

TRI-STATE TRANSPORTATION CAMPAIGN



Testimony of

Tri-State Transportation Campaign

For the Public Hearing of the Assembly Standing Committee on Transportation “Department of Transportation Two-Year Capital Program”

Thursday, December 3, 2015

Thank you Chairman Gantt and members of the Assembly Transportation Committee for giving Tri-State Transportation Campaign (TSTC) the opportunity to present testimony on the impact of the 2015-16 State Budget on the New York State Department of Transportation Two-Year Capital Program. My name is Nadine Lemmon, and I am the Director of New York & Federal Policy at TSTC, a non-profit policy and advocacy organization working for a more sustainable transportation system. There are three primary issues I would like to discuss today: 1) transparency and accountability, 2) The Sheridan Expressway and other Highway to Boulevard Conversions, 3) and funding parity for pedestrian, bicycle and non-MTA transit infrastructure.

Transparency & Accountability

Over the last several years, Tri-State has watched the New York State Assembly and Senate struggle to get information out of the NYS Department of Transportation (NYSDOT) concerning their Capital Plan. Year after year, legislators repeatedly ask for a list of projects in advance of budget discussions. Unfortunately—in my time here—the list of projects has never materialized until *after* the budget is finalized, giving the public, and their elected representatives, little input or oversight into how our limited tax dollars are spent.

This year, a list of projects appeared on September 25 (approximately six months after the budget was finalized), and from what we’ve gathered, there’s a new twist in the process: the Executive Office has indicated—to insiders—that the Governor will not be signing the traditional Memorandum of Understanding (MOU) that goes along with this list. The MOU for the 2013-2014 budget was a

substantial document, over 50 pages and, amongst other things, it directed NYSDOT to submit a 5-year capital plan for the following budget cycle. That never happened. And the public does not know what is in this unsigned MOU document for last year's budget—it was never released to the public.

In the past, these MOUs have been important agreements between the Senate, Assembly, and Executive Office, outlining certain reporting requirements, lists of projects, and other parameters for the delivery of NYSDOT's capital program. But clearly, the MOUs are proving to be a poor substitute for statutory requirements. New York State currently has little to no statutory language that governs the way NYSDOT's Capital Plan is formulated or released to the legislature, or the public. Unlike the Metropolitan Transportation Authority (MTA), NYSDOT is not statutorily required to submit a 5-year capital plan. For the past 35 years, the MTA has produced a 20-year needs assessment analysis, which provides a comprehensive prioritization of the greatest capital needs of the authority. NYSDOT has no comparable process.

This opaque and unregulated process must change. The state legislature must require NYSDOT to submit a 5-year Capital Plan, with defined projects, that is subject to public review prior to passage of the state budget and require NYSDOT to report on the progress of the Plan.

Today, we urge the Assembly Committee on Transportation to call for this change. New York needs its capital planning to be done transparently, comprehensively and in a coordinated, long-term manner. The MTA and NYSDOT capital plans need to be submitted for consideration, at the same time, every five years and based on a 20-year needs assessment analysis. Given that the MOU process has clearly broken down, this needs to be a statutory requirement. It is the only way to assure parity in the system.

Sheridan Expressway and Other Highway to Boulevard Conversions

The lack of transparency in the budgeting and capital planning process can have huge implications for affected communities, and a good example can be found in the South Bronx around the Sheridan Expressway. For almost 20 years, NYSDOT and other agencies have been discussing how to improve the area around the Sheridan. Finally in 2013, New York City Department of Transportation (NYC DOT) put forward a comprehensive plan that would benefit everyone in the community, businesses and residents alike. That plan requires state-level involvement to move forward. Since the plan's release, together with area residents and businesses, we've been calling for NYSDOT to spend a few million dollars on an EIS that would move the project forward. The problem this shroud of secrecy creates, however, is that residents, businesses and even elected officials do not know what NYSDOT is planning overall—how this type of ask fits into their plan; what trade-offs would need to be made if included in the plan; if not included in the plan, why?; and various related issues. This works to the detriment of the South Bronx and the state as a whole. We continue to ask that funding for an EIS be included in the NYSDOT budget so that the excellent study assembled by NYC DOT does not end up as a book on a shelf with no further progress. A plan with such well-rounded benefits must not be squandered.

The Bronx is not the only community that is re-imagining its highways. In fact, New York State may be the leader in the number of communities having these conversations simultaneously. I-81 in

Syracuse, the Inner Loop in Rochester, I-787 in Albany, the Scajquada Expressway in Buffalo, and Poughkeepsie's route 44/55 are all part of a statewide discussion about re-connecting neighborhoods divided by a highway back in the 1950s. **Given the significant interest in moving these conversions forward, we recommend that the upcoming NYSDOT 5-year capital plan should support the efforts of these communities with a competitive grant program that can help offset costs for planning and environmental review.**

On the Issue of Parity—Pedestrian and Bicycling & Non-MTA Transit Infrastructure

At some point in the day, almost everyone is a pedestrian, whether they are walking to their car, to the bus, to work, or to school. Unfortunately, amidst the recent calls for funding parity between the MTA and roads and bridges, those who walk or bike or take non-MTA transit to their destinations have been completely left out of the conversation.

We support the \$8.3 billion state contribution to the MTA capital program. And we agree that this capital program needs to be matched with a significant 5-year program to address our deteriorating road and bridge infrastructure—including on local roads, across the state. These funding commitments also need to extend to non-MTA transit, which serves a significant portion of the population that does not have access to cars. **We support New York Public Transit Association's proposed 5-year capital program for non-MTA systems—the first ever long-term plan for upstate transit, funded at \$100 million a year.** It is a plan that will address years of deferred capital expenditures, and that will help to reduce the costly wear and tear on our roads by reducing car use.

We are also calling on the legislature to **create a dedicated fund for pedestrian and bicycling infrastructure, funded with at least \$20 million annually, in addition to what is already being spent in the state.**

New York State currently does not dedicate any funding for pedestrian and bicycling infrastructure, leaving ped-bike projects competing with the extensive needs of larger, more expensive infrastructure projects. And yet, the State continues to have the worst record in the nation for the most vulnerable users of our transportation system—29% of the people dying on our roads are people who are walking or biking, a statistic that has been trending worse, not better, since passage of the 2012 Complete Streets Law.¹ This is not parity. Investing in walking and bicycling infrastructure is inexpensive, and effective at improving safety, helping to stimulate local economies, addressing challenges posed by climate change, and giving New Yorkers access to healthy, low-cost transportation options to improve quality of life for the residents of our state.

Interestingly, the NYS Department of Health has become a strong leader and partner on Complete Streets. The Department recently announced a second round of "Creating Healthy Places to Live, Work and Play" grants, going to communities who are working on Complete Streets efforts. The grants are going to 22 applicants—\$250,000 per year, per grantee, for 5 years, impacting 80 school districts and over 300 communities across the state. These dollars can't be used for capital improvements, but they'll be used for things like planning, zoning, striping, and signage. That's close

¹ 2014 Benchmarking Report, Alliance for Biking and Walking. Available at: <http://www.bikewalkalliance.org/resources/benchmarking>

to a \$30 million dollar commitment that needs to be matched with capital dollars for infrastructure improvements by the Department of Transportation.

Performance Measures for Pedestrian & Bicycling Infrastructure

Setting goals and tracking progress is a crucial part of any successful program implementation. Currently, the Department of Transportation does not separately account for capital costs related to pedestrian and bicycling infrastructure, nor does it track measures such as lane miles of new healthy transportation infrastructure built. In the State Transportation Improvement Plan, for example, a project can be listed as a road and/or bridge rehabilitation with improved sidewalk elements, but the amount spent on the road/bridge element and the amount spent on the sidewalk cannot be separately determined. When pedestrian and bicycle elements are included as part of larger roadway construction projects, these elements should be included in a detailed project description. Attached to this testimony is a list of recommendations of performance measures and goals that would help the Department, and the public, better understand and track our State's progress.