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Just Strategy • New York League of Conservation Voters  
NYPIRG Straphangers Campaign  
Permanent Citizens Advisory Committee to the MTA (PCAC)  
Regional Plan Association • StreetsPAC • TransitCenter  
Transportation Alternatives • Tri-State Transportation Campaign

October 20, 2020

**VIA EMAIL**

Letitia James  
Attorney General, State of New York

**Re: Request for NY Attorney General's Office to Challenge Federal Funding Cuts to the MTA because of "Anarchist Jurisdiction" Determination**

Dear Attorney General James,

Thank you for your September 21, 2020 statement<sup>1</sup> opposing the Trump administration's "anarchist jurisdiction" memorandum<sup>2</sup> that creates a spurious justification for withholding federal funding from New York City and other U.S. cities. Contrary to protecting the safety of New York City residents, this determination directly puts our residents and transit riders at risk by limiting the ability of the Metropolitan Transportation Authority (MTA) to provide COVID-19 safety precautions. You wrote that the Trump administration "should be prepared to defend this illegal order in court." As advocates for better transit and a better MTA, we strongly agree with your assessment and write to **ask that you prevent the Trump administration from withholding essential federal aid from the MTA, New York City and New York State.**

The Federal Transit Administration (FTA) on October 8, 2020 released a notification that disqualified the MTA from applying for grants from its Public Transportation COVID-19 Research Demonstration Grant Program.<sup>3</sup> Now that the federal government has taken

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<sup>1</sup> Office of the NYS Attorney General. Press Statement. "Attorney General James Ready Legal Action on President Trump's Illegal 'Anarchist Jurisdiction' Designation," September 21, 2020. <https://ag.ny.gov/press-release/2020/attorney-general-james-readying-legal-action-president-trumps-illegal-anarchist>

<sup>2</sup> Office of the U.S. President. "Memorandum on Reviewing Funding to State and Local Government Recipients That Are Permitting Anarchy, Violence, and Destruction in American Cities," September 2, 2020. <https://www.whitehouse.gov/presidential-actions/memorandum-reviewing-funding-state-local-government-recipients-permitting-anarchy-violence-destruction-american-cities/>

<sup>3</sup> Federal Register. "Federal Transit Administration Competitive Funding Opportunity: Public Transportation COVID-19 Research Demonstration Grant Program." October 8, 2020.

the first steps to actively prevent the MTA from applying for federal funding through this program, we ask that you intervene to challenge the legality of the anarchist jurisdiction determination on behalf of MTA riders and New York City residents generally.

The MTA alone is projecting a deficit of more than \$10B through 2021, and without federal emergency aid may be forced to cut service by 40% on the subways and buses and 50% on the commuter railroads, increase fares significantly, layoffs thousands of works, and substantially scale back its capital program, in addition to other cuts. Preventing the MTA from applying for FTA grants adds insult to injury given the inaction of the federal government to provide desperately needed emergency aid, and the Federal Highway Administration's long delay in notifying New York City and the MTA about what environmental review is needed to pursue congestion pricing.

The FTA's grant program could fund important and costly COVID-19 mitigation work the MTA already must undertake as a result of NYC being an early epicenter of the pandemic, including:

1. vehicle, facility, equipment and infrastructure cleaning and disinfection;
2. exposure mitigation measures, including PPE provision;
3. innovative mobility programs such as contactless payments; and
4. measures that strengthen public confidence in transit services.

This program is but one of the possible federal funding opportunities that New York City and other government bodies within it such as the MTA may not be eligible for under this memorandum. This determination by the Trump administration sets a dangerous precedent for defunding America's cities and crucial government services such as public transportation based on seeming political motivation. Action by your office to fight back against this unfounded determination is essential to protect New Yorkers from future action by the federal government to defund New York City and undermine our economic recovery.

Thank you for your consideration.

Sincerely,

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Reinvent Albany

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