total amount of the project or program
- Any relevant dates for distribution of funds or anticipated start and completion of the project or program

Specifically, we ask for greater transparency of funds that will be “set aside” for the Legislature from the MTA’s 2020-2024 Capital Program. Under this year’s state budget via the revenue legislation<sup>1</sup>, an unknown amount is to be approved by the Secretaries of the Senate Finance and Assembly Ways and Means Committees for the forthcoming 2020-2024 Capital Program, which is anticipated to be approved by the MTA Board in September 2019, followed by the CPRB.

Likewise, funds currently being distributed under the \$50 million per-year Outer Borough Transit Account, including capital projects and any fare or toll reductions, should be itemized and disclosed on the MTA or a CPRB website, or the Senate and Assembly websites, if the MTA or CPRB fail to publish it. The Outer Borough Transit Account was established in last year’s state budget through §1270-i(3) of the Public Authorities Law. We understand that Outer Borough Transit Funds are approved by three members of the Capital Program Review Board (CPRB), as recommended by the leadership in your houses and the Governor.

We would like to note that the CPRB is required to abide by the Open Meetings Law (OML), yet failed to do so in approving the 2015-2019 Capital Plan. As three of the CPRB members are required to approve the designation of Outer Borough Transit Funds, it is our understanding that this should be conducted publicly in an open meeting. We are attaching an opinion from the Committee on Open Government which confirms the application of the OML to the CPRB.

We thank you for your attention to this matter. Please direct any questions to Rachael Fauss, Senior Research Analyst at Reinvent Albany, [rachael@reinventalbany.org](mailto:rachael@reinventalbany.org) or 518-859-5307.

Sincerely,

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<sup>1</sup> See page 259 of the Revenue Bill, Section 13, Subpart B of Part ZZZ.  
[https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=A02009&term=2019&Summary=Y&Text=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A02009&term=2019&Summary=Y&Text=Y)

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