



February 2024

MTA Board Action Items



MTA Board Meeting

2 Broadway
20th Floor Board Room
New York, NY 10004

Wednesday, 2/28/2024
9:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. PRESENTATIONS

3. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for January 31, 2024

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for January 31, 2024 - Page 4

4. COMMITTEE ON CAPITAL PROGRAM

C&D Procurements

C&D Procurements - Page 14

5. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD

LIRR Procurements

LIRR Procurements - Page 22

6. COMMITTEE ON NYCT & BUS (no items)

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS (no items)

8. COMMITTEE ON FINANCE

Action Item

i. 2022 TBTA Operating Surplus

TBTA Operating Surplus - Page 31

Information Item

i. Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counti

Mortgage Recording Tax - Escalation Payments to Dutchess, Orange and Rockland Counties - Page 41

MTAHQ Procurements (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 43

9. COMMITTEE ON SAFETY

Action Item

i. NYCT Public Transportation Agency Safety Plan

MTA Board Staff Summary 2023 DOS and DOB PTASP - Page 54

10. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction and Development Company, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting Minutes
Wednesday, January 31, 2024
9:00 a.m.
2 Broadway
New York, NY 10004**

The following Board Members were present (**Attended remotely*):

**Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Samuel Chu
Hon. Michael Fleischer
Hon. David Jones
Hon. Blanca Lopez*
Hon. Haeda B. Mihaltses
Hon. Frankie Miranda
Hon. Dr. John-Ross Rizzo
Hon. Lisa Sorin
Hon. Isabel Midori Valdivia Espino
Hon. Neal Zuckerman**

The following Board Members were absent:

**Hon. Norman Brown
Hon. David Mack**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Randolph Glucksman*
Hon. John Samuelsen
Hon. Vincent Tessitore, Jr.**

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety and Security Officer, Richard Davey, President, NYCTA, Frank Annicaro, Acting Chief Operating Officer, NYCT and Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad, Rob Free, Acting President, LIRR, Catherine Sheridan, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Quemuel Arroyo, Chief Accessibility Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Chief Customer Officer, Lucille Songhai, Assistant Director, Government and Community Relations, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, and the First Mutual Transportation Assurance Company.

Chair Lieber called to order the January 2024 Board meeting.

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

The MTA Moderator announced that the following public speakers will speak either live virtually or in-person.

The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit. The Moderator reminded speakers of the warning beep when 30 seconds remain to conclude their remarks. The Moderator advised that the public comments will be recorded, published to the MTA website, and available for MTA Board Members' review.

The following public speakers commented (*live virtual comments):

Gian Pedulla, private citizen

Christopher Greif, private citizen

Jean Ryan, President, Center for Independence of the Disabled, NY (CIDNY)

Jack Nierenberg, V.P., Passengers United

Tashia Lerebours, Center for Independence for the Disabled of New York (CIDNY)

Jessie Figueroa, Passengers United

Andy Pollack, Passengers United*

Charlton D’Souza, President, Passengers United*
Patrick Condren, BUS4NYC Coalition Inc.
Michael Ring, Disabled In Action (DIA)
Lisa Daglian, President, PCAC
Aleta Dupree, private citizen*
Cassie Rafucci, Passengers United
Monica Bartley, Disabled In Action (DIA)
Norbert Giesse, Civics United for Railroad Environmental Solutions (CURES)*
Sally Wolf, private citizen*
Eman Rimawi Doster, NYPLI
Joe Rappaport, Brooklyn Center for Independence of the Disabled (BCID)

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers’ statements.

Chair Lieber thanked all public speakers for their comments.

General Counsel Paige Graves confirmed a quorum of the Board Members in attendance.

2. EXECUTIVE SESSION.

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with the Public Officers Law, Section 105(1)(d), to discuss litigation matters.

Upon motion duly made and seconded, the Board voted to reconvene in public session.

3. PUBLIC SESSION RESUMES.

Chair Lieber announced that in Executive Session the Board discussed a litigation matter.

4. CHAIR LIEBER’S REMARKS.

Chair Lieber welcomed and thanked everyone for joining the January Board meeting.

Chair Lieber noted an incident that occurred on 143rd Street in the Bronx where an NYPD Detective intervened and recovered a handgun and ammunition from an individual, potentially saving many lives. Chair Lieber thanked Chief Kemper and his team for keeping the riders safe in the system. The Chair expressed appreciation to the State for continuing the fight on the issue of guns in the system.

Chair Lieber thanked the public speakers, who he said always show up to remind the MTA of important issues on their minds and in the general public mind.

Chair Lieber stated that last Wednesday he testified before both the New York State Senate and Assembly in Albany, providing an update on the MTA’s budget and Financial Plan. The plan projects five years of balanced operating budgets, even with significant service increases on the

subways and commuter railroads thanks to the historic investments at the State level initiated by Governor Hochul. The Chair also discussed some of MTA's strategic belt-tightening initiatives.

Chair Lieber stated that as part of the budget deal, the MTA was required to achieve \$400 million in cost-saving efficiencies starting this year, and he is happy to report that the agency is exceeding its goal and is on track to save \$500 million by 2025, all without layoffs or service reductions.

The Chair stated that the agency is providing much more service: on 11 subway lines, 40% increase on the LIRR in addition to Grand Central Madison; and expansion of bus service as the borough-by-borough bus redesigns are implemented, and that with all the extra service, the MTA is still spending 3% less than before COVID. Chair Lieber stated that all the accomplishments are outlined in the just-released 2023 Annual report, which is available online.

Highlighting some of the accomplishments, Chair Lieber stated that subway service is the best it's been in a decade, and the commuter railroads are averaging 96% on-time performance. LIRR is running another 300 additional trains per weekday -- the 40% service increase mentioned by the Chair. Chair Lieber stated that the increased service is a whole new service that by itself would rank as the fourth or fifth-largest commuter railroad in the United States and that the MTA accomplished this goal in one year.

Chair Lieber reported that Paratransit is at 92% on-time performance, 20% ridership growth and 79% customer satisfaction, and the expansion and improvement is accomplished while keeping costs down. Thanks to Governor Hochul and the Legislature, last year the fare increases were limited to 4%, and the cost of railroad trips within New York City on City Ticket was also reduced. Monthly passes on the commuter rails were kept below pre-COVID levels, which Chair Lieber stated is important to the LIRR and Metro-North commuters, who have really started to return.

Chair Lieber stated that on the subways and buses, the MTA is making free rides automatic with tap-and-go OMNY, expanding to serve more New Yorkers while continuing to sign up more low-income customers for the half price Fair Fares program, and he thanked Board Member David Jones for continuing to be the agency's conscience on this issue.

Chair Lieber stated that one factor driving MTA's success has been a commitment to innovation. As to customer service, working with the TWU, station agents were brought out of the booth for the first time, and the agency also opened new customer service centers citywide, eliminating the need to go to Stone Street for routine transactions like trading in an expired MetroCard.

Chair Lieber acknowledged the work of Shanifah Rieara, the MTA's Chief Customer Officer, and her team, for making much more information readily available to the riders. As of July, customers can sign up for real-time, personalized service alerts about their specific lines and bus routes, and there is also the Weekender newsletter, which provides much more information about outages and the impact on service – eliminating the need to rely solely on just the posters

that have historically been placed in stations. Chair Lieber stated that last summer the agency began testing a new version of the MTA's all-in-one mobile app, the MyMTA app, making improvements so that the app is up to the same great standard achieved by the TrainTime app.

Chair Lieber stated that everybody here knows about the importance of weekend outages to the Capital Program, but until President Rich Davey showed up at Transit, there was no history of using those same outages to perform operating budget-funded maintenance work, which is the concept behind the amazingly successful Station Re-NEW-ovation program, where the agency is doing huge projects over a weekend to really dress up, clean, scrub down, and repair surfaces, tiles, stairs, and employee spaces, making sure that the employees have better workspaces, improving 63 stations so far and another 50 stations planned for 2024.

Chair Lieber stated that platform safety has been another major topic of discussion for a long time, especially since the tragic death two years ago of Michelle Alyssa Go. In the aftermath of that tragedy, Chair Lieber stated that he empaneled a Track Trespassing Task Force at MTA, whose report detailed how most of the time when people are on the tracks it is voluntary. The report included a wide-ranging list of recommendations to keep people off the tracks and to make customers feel safer. Chair Lieber stated that platform screen doors are one solution, which is being tested at several stations, and a procurement process is underway, subject to funding. The Chair stated that the agency is aware that these high-tech systems, which are designed for modern facilities and hard to retrofit on our system, would take a long time to implement, and that for most stations, simply cannot be accommodated because of the structure of our older platforms.

Chair Lieber stated that the MTA is pursuing some other practical, cost-effective strategies, including installation of platform fences, which are on display by the speaker's podium. The fences have been installed at Clark Street in addition to 191st Street stations and will be tested at the West 8th Street station in Coney Island, all to increase safety. Chair Lieber stated that the fences do not entirely prevent people from getting on the tracks because spaces must exist on the platforms where the car doorways align for customers to be able to get on and off the trains, but they do provide customers with an additional sense of safety on the platform by being able to position themselves behind fences until boarding their train.

Chair Lieber stated that fare evasion is another difficult challenge that calls for some innovation. As reported by the Blue-Ribbon Panel on fare evasion, the agency must harden the physical barriers to fare evasion by updating its fare control infrastructure -- it will take a long time to select the right system, to design it properly for MTA, and then to install it.

Chair Lieber stated that meanwhile, the agency is testing various options, including the wide aisle gates that were installed at the Sutphin-Archer station that are primarily intended to accommodate people coming off the Air Train who are pulling bags. The issue with these gates was that the constant opening of the gates was enabling huge fare evasion, and changes to those gates are being made.

Chair Lieber stated that even with the challenges experienced with the new gates, the agency's revenue is up 20% resulting from not having the gate open as frequently -- which occurred before

the agency sent the MTA cops to keep an eye on the situation -- proving that innovation works. The Chair stated that the agency will continue to experiment with new types of fare gates, in part to gain further knowledge, as we move forward to select and design something for the MTA system in a bigger way.

Chair Lieber stated that to tackle fare evasion on the railroads, the agency started trying something new at Penn Station -- checking LIRR tickets at a checkpoint before boarding; this method does not cover everyone who gets on a train because for a lot of the cars people are pre-checked, but it allows passengers to get through the train more quickly and it is helping to discourage fare evasion in certain circumstances.

Chair Lieber stated that with respect to buses, the agency has been redrawing the service map from scratch with its borough-by-borough bus redesigns and is piloting an Open Stroller program to make riding the bus with small children a little easier, which was a passion project for some of our public speakers a year ago.

Chair Lieber stated that the commitment to innovation and efficiency is also reflected by the agency's work on the capital side, and the Chair gave credit to MTA C&D, under the leadership of President Jamie Torres-Springer. MTA C&D is executing projects on budget and on schedule, as follows:

- Third Track project -- \$100 million under budget.
- The complex L train project – finished three months early, \$100 million under budget and no shutdown required.
- Opening of 25 ADA projects in the last three years, including three this month, with \$250 million in savings versus cost estimates.
- The Penn Station concourse – a \$700 million project on time and on budget.
- The award of the first contract for Second Avenue Subway Phase 2 – C&D has already squeezed \$1.3 billion out of the cost and is still looking for more savings.
- The opening of Grand Central Madison for one year and customers are loving it -- 17 million customers since it opened, more riders than the entire Chicago commuter rail system.

Chair Lieber stated that the next thing MTA plans to implement is congestion pricing, and the agency has done what is necessary to prepare for it -- significantly increasing subway and LIRR service, adding accessibility features to subway stations and improving paratransit. The tolling infrastructure has mostly been installed, and the agency is hoping and expecting to be able to implement it sometime in the spring.

Chair Lieber stated that if there are delays to congestion pricing, it is going to affect the schedules of important capital projects. The Chair expressed his passion about the A train signaling project, which would benefit riders that come from Far Rockaway and through Central Brooklyn, by providing service that is as fast and reliable and frequent as the L train service, a \$2 billion project. Chair Lieber stated that there are other capital projects whose schedules are at risk.

Chair Lieber stated that New York needs better transit now, less traffic, safer streets, and cleaner air. The report on resiliency that will be presented today by President Jamie Torres-Springer and Eric Wilson addresses the important issue of climate change and its impact on the system.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chair Lieber's remarks.

5. CLIMATE RESILIENCE ROADMAP PROGRESS REPORT.

President Jamie Torres-Springer introduced some highlights of the report and introduced Eric Wilson, Vice President, Climate Resilience & Sustainability Planning, who presented the progress report on the climate resilience roadmap, including the vulnerabilities and strategies to boost climate resiliency.

Chair Lieber thanked President Torres-Springer and Eric Wilson for their presentation.

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the details of President Torres-Springer's remarks, Eric Wilson's presentation, Chair Lieber's remarks and Board members' comments and questions.

6. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on December 20, 2023, as corrected.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details.

7. MTA BRIDGES AND TUNNELS COMMITTEE.

A. Procurement Item.

Commissioner Miranda stated that there is one (1) procurement action sought for approval to amend personal service Contract PSC-13-2949 with TransCore, LP to exercise three, one-year option renewals for cashless tolling maintenance services at TBTA's toll facilities in the not-to-exceed amount of \$38.9 million, as follows:

Modifications to Personal Service Contracts and Miscellaneous Service Contracts

TransCore, LP
Contract No. PSC-13-
2949 Nine Years and
Seven Months

TBTA is seeking Board approval to amend this personal service contract with TransCore, LP to exercise the three (3) one-year options with additional funding for continued cashless tolling maintenance.

\$38,947,759

Upon a motion duly made and seconded, the Board approved the competitive procurement action recommended to it by the Committee for MTA Bridges and Tunnels Operations.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

8. AUDIT COMMITTEE.

Board Member Jamey Barbas reported that there is one item for full Audit Board Approval:

MTA 3rd Quarter 2023 Financial Statements

Refer to the Audit Committee minutes of this date for the details of this item.

9. CAPITAL PROGRAM COMMITTEE.

Board Member Jamey Barbas reported that Construction and Development has two actions for Board Approval totaling \$3.3 million dollars. The first item is a request for an authorizing resolution to issue a competitive request for proposals, and the second is a ratification of a modification related to the Penn Station Reconstruction Project.

Upon a motion duly made and seconded, the Board approved these items.

Refer to the staff summaries and Capital Program Committee minutes filed with the records of this meeting for the details on these items.

10. JOINT LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.

Board Member Samuel Chu reported that there were no items for Board Approval for the Joint Long Island Rail Road and Metro North Railroad Committee.

11. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Procurement Item.

Upon motion duly made and seconded, the Board approved the following item:

1. Approved the award of a three-year estimated quantity miscellaneous service contract for the provision of maintenance and support services for the MTA Bus Camera Security System to Seon Design [USA] Corp in the total estimated amount of \$25,712,566. The Board also authorized the NYC Transit Assistant Chief Procurement Officer to approve the exercise of up to three 2-year options in the estimated amount of \$49,721,280.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

12. MTA COMMITTEE ON FINANCE.

A. Procurement Items. Upon a motion duly made and seconded the Board approved the procurement items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. International Business Machines Corp (IBM)/Accenture, LLP – Consultant and Implementation Retainer Services – No. 0009000033. Approved the award of two competitively negotiated personal service contracts to provide consulting services for Kronos Systems Integration and Implementation, for a period of three years with two 1-year options to be exercised at the discretion of the MTA IT Chief Technology Officer.
2. DiRAD Technologies, Inc. – Contact Center as a Service to Paratransit - 900000000003754. Approval to modify an all-agency competitively negotiated miscellaneous services contract with DiRAD Technologies to expand the existing MTA implementation of Contact Center as a Service to include New York City Transit's Paratransit Department's Contact Center in the estimated value of \$23,311,582.

B. Real Estate Items.

Upon a motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

Administrative Action Item

Metro-North Railroad

1. Eminent Domain Procedure Law Determination and Findings; acquisition of property interest for the Metro-North Brewster Yard Improvements Project on the Harlem Line.

Transactional Action Items

Long Island Rail Road

2. License with VPCT Realty LLC for access and parking on property adjacent to 465 Johnson Avenue (Part of Lot 162, Block 2974, Lot 159, Bushwick Section), vicinity of the New York and Atlantic Railway Line, Brooklyn, NY.

Chair Lieber acknowledged the retirement of two well-known 20th floor Police Sgts., Willie Baretto and Hank Micyk, who served proudly under many Chairs and who were a comforting presence at many Board meetings. Chair Lieber wished them well in their retirement.

13. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:15 a.m.

Respectfully submitted,

Susan Sarch
Vice President,
General Counsel and Secretary
Metro-North Railroad

Haley Stein
Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCT

Evan Eisland
General Counsel and Secretary
MTA C&D

Paul Friman
General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

**PROCUREMENT PACKAGE
February 2024**

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$ 9.3 M.

Staff Summary

Subject Request Authorization for Several Procurement Actions					
Contracts Department					
Evan Eisland, Executive Vice President and General Counsel					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	2/26/24	X		
2	Board	2/28/24	X		

Date: February 20, 2024			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

Discussion

MTA Construction & Development proposes to award Competitive Procurements in the following category:

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$</u>	<u>Amount</u>
F. Personal Services Contracts	1	\$	9,211,162
I. Modifications to Purchase and Public Work Contracts	1	\$	115,300
SUBTOTAL	2	\$	9,326,462
TOTAL	2	\$	9,326,462

Budget Impact

The approval of these procurement actions will obligate capital funds in the amounts listed. Funds are available in the capital program for these purposes.

Recommendation

That the procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Service Contract Procurement Guidelines and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts;

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

February 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule F. Personal Service Contracts

(Staff Summaries required for items greater than \$1M.)

- | | | | |
|-----------|---|---------------------|--------------------------------------|
| 1. | EnTech Engineering, PC
Contract No. CS00019B | \$ 9,211,162 | <u>Staff Summary Attached</u> |
|-----------|---|---------------------|--------------------------------------|

MTA Construction & Development requests that the Board approve the award of a publicly advertised and competitively solicited personal service contract to provide Project Management Consultant services to assist C&D in the administration and oversight of contract VN-PT/VN-12 for painting and miscellaneous lighting improvements at the Verrazzano Narrows Bridge.

Schedule I. Modifications to Purchase and Public Works Contracts

(Staff Summaries required for all items requiring Board approval)

- | | | | |
|-----------|---|-------------------|--------------------------------------|
| 2. | National Fire & Safety Solutions, Inc.
Contract No. MN-123441A | \$ 115,300 | <u>Staff Summary Attached</u> |
|-----------|---|-------------------|--------------------------------------|

MTA Construction and Development requests that the Board approve a modification for the installation of dampers at five signal houses on the Harlem and Hudson lines.

Staff Summary

Schedule F: Personal Service Contracts

Item Number 1					
Department, Department Head Name: B&T Business Unit, Joe Keane, VP & Chief Engineer					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	2/26/24	X		
2	Board	2/28/24	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
EnTech Engineering, PC	CS00019B
Description	
Project Management Consultant Services for Design-Build Project VN-PT/VN-12 Ph 2: Painting and Miscellaneous Lighting Improvements at Verrazzano Narrows Bridge	
Total Amount	\$9,211,162
Contract Term (including Options, if any)	
36 Months	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests that the Board approve the award to EnTech Engineering, PC (“EnTech”) of a publicly advertised and competitively solicited personal service contract (the “Contract”) to provide Project Management Consultant services to assist C&D in the administration and oversight of contract VN-PT/VN-12 for painting and miscellaneous lighting improvements at the Verrazzano Narrows Bridge (the “Project”). The Contract is for a 36-month duration in the not-to-exceed amount of \$9,211,162.

DISCUSSION

EnTech will provide comprehensive quality assurance and oversight services for the Project from inception through final completion, consisting of: 1) Commercial Management, including cost management; risk assessment; cost estimating; project controls; scheduling; administrative and security services; 2) Operation Management, coordinating the Design-Builder’s work with other MTA personnel, daily coordination with traffic enforcement agents and review of the Design-Builder’s methods for protecting vehicular/marine traffic and pedestrians; 3) Design and Construction Compliance Oversight, preparing and implementing a construction compliance plan; evaluating and monitoring construction schedules; preparing progress metrics; maintaining daily construction activities logs and quality oversight records; performing compliance and environmental reviews; construction testing and inspection; commissioning and final acceptance services; and 4) Outreach, supporting C&D’s liaison with the project stakeholders and the public by preparing reports and other communications/materials, and providing safety and security support services.

A one-step procurement process was conducted for this Contract. The solicitation was publicly advertised in the New York State Contractor Reporter, the Daily News, Minority Commerce Weekly, and on the MTA website. In addition, notice of the Request for Proposals (“RFP”) was sent to 43 prequalified firms (16 certified MBE/WBE firms) on the MTA’s General

Engineering Consultant list. In response to the RFP, proposals were received from four firms: EnTech; Gannett Fleming Engineers and Architects, PC. (“Gannett Fleming”); Greenman-Pedersen, Inc. (“GPI”) and WSP USA Inc. (“WSP”).

The selection committee, consisting of representatives from C&D, reviewed the technical proposals and attended oral presentations of each of the four teams. The selection committee evaluated the technical proposals using the following pre-established selection criteria: Experience of Project Team/Key Personnel/Subconsultants; Experience in Relevant Disciplines; Project Understanding and Proposed Technical Approach; Management Approach; Diversity Practices; and Other Relevant Matters. The proposals submitted by EnTech and GPI were determined to meet the requirements of the RFP and both firms were invited for further negotiation. The selection committee removed WSP from consideration because WSP’s team lacked experienced paint inspectors and did not provide sufficient information to evaluate its management approach. The selection committee removed Gannett Fleming from consideration because its proposed key staffing had only limited availability for this project and the team lacked relevant experience on large suspension bridges.

The selection committee then opened EnTech’s and GPI’s price proposals and invited the firms to participate in negotiations, which focused on labor rates and the level of effort for the various contract activities. During these negotiations, the selection committee removed GPI from consideration. During negotiations, GPI revised its proposal and replaced three staff members: the Assistant Resident Engineer, Quality Manager and Consultant Field Inspector. The Assistant Resident Engineer and Quality Manager are key staff positions necessary for the success of the project. The replacements were determined to lack the necessary experience for the project and therefore GPI was eliminated from consideration.

Therefore, following negotiations, EnTech was invited to submit a Best and Final Offer (“BAFO”) and EnTech reduced its original price proposal of \$11,125,505 to a BAFO of \$9,211,162. Based upon review of the BAFO, technical proposal, and discussions during oral presentation, the selection committee unanimously recommended EnTech, a certified Women Owned Business Enterprise (“WBE”), for award. EnTech demonstrated it has a solid technical team which includes a project manager with over 30 years of experience providing oversight on projects with similar scope and magnitude. Accordingly, the selection committee determined that EnTech’s BAFO provides the best value to the MTA and deemed it to be fair and reasonable.

This Contract incorporates a performance evaluation program (“PEP”) that will be applied to the fee. The PEP provides an opportunity for the Consultant to earn additional profit through exemplary performance in managing its project and a reduction in the fee for unsatisfactory performance.

D/M/WBE INFORMATION

The MTA’s Department of Diversity and Civil Rights has established 15% MBE, 15% WBE, and 6% SDVOB goals for this contract. Entech has committed to meeting the goals requirements. Entech has achieved its previous MWDBE/SDVOB goals on previous MTA contracts.

IMPACT ON FUNDING

Funding for this Contract is available in the B&T portion of the 2020-2024 capital program.

ALTERNATIVES

Perform the work using in-house personnel. At this time, C&D lacks the in-house technical personnel to perform the specific tasks required under the scope of work for this Contract.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 2

Vendor Name (& Location) National Fire & Safety Solution, Inc. (211 Knickerbocker Avenue, Bohemia, NY 11716)
Description Fire Suppression Systems for Signal Houses
Contract Term (including Options, if any) 12 months
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other: MOD
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer

Contract Number	AWO/Modification #
MN-123441A	1
Original Amount:	\$ 501,856.00
Prior Modifications:	\$ 0.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 501,856.00
This Request:	\$ 115,300.00
% of This Request to Current Amount:	23.0%
% of Modifications (including This Request) to Original Amount:	23.0%

DISCUSSION:

The Contract provides for the installation of fire alarm and fire suppression systems for Signal Houses at critical interlocking locations on Metro-North Railroad's ("MNR") Harlem and Hudson Lines. MTA Construction and Development ("C&D") requests that the Board approve a modification in the amount of \$115,300 for the installation of dampers.

After the fire alarm and fire suppression system was installed, during pressure integrity tests, it was determined that existing dampers at five signal houses were leaking and incapable of maintaining the pressure necessary for the system to pass testing and become operational. Prior to installation of this system, the dampers were not required to maintain the pressures necessary for the operation of a fire suppression system and their inability to maintain pressure was only determined when the system was in place and tested. Pursuant to this Modification, the contractor will install and calibrate new dampers at the five signal houses where the failures were observed and program the existing alarm systems to function with the new equipment.

The Contractor submitted a Cost Proposal in the amount of \$115,300. Negotiations confirmed that the contractor had identified all opportunities for cost saving and the lump sum price of \$115,300 is fair and reasonable.

Substantial Completion cannot be declared until this work is completed and the system passes testing, but the contractor has agreed that there will be no claim for compensable delay or impact costs associated with this work.



Long Island Rail Road Procurements

Richard Mack, MTA Assistant Deputy Chief Contracts Officer – LIRR Procurements



PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed estimated expenditure of \$732.0M.

Subject Request for Authorization to Award Various Procurements					
Department LIRR Procurement					
Department Head Name Richard Mack					
Department Head Signature 					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	02/26/24			
2	Board	02/28/24			

February 23, 2024			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
1	Acting SVP Operations		
2	Acting President		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE
To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

DISCUSSION
LIRR proposes to award Noncompetitive procurements in the following categories:
Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Noncompetitive Purchases and Public Work Contracts	2	\$ 732.0 M
SUBTOTAL	2	\$ 732.0 M

LIRR proposes to award Competitive procurements in the following categories: None
LIRR proposes to award Ratifications in the following categories: None

TOTAL	2	\$ 732.0 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

FEBRUARY 2024

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

A. Noncompetitive Purchases and Public Work Contracts

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

1. **Mitsubishi Electric Power Products, Inc.** **\$589,651,280** *Staff Summary Attached*
10 years
Contract # 0000015994
Award of an Original Equipment Manufacturers purchase agreement for M7 Propulsion System Equipment Upgrade Overhaul and Bench Test Equipment.

2. **Mitsubishi Electric Power Products, Inc.** **\$142,325,007** *Staff Summary Attached*
5 years
Contract # 0000016001
Award of a five-year contract for heating, ventilation, and air conditioning (HVAC), and propulsion replacement parts utilized on the LIRR's M-7 electric railcars, MNR's M-7 and M-8 electric railcars, and NYC Transit subway cars.

Schedule A: Noncompetitive Purchases and Public Works

The estimated amount anticipated to be expended over the 10-year purchase agreements term by LIRR is \$462,836,036, and MNR is \$126,815,244.

In connection with a previous contract awarded to MEPPi, MEPPi was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in February 2019. No new SAI has been found relating to MEPPi and MEPPi has been found to be responsible.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

MEPPi has certified that pursuant to EO 16, it is not doing business in Russia.

This contract is subject to review and approval of the Office of the New York State Comptroller (“OSC”) and award will not be made prior to OSC approval.

M/W/SVDOB Information

MTA Department of Diversity and Civil Rights assigned zero goals for this procurement.

Impact on Funding

This contract is funded by the MTA-Maintenance of Equipment Department’s Operating Budget.

Schedule A: Noncompetitive Purchases and Public Works

In connection with a previous contract awarded to MEPPI, MEPPI was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in February 2019. No new SAI has been found relating to MEPPI and MEPPI has been found to be responsible.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

MEPPI has certified that pursuant to EO 16, it is not doing business in Russia.

This contract is subject to review and approval of the Office of the New York State Comptroller (“OSC”) and award will not be made prior to OSC approval.

M/W/SVDOB Information

MTA Department of Diversity and Civil Rights assigned zero goals for this procurement.

Impact on Funding

This contract is funded by the MTA Maintenance of Equipment Department’s Operating Budget.

Staff Summary



Subject:	2023 TBTA Operating Surplus
Department:	Finance
Department Head Name	James McGovern (Controller's Department)
Department Head Signature	
Project Manager Name	Tricia Cangemi

Date	February 26, 2024
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	02/26/24	X		
2	MTA Finance Committee	02/26/24	X		
3	MTA Board	02/28/24	X		

Internal Approvals			
Order	Approval	Order	Approval
2	President		VP Staff Services
3	Chief Financial Officer		VP Procurement & Materials
	General Counsel		VP Labor Relations
	VP Operations		VP & Chief Engineer

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Department Head		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		Other

PURPOSE:

To obtain MTA Board approval of resolutions which will:

- Certify and transfer \$1,289,101,743 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York.
- Transfer \$12,369,374 representing 2023 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
- Advance the 2024 TBTA Surplus as per attached Resolution.

DISCUSSION:

The attached calculation and letter from Deloitte & Touche LLP represent the Triborough Bridge and Tunnel Authority's operating surplus for fiscal year ending December 31, 2023. The amount of surplus available for transfer to the MTA and NYCTA is \$1,289,101,743. The amount of investment income that is surplus funds and available to transfer to MTA for fiscal year 2023 is 12,369,374.

BUDGET IMPACT: None.

ALTERNATIVES: None.

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

Triborough Bridge and Tunnel Authority

(A Component Unit of the Metropolitan Transportation Authority)

Agreed-Upon Procedures Performed in
Connection with the Schedule of Operating
Surplus for the Year Ended December 31, 2023

INDEPENDENT ACCOUNTANT'S AGREED-UPON PROCEDURES REPORT

Members of the Board
Metropolitan Transportation Authority
New York, New York 10004

We have performed the procedures enumerated in the accompanying Exhibit B on the Triborough Bridge and Tunnel Authority's (the "Authority") calculation of the operating surplus ("Operating Surplus") presented in the Schedule of Operating Surplus ("the Schedule") for the year ended December 31, 2023 (Exhibit A) and the Supporting Schedule to the Schedule of Operating Surplus for the year ended December 31, 2023 (Exhibit C) (collectively "the subject matter"), in accordance with Chapter 717 Section 1219-a (2)(e) of the New York Public Authorities Law and various bond resolutions. The Authority is responsible for the subject matter.

The Authority, the Metropolitan Transportation Authority ("MTA"), and the MTA New York City Transit Authority ("Transit") have agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of assisting the specified parties in evaluating the subject matter.

We make no representation regarding the appropriateness of the procedures either for the purpose for which our report has been requested or for any other purpose. Accordingly, this report may not be suitable for either the purpose of which this report has been requested or for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are included in the accompanying Exhibit B.

We were engaged by the Authority, the MTA and Transit to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an audit or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the subject matter. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Authority and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Board of Directors of the Metropolitan Transportation Authority and management of the Triborough Bridge and Tunnel Authority, the Metropolitan Transportation Authority, and the New York City Transit Authority, and is not intended to be, and should not be, used by anyone other than these specified parties.

Deloitte & Touche LLP

February 12, 2024

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2023

OPERATING REVENUES (Procedure 1)	\$ 2,456,906,110
OPERATING EXPENSES (Procedure 2)	<u>(480,677,752)</u>
NET OPERATING REVENUE	1,976,228,358
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Procedure 2)	(295,620)
DEBT SERVICE ON BONDS (Procedure 3)	(694,198,598)
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Procedure 4)	15,543,569
ESTABLISHMENT OF GASB 43 RESERVE ACCOUNT (Procedure 7)	-
PURCHASE OF CAPITAL ASSETS FUNDED FROM OPERATIONS (Procedure 5)	(15,409,891)
CAPITAL CONTRIBUTION - PAYGO (Procedure 8)	-
ESTABLISHMENT OF NECESSARY RECONSTRUCTION RESERVE ACCOUNT (Procedure 6)	-
ADJUSTMENTS (Procedure 9):	
OPERATING EXPENSES RELATED TO 2022	4,292,871
OPERATING REVENUES RELATED TO 2022	<u>2,941,054</u>
OPERATING SURPLUS	<u>\$ 1,289,101,743</u>

See Independent Accountant's Agreed-Upon
Procedures Report and accompanying notes.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**NOTES TO THE SCHEDULE OF
OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2023 (Exhibit A)**

1. REPORTING ENTITY

The Triborough Bridge and Tunnel Authority (the “Authority” or “MTA Bridges and Tunnels”) is a public benefit corporation created pursuant to the Public Authorities Law (the “Act”) of the State of New York (the “State”). MTA Bridges and Tunnels is a component unit of the Metropolitan Transportation Authority (“MTA”). The MTA is a component unit of the State and is included in the State of New York Annual Comprehensive Financial Report of the Comptroller as a public benefit corporation. MTA Bridges and Tunnels is operationally and legally independent of the MTA. MTA Bridges and Tunnels enjoy certain rights typically associated with separate legal status including the ability to issue debt. However, MTA Bridges and Tunnels is included in the MTA’s consolidated financial statements as a blended component unit because of the MTA’s financial accountability and MTA Bridges and Tunnels is under the direction of the MTA Board (a reference to “MTA Board” means the board of MTA and/or the boards of the MTA Bridges and Tunnels and other MTA component units that apply in the specific context, all of which are comprised of the same persons). Under accounting principles generally accepted in the United States of America (“GAAP”), the MTA is required to include MTA Bridges and Tunnels in its consolidated financial statements.

2. OPERATING SURPLUS CALCULATION REQUIREMENTS

The operating surplus is calculated based upon Chapter 717 Section 1219-a (2)(e) of the New York Public Authorities Law (“PAL”) and various bond resolutions. This surplus is transferred to the MTA and the MTA New York City Transit Authority (“Transit”). The initial \$24 million in operating surplus is provided to Transit and the balance is divided equally between Transit and the MTA. The Supporting Schedule to the Schedule of Operating Surplus (Exhibit C) is included as additional information providing further detail for the amounts recorded in the Schedule of Operating Surplus (Exhibit A) (the “Schedule”).

3. BASIS OF ACCOUNTING

The Schedule excludes Central Business District (“CBD”) Tolling activities. The operating revenues and operating expenses are included in the Schedule in accordance with Chapter 717 Section 1219-a (2)(e) of the New York Public Authorities Law and the applicable bond resolutions on the accrual basis of accounting.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2023 (Exhibit A)

1. OPERATING REVENUES

- We compared the “Operating Revenues” (net of other revenues) of the Triborough Bridge and Tunnel Authority (“TBTA”) appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger of the TBTA, which excludes Central Business District (CBD) Tolling activities, and confirmed them to be in agreement.
- We inquired with management their policy for recording operating revenues and we have been informed that operating revenues were recorded using the accrual basis of accounting and that operating revenues excluded interest income.

2. OPERATING EXPENSES

- We compared the aggregate “Operating Expenses” of the TBTA appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger of the TBTA, which excludes CBD Tolling activities, and confirmed them to be in agreement.

We inquired with management their policy for recording operating expenses and we have been informed that operating expenses were recorded using the accrual basis of accounting and that operating expenses excluded depreciation.

- We compared the following expense items to the general ledger of the TBTA, which excludes, CBD Tolling activities: “Non-Operating Expenses” and “Reimbursement of Personnel Costs,” as noted on Exhibit C, and confirmed them to be in agreement.
- We recalculated the “Increase in Prepaid Expenses and Other Adjustments” appearing on the Schedule of Operating Surplus (Exhibit A) and compared it to the general ledger of the TBTA, which excludes CBD Tolling activities, and confirmed them to be in agreement.

We inquired whether the operating expenses were adjusted to include amounts charged to prepaid expenses and deferred charges on a cash basis of accounting and we have been informed that the operating expenses were adjusted to include amounts charged to prepaid expenses and deferred charges on a cash basis of accounting.

We inquired whether any cash adjustments were made for changes in accounts payable, accrued expenses, or accounts receivable and we have been informed that no cash adjustments were made for changes in accounts payable, accrued expenses or accounts receivable.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2023 (Exhibit A)

3. DEBT SERVICE ON BONDS

- We compared the “Debt Service” on the following bonds appearing on the Schedule of Operating Surplus (Exhibit A) to the TBTA debt service schedules listed below and confirmed them to be in agreement:
 - General Revenue Bonds, and
 - Subordinate Revenue Bonds.
- We compared the “Debt Service on Bonds” on the TBTA’s portion of debt service on the 2 Broadway Certificates of Participation to the TBTA debt service schedule and them to be in agreement.
- We confirmed that the Debt Service represents interest paid and/or accrued applicable to calendar year 2023 and the principal payment due January 1, 2024, on all bond indebtedness and certificates.

4. INTEREST INCOME

- We compared the aggregated amounts of “Interest Income on Unexpended Bond Proceeds and Debt Service Funds” appearing on the Schedule of Operating Surplus (Exhibit A) to the debt service schedules (General Revenue Bonds and Subordinate Revenue Bonds) and confirmed them to be in agreement.

We inquired whether interest income is excluded from operating revenues on the Schedule of Operating Surplus (Exhibit A) and we have been informed that interest income is excluded from “Operating Revenues” on the Schedule of Operating Surplus (Exhibit A).

- We inquired whether interest income on the debt service fund consists of income from (1) the debt service funds established in connection with the 2 Broadway Certificates of Participation to the extent attributable to the TBTA’s portion of debt service thereon, and (2) the debt service funds established in connection with the TBTA Bonds from their respective dates of issuance and we have been informed that interest income on the debt service fund investments consists of income from (1) the debt service funds established in connection with the 2 Broadway Certificates of Participation to the extent attributable to the TBTA’s portion of debt service thereon, and (2) the debt service funds established in connection with the TBTA bonds from their respective dates of issuance. We inquired whether this amount was included in the computation of operating surplus as a reduction of debt service cost (therefore increasing

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2023 (Exhibit A)

operating surplus) and we have been informed that this amount was included in the computation of operating surplus as a reduction of debt service cost therefore, increasing operating surplus.

- We inquired whether unexpended bond proceeds consist of bond moneys on deposit with the TBTA until expended for either transit or commuter projects or on the TBTA's bridges and tunnels and we have been informed that unexpended bond proceeds consist of bond moneys on deposit with the TBTA until expended for either transit or commuter projects or on the TBTA's bridges and tunnels.

5. CAPITAL ASSETS FUNDED FROM OPERATIONS

- We compared the amount of "Purchase of Capital Assets Funded From Operations," which represents amounts paid and capitalized for vehicles and other fixed assets, appearing on the Schedule of Operating Surplus (Exhibit A), which excludes CBD Tolling activities, to the general ledger of the TBTA and confirmed them to be in agreement.

We inquired whether these amounts were funded from operations and that such amounts represent a reduction of operating surplus appearing on the Schedule of Operating Surplus (Exhibit A) and we have been informed that these amounts were funded from operations and that such amounts represent a reduction of operating surplus appearing on the Schedule of Operating Surplus (Exhibit A).

6. NECESSARY RECONSTRUCTION RESERVE

- We compared the amount appearing on the Schedule of Operating Surplus (Exhibit A) as "Establishment of Necessary Reconstruction Reserve Account" to the TBTA Financial Plan, which was approved by the Finance Committee at the December 20, 2023, meeting, to set aside and reduce the operating surplus by \$0 and confirmed them to be in agreement. (We confirmed the Necessary Reconstruction Reserve Account was established by the TBTA by resolution adopted March 29, 1968).

We inquired whether this amount, together with interest income thereon, is to be used to fund reconstruction of present facilities within the meaning of TBTA's General Revenue Bond Resolution and we have been informed that this amount, together with interest income thereon, is to be used to fund reconstruction of present facilities within the meaning of the TBTA's General Revenue Bond Resolution.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2023 (Exhibit A)

7. GASB 43 RESERVE

- We compared the amount appearing on the Schedule of Operating Surplus (Exhibit A) as “Establishment of GASB 43 Reserve Account” to the TBTA Financial Plan, which was approved by the Finance Committee at the December 20, 2023, meeting, to set aside and reduce the operating surplus by \$0 and confirmed them to be in agreement.

8. CAPITAL CONTRIBUTION-PAYGO

- We compared the amount appearing on the Schedule of Operating Surplus (Exhibit A) as “Capital Contribution- PAYGO” to the TBTA Financial Plan which was approved by the Finance Committee at the December 20, 2023, meeting, to set aside and reduce the operating surplus by \$0 and confirmed them to be in agreement.

9. ADJUSTMENTS

- We compared the amount appearing on the Schedule of Operating Surplus as “Operating Expenses Related To 2022” to the difference between the December 31, 2022 Surplus and Post Surplus Operating Expenses in the general ledger of the TBTA, which excludes CBD Tolling activities, and confirmed to be in agreement.
- We compared the amount appearing on the Schedule of Operating Surplus as “Operating Revenues Related To 2022” to the difference between the December 31, 2022 Surplus and Post Surplus Operating Revenues (net of other revenues) in the general ledger of the TBTA, which excludes CBD Tolling activities, and confirmed to be in agreement.

* * * * *

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SUPPORTING SCHEDULE TO THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2023

TOTAL REVENUES		\$	2,469,275,484
LESS: Interest Income			<u>12,369,374</u>
OPERATING REVENUES (Exhibit A)		\$	<u>2,456,906,110</u>
TOTAL EXPENSES (excluding depreciation)		\$	837,620,595
LESS: Non-Operating Expenses	\$	337,685,551	
Reimbursement of Personnel Costs		<u>19,257,292</u>	\$ <u>356,942,843</u>
OPERATING EXPENSES (Exhibit A)		\$	<u>480,677,752</u>
PREPAID EXPENSES AND OTHER ADJUSTMENTS:			
Balance December 31, 2022	\$	22,999,251	
Balance December 31, 2023		<u>23,294,871</u>	
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Exhibit A)		\$	<u>295,620</u>
DEBT SERVICE:			
TBTA	\$	387,830,163	
MTA		93,396,264	
NYCTA		<u>197,428,602</u>	
Subtotal		678,655,029	
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Exhibit A)			<u>15,543,569</u>
TOTAL DEBT SERVICE ON BONDS (Exhibit A)		\$	<u>694,198,598</u>

Staff Summary

Subject Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties					
Department Chief Financial Officer / Treasury Department					
Department Head Name Kevin Willens , Chief Financial Officer					
Department Head Signature					
Division Head Name Scott Gerstner					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	2/26/2024		X	
2	Board	2/28/2024		X	

Date February 26, 2024			
Vendor Name			
Contract Number			
Contract Manager Name			
Table of Contents Ref #			
Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

I. Purpose

To inform Finance Committee and MTA Board about the statutorily required MRT-2 escalator payments to Dutchess, Orange and Rockland counties totaling \$6,423,806.34 which are expected to be made in March 2024.

II. Discussion

The MTA statute requires that certain “mass transportation operating assistance” payments be made by the MTA to Dutchess, Orange and Rockland counties from MTA’s MRT-2 receipts. (These payments are made from funds established by PAL §1270-a, the Metropolitan Transportation Authority Special Assistance Fund, from which monies are transferred to the Metropolitan Transportation Authority Dutchess, Orange and Rockland Fund created by PAL §1270-b.) Under the statute, Dutchess and Orange Counties are each to receive no less than \$1.5 million annually, and Rockland County is to receive no less than \$2.0 million annually. The counties were paid these amounts in quarterly installments during 2023.

In addition to providing these minimum mass transportation operating assistance payments, the statute provides for an “escalator payment” based on the percentage by which total MRT-1 and MRT-2 receipts attributable to such county exceeds the receipts received in 1989 from such county. Pursuant to PAL §1270-a (4)(c), the MRT-1 increase is to be calculated as if the MRT-1 tax was 25 cents per \$100 of mortgage recorded and not the current 30 cents per \$100 of mortgage recorded. The escalator payment due each county based on the FY 2023 MRT receipts is determined as follows:

$$(\text{FY2023 MRT Receipts} - \text{FY1989 Base Year MRT Receipts}) / \text{FY1989 Base Year MRT Receipts} = \text{Escalator Rate}$$

$$\text{Escalator Rate} \times \text{Minimum Mass Transit Operating Assistance Payment} = \text{Escalator Payment}$$

Staff Summary

The results of the above formulas for each county are:

<u>County</u>	<u>1989 Base Year MRT Receipt</u>	<u>2023 MRT Receipts Adj.¹</u>	<u>Escalator Rate</u>	<u>Escalator Payments</u>
Dutchess Cty	\$3,569,702.51	\$6,549,493.87	83.47%	\$1,252,117.52
Orange Cty	\$4,433,935.06	\$11,707,766.71	164.05%	\$2,460,736.87
Rockland Cty	\$4,524,064.27	\$10,656,324.70	135.55%	\$2,710,951.95
			Total	<u>\$6,423,806.34</u>

¹ The actual 2023 gross receipts for each of the counties was:

Dutchess Cty	\$7,352,160.04
Orange Cty	\$13,201,051.98
Rockland Cty	\$11,878,604.98

FEBRUARY 2024
MTA REAL ESTATE
ACTION ITEMS FOR BOARD APPROVAL

TRANSACTIONAL ACTION ITEMS

Metropolitan Transportation Authority

License renewal with Communications Leasing Inc. for an MTA Police Department antenna at 1 Fairchild Court, Plainview, NY

License with Web Food Products, Inc. for MTA Police Department vehicle parking at 143-19 94th Avenue, Jamaica, NY

MTA New York City Transit

Lease with Birrialandia Corp. for the operation of a restaurant at the Coney Island – Stillwell Avenue subway station in Brooklyn, NY

MTA Metro-North Railroad

License renewal with Jin CT LLC for employee vehicle parking at 120 Viaduct Road, Stamford, CT

METROPOLITAN TRANSPORTATION AUTHORITY

Staff Summary

Subject LICENSE RENEWAL WITH COMMUNICATIONS LEASING INC. FOR AN MTA POLICE DEPARTMENT ANTENNA AT 1 FAIRCHILD COURT, PLAINVIEW, NY
DEPARTMENT REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name CHRISTINE STODDARD

Date FEBRUARY 28, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/26/24	X		
2	Board	02/28/24	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: Metropolitan Transportation Authority ("MTA")
LICENSOR: Communications Leasing Inc.
LOCATION: 1 Fairchild Court, Plainview, NY
PREMISES: A portion of the rooftop of the building at the Location
USE: Operation and maintenance of a rooftop antenna and related equipment for telecommunications
ACTION REQUESTED: Authorization to enter into a license renewal agreement
TERM: Five (5) years
COMPENSATION: \$26,400.00 for Year 1
ESCALATION: 3% per annum
TERMINATION: None
COMMENTS:

The MTA Police Department ("MTAPD") analog radio system radio network was replaced with updated equipment and technology at certain ideal locations for an expanded radio network configuration. The subject License is for one of 43 antennas for the updated MTAPD radio network.

The agreement was originally executed August 1, 2018, and expired July 31, 2023. The license renewal agreement proposed by the Licensor will be retroactive from August 1, 2023, and expire July 31, 2028. A fair market value (FMV) report provided by CBRE, the MTA's real estate broker, indicated a market rental range of \$2,200 to \$4,000 per month. The monthly compensation falls within the FMV range.

Based on the foregoing, MTA Real Estate requests authorization for the MTA to enter into a license renewal with Communications Leasing Inc. on the above-described terms and conditions.

Staff Summary

Subject LICENSE WITH WEB FOOD PRODUCTS, INC. FOR MTA POLICE DEPARTMENT VEHICLE PARKING AT 143-19 94TH AVENUE, JAMAICA, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANDREW D GREENBERG

Date FEBRUARY 28, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/26/24	X		
2	Board	02/28/24	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: Metropolitan Transportation Authority (“MTA”)
LICENSOR: Web Food Products, Inc.
LOCATION: 143-19 94th Avenue, Jamaica, NY,
PREMISES: A portion of the parking lot consisting of 26 exclusive parking spaces
USE: MTA Police Department (“MTAPD”) vehicle parking
ACTION REQUESTED: Authorization to enter into a vehicle parking license in support of MTAPD operations
TERM: Two (2) years cancellable by either party on 60 days notice
LICENSOR WORK: Licensor will install a fence and new overhead door dividing the lot into an exclusive MTAPD parking area at MTAPD cost and expense

COMPENSATION:

Term	Fee Per Month/Per spot	Annual Rent
Occupancy – Year 2	\$382.69	\$119,400

MAINTENANCE AND REPAIRS: MTA is responsible for all maintenance and repairs within its exclusive fenced in parking area.
SECURITY DEPOSIT: None

COMMENTS:

The MTAPD is seeking to license 26 exclusive parking spaces to provide off-street parking for police vehicles due to an urgent need to cease street parking in the area. A survey of surrounding parking facilities identified several lots, however the selected Location is the optimal choice. This Location offers 26 exclusive parking spaces within a distinct fenced-off area with a dedicated entrance, ensuring accessibility 24/7. While other parking lots in the vicinity range from \$180 to \$300 per month, the additional premium for the Location provides an exclusive parking area and 24/7 access to accommodate MTAPD’s specific requirements. In addition, the Licensor has agreed to install the demising fence, a new overhead drive-

**FINANCE COMMITTEE MEETING
LICENSE WITH WEB FOOD PRODUCTS, INC. FOR MTA POLICE DEPARTMENT VEHICLE PARKING AT
143-19 94TH AVENUE, JAMAICA, NY (Cont'd)**

Page 2 of 2

in door at MTAPD's expense, and will reimburse MTAPD on a straight-line basis for any unamortized costs for the fencing and overhead door if the Licensor exercises its termination rights.

Based on the foregoing, MTA Real Estate requests authorization for the MTA to enter into a license agreement with Web Food Products, Inc. for use of the Premises by the MTAPD for vehicle parking.

MTA NEW YORK CITY TRANSIT

Staff Summary

Subject LEASE AGREEMENT WITH BIRRIALANDIA CORP. AT THE CONEY ISLAND – STILLWELL AVENUE STATION, BROOKLYN, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ARTURO ESPINOZA

Date FEBRUARY 28, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/26/24	X		
2	Board	02/28/24	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: MTA New York City Transit (“NYCT”)
LESSEE: Birrialandia Corp., or a related entity to be formed by Lessee and approved by Lessor
LOCATION: Coney Island -- Stillwell Ave Station, Brooklyn, New York, Unit 18B
PREMISES: Approximately 1,370 square feet
USE: Restaurant specializing in Mexican cuisine
TERM: Ten (10) years
ACTION REQUESTED: Authorization to enter into a lease agreement
RENT:

Lease Year	Annual Rent	PSF	Escalation
1	\$72,000.00	\$52.55	--
2	\$72,000.00	\$52.55	--
3	\$96,000.00	\$70.07	3%
4	\$98,880.00	\$72.18	3%
5	\$101,846.40	\$74.34	3%
6	\$104,901.72	\$76.57	3%
7	\$108,048.72	\$78.87	3%
8	\$111,290.16	\$81.23	3%
9	\$114,628.80	\$83.67	3%
10	\$118,067.64	\$86.18	3%

COMMENTS:

The Location is a vacant, street-level space at the Coney Island – Stillwell Avenue subway station in Brooklyn. The Location was formerly a restaurant and was publicly offered through a Request for Proposals (“RFP”) issued July 27, 2023.

Staff Summary

FINANCE COMMITTEE MEETING

LEASE AGREEMENT WITH BIRRIALANDIA CORP. AT CONEY ISLAND – STILLWELL AVENUE STATION, BROOKLYN, NY (Cont'd.)

Two proposals were submitted which meets and exceeds the independent appraised value of \$71,600 for the first year of the lease.

Two proposals were received, and their offers are summarized below:

Proposer Name	Present Value at 6%
Jose M. Orea (Birrialandia Corp.)	\$716,384
Brooklyn Eatery	\$598,542

The highest offer came from Mr. Orea of Birrialandia Corp. which operates food trucks serving Mexican cuisine in Queens, Brooklyn, and the Bronx. The Location would be the proposed Lessee's first brick and mortar location and will be operated as a quick-service restaurant with limited seating. The Location offers the Lessee an opportunity to expand the menu and showcase its products in a high-traffic location.

A background and credit investigation performed on Mr. Jose M. Orea, the majority owner, and Birrialandia Corp. demonstrates that he and Birrialandia Corp. have very good credit and the financial resources to undertake the proposed initial improvements of at least \$200,000 and pay the rent offered.

Mr. Orea will provide a limited guaranty of the Lessee's obligations under the lease, including the obligation to perform and complete the initial improvements.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement on behalf of NYCT with Birrialandia Corp. under the above-described terms and conditions.

MTA METRO-NORTH RAILROAD

Staff Summary

Subject LICENSE RENEWAL WITH JIN CT LLC FOR MNR EMPLOYEE PARKING AT 120 VIADUCT ROAD, STAMFORD, CT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANDREW D GREENBERG

Date FEBRUARY 28, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/26/24	X		
2	Board	02/28/24	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("MNR")
LICENSOR: Jin CT LLC
LOCATION: 120 Viaduct Road, Stamford, CT
PREMISES: A portion of the parking lot consisting of 35 exclusive employee parking spaces
USE: MNR employee vehicle parking
ACTION REQUESTED: Authorization to enter into a license renewal for continued employee parking in support of MNR operations
TERM: Five (5) years

COMPENSATION:	<u>Years</u>	<u>Annual Compensation</u>
	1	\$41,442.00 (approx. \$98.67 per month per spot)
	2	\$42,684.00
	3	\$43,695.00
	4	\$45,285.00
	5	\$46,644.00

MAINTENANCE AND REPAIRS: MNR is responsible for all maintenance and repairs within its exclusive parking area
SECURITY DEPOSIT: None

COMMENTS:

MNR is seeking to renew their license agreement for 35 parking spaces in support of the Springdale Maintenance of Way facility in Stamford, CT.

A survey of parking lots in the area identified multiple public parking lots, with published monthly rates within the range of \$90 to \$110 per month per space plus 6.35% taxes for non-resident parking. Accordingly, the \$98.67 per month per space starting fee at 120 Viaduct Road is consistent with the market. Licensor increases the annual fee by 3% per annum which is reflected above in the annual compensation for each year of the proposed term of the agreement.

Staff Summary

**FINANCE COMMITTEE MEETING
LICENSE RENEWAL WITH JIN CT LLC FOR MNR EMPLOYEE PARKING AT 120 VIADUCT ROAD,
STAMFORD, CT**

Page 2 of 2

The license agreement provides for either party to terminate the agreement without penalty on 270 days advance notice. MNR will continue to be responsible for snow and rubbish removal and Licensor will continue to provide utilities and outdoor lighting.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license renewal agreement on behalf of MNR with Jin CT LLC for use of the Premises for employee parking.

Subject NYCT Public Transportation Agency Safety Plans
Department Safety
Department Head Name Pat Warren
Department Head Signature
Project Manager Name Timothy Doddo

Date February 2024

Board Action-					
Order	To	Date	App	Info	Other
1	Safety		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
1	SVP Safety & Security		X
2	SVP Subways		X
3	SVP Buses		X
4	President, NYCT		X

The MTA Chief Safety Officer in coordination with New York City Transit (“NYCT”) submits the attached Department of Subways (DOS) and Department of Buses (DOB) Public Transportation Agency Safety Plans (“PTASP”) for the MTA Board’s review and approval.

The Federal Transit Administration (FTA) PTASP Final Rule 49 CFR 673 requires operators of urban public transportation systems that receive federal funds to develop a PTASP that documents the processes and procedures that are in place to manage the agency safety program through the implementation of Safety Management Systems (SMS). Implementation of SMS is intended to improve public transportation safety by effectively and proactively managing safety risks through a comprehensive, collaborative approach to managing safety.

The Office of System Safety (“OSS”) generated the 2023 DOS and DOB PTASPs for NYCT in conjunction with representatives from the various departments.

Approvals are anticipated for the final PTASPs by agency senior leadership and the NYCT Joint Safety Committee. As per 49 CFR Part 673, the 2023 PTASP also requires MTA board approval and is due to the NYS Public Transportation Safety Board (“PTSB”).

OSS must conduct an annual review of the PTASPs in accordance with 49 CFR Part 673 to incorporate modifications and updates such as may be mandated by the PTSB, changes in management, incorporation of new equipment, or new systems and facilities, operational changes, and any safety related topics and recommendations from the MTA Board. This annual review requires MTA Board’s review and approval.

Recommendation

Approve the 2023 PTASPs for Department of Subways and Department of Buses