

February 2021

MTA Board Action Items



MTA Board Meeting

2 Broadway
20th Floor Board Room
New York, NY 10004
Thursday, 2/18/2021
10:00 AM - 5:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Committee & Regular Meeting Joint Minutes - January 21, 2021

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA B&T

MTA Construction & Development

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3. MTA OTHER BUSINESS

Finance Update, Adopted Budget and 2021-2024 Financial Plan (Materials available in the Exhibit book and MTA.Info)

Toll Proposal

Toll Proposal Staff Summaries and Resolutions - Page 29

All Agency Responsibility Guidelines: Staff Summary and Guidelines

All Agency Responsibility Guidelines Staff Summary - Page 75

All Agency Responsibility Guidelines - Page 78

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

MNR Procurements Report (no items)

LIRR Procurements Report

LIRR Procurements - Page 85

i. Non-Competitive (no items)

ii. Competitive

LIRR Competitive - Page 89

iii. Ratifications (no items)

MTA C&D Procurements Report (no items)

5. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements Report

Procurement Cover, Staff Summary and Resolution - Page 92

i. Non-Competitive

Non-Competitive - Page 97

ii. Competitive (no items)

iii. Ratifications (no items)

iv. C&D Procurements

C&D Procurement Package - Page 100

6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Action Item

i. 2020 B&T Operating Surplus (see Finance Committee section for Staff Summary)

7. COMMITTEE ON FINANCE

Action Items

i. Approval of Issuance of Notes and Bonds Under TBTA Second Subordinate Lien to Finance CBDTP Costs

Approval of Issuance of Notes and Bonds Under TBTA Second Subordinate Lien to Finance CBDTP Costs - Page 106

ii. Mortgage Recording Tax

Mortgage Recording Tax - Page 131

iii. TBTA Operating Surplus

TBTA Operating Surplus - Page 133

MTAHQ Procurements Report (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 144

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

**Joint Committee and Board Meeting 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, the Metro-North Commuter Railroad Company,
MTA Construction & Development, the MTA Bus Company and
the First Mutual Transportation Assurance Company**

Minutes

2 Broadway

New York, NY 10004

Thursday, January 21, 2021

10:00 a.m.

The following Board Members were present in person or by videoconference:

Hon. Patrick Foye, Chairman & CEO

Hon. Jamey Barbas

Hon. Frank Borelli

Hon. Victor Calise

Hon. Lorraine Cortés-Vázquez

Hon. Michael Fleischer

Hon. Randolph Glucksman

Hon. Rhonda Herman

Hon. David Jones

Hon. Linda Lacewell

Hon. Kevin Law

Hon. Robert W. Linn

Hon. David Mack

Hon. Haeda B. Mihaltses

Hon. Robert F. Mujica

Hon. Lawrence Schwartz

Hon. Vincent Tessitore, Jr.

Hon. Neal Zuckerman

The following alternate non-voting members were present by videoconference:

Hon. Andrew Albert

Hon. Norman Brown

Hon. John Samuelson

The following staff members attended in person or by videoconference:

Mario Pélouin, Chief Operating Officer, Thomas J. Quigley, General Counsel, Robert Foran, MTA Chief Financial Officer, Paul Fama, MTA Chief People Officer, Anthony McCord, MTA Chief Transformation Officer, Patrick Warren, Chief Safety Officer, Sarah E. Feinberg, Interim President, NYCT, Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses, Janno Lieber, MTA Chief Development Officer, MTA Construction & Development, Phillip Eng, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, Acting President, TBTA, Chief Kathleen O'Reilly, NYPD Chief of Transit, Patrick McCoy, Director of Finance, Kuvershen Ayer, Chief Procurement Officer, David Florio, Director, R.E. Operations, Leasing & Acquisitions, Michele Woods, Auditor General, Abbey Collins, Chief Communications Officer, Monica Murray, Chief Administrative Officer, NYCT President's Office.

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, the Metro-North Commuter Railroad Company, MTA Construction & Development, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless noted otherwise, votes reflected in these minutes are those of each Committee and that of the MTA Board.

1. CHAIRMAN FOYE'S OPENING REMARKS.

Chairman Foye called the meeting to order, stating that the MTA regular Board meeting is being held jointly with the Joint Metro-North Railroad and Long Island Rail Road Committee, the New York City Transit Committee, the Bridges and Tunnels Committee, Finance Committee, the Capital Program Oversight Committee, and the Audit Committee.

Chairman Foye stated that the meeting is being conducted remotely via videoconference, pursuant to Governor Cuomo's Executive Order 202.1, which has been extended, suspending the Open Meetings Law requirements; accordingly any requirements in the MTA By-Laws that meetings are open to in-person attendance by the public and that Board members may participate only in person are also suspended.

Thomas Quigley, MTA General Counsel, conducted the roll-call and confirmed the presence of a quorum.

Chairman Foye stated that later in the meeting, Agency Presidents and staff will submit their agency's report, procurements and actions for a vote. The Board members' participation in the meeting but silence at the time of a vote will be considered an affirmative vote for the record. The Chairman advised Board members that if any member would like to vote in opposition or abstain from any action, that Board member should state his/her name and indicate that.

Chairman Foye stated that speakers for the public comment period were able to register on Tuesday, January 19, 2021 and send in their video or voice comments. The Chairman noted that the first 30 minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published on the MTA website.

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

2. PUBLIC SPEAKERS SESSION.

The MTA Moderator announced that the first thirty (30) minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published to the MTA website. The MTA Moderator reminded speakers of the two (2) minute speaking limit and that speakers will be alerted when thirty (30) seconds remain to conclude their remarks.

There were seventeen (17) registered public speakers, the following fifteen (15) speakers commented by videoconference during the public speakers' session. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements, and to MTA.info for comments made by other public speakers.

Councilman Ydanis Rodriguez, NYC Council
Aleta Dupree, private citizen
Lisa Daglian, Executive Director, PCAC
Rachael Fauss, Reinvent Albany
Jason Anthony, Passengers United
Christopher Greif, NYCTRC, ACTA, LIRR ADA Taskforce
Andy Quito, Passengers United
Lukas Wolpiuk, private citizen
Debra Greif, BFSSAC
Joe A. Kunzler, private citizen
Charlton D'Souza, President, Passengers United
Peter Pullman, private citizen
Andy Pollack, Passengers United
Yuki Endo, private citizen
Murray Bodin, Concerned Grandparents

3. CHAIRMAN FOYE’S REMARKS.

Chairman Foye stated that while we are starting the new year off with a new degree of hope given the coronavirus vaccine, the passage of the latest COVID-19 relief bill last month and the inauguration of President Joseph Biden yesterday, we have not lost sight of the fact that we are still in the middle of a very serious public health crisis that tragically continues to impact the City, the State and the MTA’s heroic workforce.

Chairman Foye stated that as has been the protocol at several past meetings, we will continue today to honor members of New York City Transit (“NYCT”) and the MTA Construction and Development (“C&D”) family who have passed in the last month due to COVID-19.

Interim NYCT President Sarah Feinberg read the names of the following NYCT employees:

Derbe Fermin
Alejandro Paredes
Ron Spruille

Janno Lieber, MTA Chief Development Officer, read the name of the following C&D employee:

Sean Blaine

Following the reading of the names, Chairman Foye asked everyone to join him in a moment of silence in honor of these employees.

Chairman Foye stated that, with President Biden now in office, Senator Schumer sworn in as the new Senate Majority Leader—the first ever from New York—and the new Congress in session, the MTA looks forward to new leadership in the midst of this urgent national crisis—the pandemic and the economy, as well as the possibility for additional emergency relief.

Chairman Foye stated that the new Administration rightly recognizes the importance of mass transit and the MTA is eager to work with the Administration. The Chairman stated that the MTA’s once-in-a-100-year financial crisis did not disappear with the end of 2020. Chairman Foye stated that thankfully another COVID-19 relief bill was passed in December, which will go a long way toward addressing the deficit in the MTA’s 2021 budget. The Chairman stated that the MTA is grateful to Senate Majority Leader Schumer, Speaker Pelosi and the bipartisan New York delegation, led by former Appropriations Chair Nita Lowey, for their hard work and support, and he stated that the additional \$4 billion in emergency aid is a major step that helped the agency avoid severe cuts to service and layoffs of thousands of colleagues this year.

Chairman Foye stated that even with the infusion of additional aid, the MTA’s out-year financial picture is grim, as the agency continues to face the most challenging crisis in New York State history. In December, MTA projected an aggregate \$11.3 billion deficit for 2022-2024— before cuts and expenses and other actions the MTA is taking. However, the Chairman stated that without a doubt, the agency still needs significant additional funding from Washington to address the lasting financial impact of the pandemic.

Chairman Foye stated that the MTA is grateful that President Biden has already outlined a proposal to address the agency’s needs – before he even took his oath of office. The American Rescue Plan rightly recognizes mass transit’s continued need for federal support, not only to help cover operating expenses but to also invest in transformative capital projects. The Chairman stated that the agency looks forward to hearing more about the plan and exactly what it will mean for the MTA this year and moving forward.

Chairman Foye stated that he would also like to thank President Biden and Senate Majority Leader Schumer for fixing the policy preventing full reimbursement for the MTA’s coronavirus pandemic-related expenses. The Chairman stated that he hopes that the President will go a step further and rescind the recent FEMA rule, promulgated by the prior Administration, that eliminated funding to transit agencies and schools for cleaning and disinfecting programs in the midst of the pandemic. Chairman Foye stated that cutting funding for such programs by the prior Administration made no sense, and he hopes that it is something the new President will rectify. Chairman Foye stated that it is clear that the new Administration believes in transit and understands that these investments will jumpstart economic recovery. The Chairman stated that there can be no national rebound without a strong MTA powering New York’s revival.

Chairman Foye congratulated former New York City Transportation Commissioner and former MTA Board member Polly Trottenberg on her nomination to serve as Deputy Transportation Secretary at the United States Department of Transportation (“USDOT”). Chairman Foye stated that Polly Trottenberg is uniquely qualified for this critical role and is a leading expert on transportation policy, the reality on the ground and federal funding programs. The Chairman stated that he is confident that Ms. Trottenberg will be able to get big things done given her wealth of talent and experience here and working in President Obama’s administration and working for Senator Schumer. The Chairman stated that the selection of Ms. Trottenberg is good news for the nation, the State, the City and the MTA.

Chairman Foye invited Interim President Sarah Feinberg to say a few words relating to Ms. Trottenberg’s new appointment.

Interim President Feinberg congratulated Ms. Trottenberg and stated that her appointment is good for the City, the State and the Country.

Chairman Foye also recognized the appointment of Subash Iyer, MTA Special Counsel for Ethics, Risk and Compliance, as Chief Counsel of the Federal Transit Administration at the USDOT. The Chairman stated that Subash Iyer has served the Cuomo administration and the MTA well, and he was a clerk for Justice Ginsburg on the Supreme Court. Chairman Foye

stated that he is sure that Mr. Iyer will serve the USDOT and the Biden administration with distinction.

Chairman Foye stated that New Yorkers of all incomes and backgrounds depend on the MTA to travel to work, school and so much more— especially essential workers during the last 11 months. The MTA is dedicated to providing them with the service they need and also recognizes the hard times that everyone is facing, which is why the MTA has decided to temporarily defer a vote on the revenue-generating fare proposals for NYCT, LIRR, and Metro-North Railroad (“Metro-North”) until later this year. Chairman Foye stated that, while the MTA cannot indefinitely delay these actions, the agency wanted to acknowledge the input it received from New Yorkers on these proposals, including that from Lukas this morning.

Chairman Foye stated that in December the MTA held eight hearings that drew record participation and input from the public. During the 2018-2019 fare and toll review, the MTA received just over 600 public comments. The Chairman stated that this year there were over 2,000 public comments, including comments from across the region submitted online and at the MTA’s virtual public hearings.

Chairman Foye stated that after considering the unprecedented volume of feedback, the MTA has decided to postpone a Board vote on fares today, to avoid undertaking any actions at this time that could exacerbate the impacts of this pandemic, especially for the essential workers, low-income residents and communities of color who depend on us most. However, if a vote is delayed too long the MTA may need to conduct a new cycle of fare hearings to ensure public comment remains relevant to the proposals being considered.

With respect to tolls, Chairman Foye stated that the MTA will review the toll proposals in February. The Chairman stated that the MTA recognizes how important existing resident discounts are to commuters on Staten Island and in Queens, and eliminating these discounts will not be considered next month. Chairman Foye stated that all other toll options remain on the table, and noted that the public comment period for these proposals is open until February 16th.

Chairman Foye stated that the MTA will consider all feedback, while continuing to address the agency’s near-term deficits. Chairman Foye stated that he is optimistic that over the next few months we will begin to see increased signs of economic recovery for the New York region, thanks to additional federal stimulus measures, the continued vaccine rollout and the Governor’s actions to stop the spread of COVID-19.

Chairman Foye stated that under Phase 1b of the State’s distribution plan, transit workers are rightly recognized as essential workers, and are now eligible to receive vaccinations. The Chairman strongly encourage all MTA employees to get vaccinated as it becomes available.

Chairman Foye stated that the State, the City and various surrounding counties have opened distribution hubs, including the State operations at the Javits Center and Aqueduct Racetrack. He stated that the MTA is working to vaccinate as many of its employees as possible, prioritizing heroic frontline workers, but like every other agency and entity, the MTA is

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severely limited by the levels of vaccines distributed by the federal government. Chairman Foye stated that the MTA is planning to set up its own vaccination centers at work locations systemwide, but likely not until February at this time. The Chairman stated that the MTA will continue to keep the workforce updated on new information as the MTA hears more from its public health partners.

Chairman Foye stated that while he understands that some may be hesitant about getting the vaccine, the bottom line is that this is an opportunity to literally beat the virus. The Chairman stated that one of the nation's leading public health experts and a fellow New Yorker, Dr. Anthony S. Fauci, recorded a special video message for the MTA workforce, concerning the importance of being vaccinated. Dr. Fauci's recorded message was then played at the meeting.

Chairman Foye thanked Dr. Fauci and said he was gracious when asked to record a special message for the MTA, and the Chairman urged everyone to consider Dr. Fauci's message carefully. Chairman Foye stated if we want to get back to normal, we need to get vaccinated and stay vigilant— continuing to wear masks, washing hands regularly, maintaining social distancing, and limiting unnecessary travel.

Chairman Foye stated that at the start of last year, he outlined the MTA's priorities, which included issues such as improving performance and efficiency, delivering on investments, building credibility, and reimagining operations that the MTA continued to focus on even as it endured the COVID-19 pandemic. The Chairman stated that this year the MTA will revisit its critical priorities while remaining laser focused on the core mission of keeping the region moving safely and efficiently.

Chairman Foye stated that safety continues to be our number one priority. The ongoing COVID-19 health crisis has not only highlighted the importance of a safe and reliable MTA, but also created an opportunity for the agency to go above and beyond to deliver on this commitment. The Chairman stated that the pandemic has heightened the MTA's collective responsibility to look out for one another and that we must all do our part in preserving the health and safety of our fellow passengers and colleagues.

Chairman Foye stated that 2020 provided a powerful reminder of how far we as a country still have to go towards building a just and equitable society. The COVID-19 pandemic underscores the critical nature of the MTA and the important role public transit and access plays in social equity.

Chairman Foye stated that equity has been a critical consideration of the work that we do and the policies we consider. In the new year the MTA will continue its efforts to strive for and support equity for all New Yorkers, especially the MTA's minority-owned and women-owned businesses and the MTA workforce, who keep New York moving forward. Chairman Foye stated that the MTA remains steadfast in its commitment to making sure all employees and customers are treated with respect and dignity, and will strive to be a model for equity.

Chairman Foye stated that the MTA’s ongoing commitment to improving the customer experience has made significant strides over recent years, under the leadership of Abbey Collins, Chief Communications Officer, Sarah Meyer, Senior Vice President & Chief Customer Officer, the Agency Presidents, and the thousands of frontline employees who interact with riders every day as the face of the MTA.

The Chairman stated that the pandemic has only accelerated the MTA’s efforts to reimagine the way it engages with the public – whether it be on social media or through chat features on the MTA apps. He stated that during this time, it makes sense to focus on digital formats and establish practices that will serve the agency well even after the COVID-19 crisis subsides.

Chairman Foye stated that other bold and innovative actions, such as the Mask Force— led by Sarah Meyer, around the clock disinfecting, the live digital subway map, and real-time capacity tracking on buses and trains have helped customers feel safe and empowered when using transit. The Chairman thanked Chief Innovation Officer Mark Dowd for leading these efforts, and the teams at NYCT, Metro-North and LIRR, who made these ideas a reality and also developed homegrown innovations at the agencies. Chairman Foye stated that the MTA will continue to find ways to innovate and improve for the millions of New Yorkers who depend on the system.

Chairman Foye stated that the MTA will continue to prioritize accountability, transparency and efficiency through this crisis. He stated that the MTA has been clear about the unprecedented financial challenges facing the agency and the steps taken to address the challenges— primarily by looking internally to achieve significant cost savings in overtime spending, consultant contracts, and other non-personnel expenses.

Chairman Foye stated that the MTA must and will deliver these savings this coming year, and he is confident the MTA will deliver under the leadership of the Agency Presidents. The Chairman stated that the MTA will also continue implementing its historic Transformation plan, led by Anthony McCord, MTA Chief Transformation Officer, which will achieve additional savings by streamlining internal processes and identifying new ways of doing business.

Chairman Foye noted a milestone for the MTA’s Small Business Development Program (“SBDP”), which celebrated its 10th anniversary earlier this week— coinciding with Martin Luther King Jr. day.

Chairman Foye stated that the SBDP has been a critical lifeline for minority- and women-owned businesses, providing more mentoring and capacity building opportunities than any other transportation agency in the nation. Over the last decade, the program has awarded over 450 contracts amounting to nearly \$500 million and created or maintained 11,000 jobs.

Chairman Foye stated that this is an amazing accomplishment, and thanked MTA Chief Diversity Officer Michael Garner for leading these efforts, which are helping to bring empowerment and increased opportunity to businesses across the region.

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

4. CHIEF SAFETY OFFICER'S PRESENTATION.

Patrick Warren, MTA Chief Safety Officer, provided an update on COVID-19.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Warren's presentation.

5. NYPD TRANSIT BUREAU CHIEF OF POLICE PRESENTATION.

Chief Kathleen O'Reilly presented an update on security.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chief O'Reilly's presentation.

6. CHIEF FINANCIAL OFFICER'S PRESENTATION.

Chief Financial Officer Robert Foran provided an update on MTA's finances

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran's presentation.

7. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Minutes of the Joint Committee and Board meeting of the MTA and MTA Agencies held on December 16, 2020, amended to correct the spelling of public speaker Charlton D'Souza's name, as noted by Board member Andrew Albert.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board Members' discussion and comments.

8. APPROVAL OF 2021 WORK PLANS.

Upon motion duly made and seconded, the Board approved the 2021 Work Plans for the following committees: Finance Committee, CPOC Committee, Audit Committee, Safety Committee, Bridges and Tunnels Committee, NYCT Transit and Bus Committee, Long Island Rail Road Committee, Metro-North Committee.

Refer to the staff summaries and documentation filed with the individual Committee records of this meeting for the details of this item.

9. LIRR AND METRO-NORTH RAILROAD JOINT COMMITTEE.

A. LIRR President Phillip Eng's Report:

President Eng stated that as we start a hopeful 2021, he is thankful to report that LIRR employees are beginning to receive vaccines as part of the coordinated MTA effort. This will ensure the continued health of our frontline heroes, and the safety of their families and our customers.

President Eng thanked Daria Luisi and the Occupational Health Services staff, along with the various teams at LIRR, for everything they've been doing during the pandemic -- planning, coordinating and advising every step of the way. We can see the light at the end of the tunnel.

President Eng stated that he is pleased to announce that he has appointed Rob Free to the vital position of Senior Vice President – Operations, who served in an acting capacity this past year. President Eng stated that Rob started at the LIRR in 1992 as a Stations Appearance Maintainer and has shown leadership throughout his career at the Railroad, steadily rising through the ranks, taking on new roles and challenges, and expanding his knowledge and experience. President Eng stated that this past year, Rob has handled operations during the public health crisis seamlessly, and it shows through his workday in and out; he is genuine about the organization, the workforce and the public. President Eng asked that everyone join in congratulating Rob and knowing that we are lucky to have his expertise not only leading the operations team but working collaboratively across all our functional teams.

President Eng stated that despite the ongoing pandemic, LIRR completed a tremendous amount of work in 2020. To do this amount of work in any year is a great accomplishment, but to do it in the midst of a pandemic would be great in any year, is even more remarkable. He stated that the efforts by our workforce and management are reflected in our On-Time Performance (“OTP”) and couldn't have been accomplished without the effort of the full team, including Transportation, Planning, Engineering, and Maintenance of Equipment, working seamlessly toward a common goal of improving service for our riders.

President Eng stated that in addition to supporting the system improvement and expansion projects, our Engineering Department was performing work on the Railroad's State of Good Repair (“SOGR”) projects, ensuring that our system is safe and reliable today and for the foreseeable future. Every day, we ensure that this work is executed as safely as possible, and we are constantly looking for ways to minimize costs and achieve efficiencies, making our funding go further.

President Eng stated that he would like to give a quick rundown of our accomplishments this year. For Communications, we replaced 388 poles and installed more than 191,000 liner feet (“LF”) of fiber optic cable, and more than 94,000 LF of copper cable. We also installed 126 new audio/visual platform sign Control Units, 20 new Public Information Office operator consoles (which support customer communications like station audio announcements and improved messaging on new color digital signage in our stations), and

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50 fiber optic network nodes to modernize and upgrade obsolete equipment. Further, we installed 32 media converters to support Signal Supervisory for Queens, Nassau and Jamaica to Atlantic Terminal Interlockings. President Eng stated that for Signals, we replaced 31 crossing gate mechanisms and 22 switch mechanisms that control the switches and movement of trains.

For Power, President Eng stated that we replaced four motor generators necessary to convert commercial power for use in the signal system and replaced nine traction power transformers. At the Freeport substation, we replaced 135,000 LF 3rd rail protection board, 22,000 LF 3rd rail, 12 Power poles, 48 Cross arms, and we added redundant traction power to critical electrically operated switches in Long Island City. President Eng stated that we also installed six bridge strike monitoring systems and completed seven bridge repair projects, 15 platform repair projects, and seven station building improvement projects. President Eng stated that for Track, we installed seven turnouts and nearly 3,500 hand ties; replaced nearly 9,000 LF of switch timber; surfaced more than 677,000 LF of track; and completed more than 1,700 Field welds. President Eng stated that we installed 287,314 LF Continuous Welded Rail, which is an LIRR modern day record. We installed 73,244 Concrete ties, which also set another modern day record, shattering the previous record of 42,000 ties in 2001.

President Eng noted that through coordination with all the Operating and Support Departments, Engineering was able to complete work at a lower cost than similar previous work in the past. One example is the replacement of wood ties and worn rail with concrete ties and new rail on the Port Washington Branch between Harold and Shea. Past projects were completed on weekends, which required significant amounts of overtime and longer overall duration. By taking the track out of service around-the-clock we were able to complete work during weekdays under a continuous outage, eliminating repetitive mobilization, with our labor force primarily working at straight time rates. President Eng stated that this efficient method of work resulted in a 25% cost savings, allowing additional money to be available for additional SOGR work being accomplished without increasing the overall budget.

President Eng stated that this all leads to better and more reliable service for the public. For the month of December, we exceeded our monthly OTP goal, hitting 95.6%. For 2020, our entire system collectively operated at 95.9%, exceeding our goal of 94%. This represents an increase of 3.5 percentage points over 2019; for the year, we made or exceeded our goal for all 11 LIRR branches.

President Eng stated that he is proud that we are continuously improving and have been able to provide safe, reliable service to our customers who have needed us during this pandemic, and for being a vital source of transportation to medical workers and other frontline employees.

President Eng reported that in 2020 compared to 2019: total engineering delays were down 36% (2790 vs 1781); signal delays were down 21% (1308 vs 1036); track circuit delays were down 35%; switch delays were down 23%; power delays were down 40%; track

delays were down 55%; broken rail delays were down 59%; and switch trouble delays were down 75%.

President Eng again expressed his thanks to the entire LIRR workforce and our management for making 2020 a successful year despite the difficulties, challenges, and pain of the ongoing pandemic. He stated that he is looking forward to an even better 2021 as the vaccination program is underway at the MTA, and better days are within sight.

Regarding safety, President Eng stated let's continue to stay vigilant and not let our guard down, thanking everyone for wearing masks and protecting one another. President Eng stated that since we are not able to gather together as we normally do, he wanted to take this opportunity to thank and congratulate all our employees who were recipients of LIRR's annual Safety Awards, which recognize the heroic efforts of employees who performed above and beyond the call of duty, including by intervening in suicide attempts and rescuing people from the tracks. President Eng stated that he is grateful for these employees who have shown their care for others through their actions: they are not only heroes amongst us but angels amongst us and we are all the better, and safer, because of them.

Concluding his remarks, President Eng stated that none of this could be possible if not for everyone working together as a team. Battling the pandemic, delivering service, performing vital work and building for the future has truly been an all hands on deck taking care of each other. President Eng thanked the public, all our employees and labor leaders for their partnership in helping us continue to build the best railroad Long Island has ever seen.

The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Eng's report. Additionally, the details of the following LIRR Committee items are contained in reports filed with the records of this meeting.

B. Approval of 2021 LIRR Work Plan:

MTA Chairman Foye presented the LIRR 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

C. LIRR Action Items:

- Parking Fee Structure at the LIRR Westbury Parking Garage

President Eng reported that as part of the Long Island Rail Road Expansion Project, a 667-space parking garage was constructed on the north side of the Westbury Station on a Village property of a Westbury-owned surface lot. The state of the art 400 square foot garage is expected to open in 2021. President Eng stated that we entered the lease agreement and 367 spaces will be available for Village parking permit holders.

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President Eng requested Board approval to establish parking fees for 300 unrestricted daily parking spaces, located in the newly constructed garage. He stated that the proposed daily rates will be the same as we charge at the other center, Monday through Friday, up to 20 hours, \$6 and 20-24 hours, \$12. President Eng referred to Page 36 of the Committee Book for additional information.

Upon motion duly made and seconded, the Board approved the foregoing LIRR Action Item. The details of the approved Action Item are contained in the staff summary and documentation filed with the records of this meeting.

- Winter Trackwork Programs & Schedule Adjustments

D. Other LIRR Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held December 16, 2020
- LIRR 2020 Work Plan
- LIRR Safety Report
- MTA Police Report – LIRR
- LIRR Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

10. CHIEF DEVELOPMENT OFFICER’S PRESENTATION.

A. Report on MTA Construction and Development Operations and, CPOC Report:

CDO Janno Lieber gave a presentation on C&D Operations and the status of the Capital Program.

CDO Lieber reported that on New Year’s Eve, in tandem with the opening of Moynihan Train Hall, the MTA unveiled a grand new entrance to Penn Station at 33rd Street and Seventh Avenue, which restores Penn Station’s presence and visibility on Seventh Avenue and provides instant orientation for customers emerging from the catacombs of Penn Station as the view is of the Empire State Building. CDO Lieber noted that this project is the first phase of the East End Gateway project and will dramatically improve the Long Island Rail Road (“LIRR”) 33rd Street Concourse in Penn Station – making it wider, increasing ceiling heights, upgrading retail, and generally creating a much better pedestrian environment. He further noted that this phase will be finished in late 2022 or early 2023, and that this is only part of Governor Cuomo’s ambitious plan to rebuild and expand Penn Station, which is a mega project that will benefit the users of the LIRR, New York City Transit (“NYCT”) and once Penn Access is completed, Metro-North Railroad (“MNR”) as well. CDO Lieber reminded the Board that the East End Gateway 33rd Street entrance was just one of the many objectives that the MTA accomplished in 2020. Despite the pandemic, the agency was able to complete \$4.3B worth of the roughly \$5.3B in completions originally planned at the outset of 2020.

CDO Lieber stated that in his remarks, LIRR President Eng made reference to the LIRR Expansion Project. We've made tremendous progress on that Project, including the elimination of five more grade crossings. He further stated that the Mid-Suffolk Train Yard was completed, three station enhancements were completed and many other milestones were accomplished. The Canarsie L Train Tunnel Improvements was another highlight, the project was completed five months early and saved the MTA over \$100M, and ADA projects at eleven stations were completed which he believes is the most the MTA has ever done in a year.

CDO Lieber reminded the Board that, at the outset of 2020, the MTA intended to award \$13B plus worth of projects in this first year of historic 2020-24 Capital Program. The capital program was put on hold in March, however, thanks to close collaboration with the MTA's Chief Financial Officer, Bob Foran and his team, a funding strategy was developed that focused on use-it-or-lose-it federal grants and projects that were already underway where it would have increased project cost if we were to put them on hold and in-house, and the MTA ended up being able to award a total of \$5.4B. Again, a significant accomplishment considering the financial pressure the MTA has been placed under by the COVID-19 pandemic.

The CDO noted that one of the keys to this successful year was the agency's acceleration program, which the MTA undertook in the spring at Governor Cuomo's request. Early on in the pandemic, the MTA identified \$2B worth of projects that were either already underway or could be awarded, and the agency quickly took advantage of this time of lower ridership during the pandemic.

The CDO went on to report that, in light of the Governor's remarks this past week and the Biden Administration's \$20B commitment to transit as part of their recently unveiled rescue program, we will be able to get back to moving in the direction of resuming delivery of the Capital Plan as ambitiously adopted by this Board just a year ago. He further noted that, until more federal aid comes and Central Business District Tolling is approved, the Capital Program will be operating with serious constraints but the MTA should be able to tackle its most critical and urgent capital priorities for 2021. He noted that the first priority is state of good repair projects, such as structural repairs to the Grand Central Terminal and other structural work necessary to keep MTA systems functioning. He also noted that the MTA wants to continue to push forward our other priorities like ADA and re-signaling projects and that it is doing so within the context of constraints to the Capital Program that it is operating under.

CDO Lieber stated that if and when more capital funding becomes available -- whether it is more emergency aid from Congress, or a stimulus package, and the greenlighting Central Business District Tolling -- the MTA will want to be ready, so the agency is moving very aggressively to take projects and move them as close to the starting line as possible with the goal of being able to accelerate construction once the resources become available.

CDO Lieber also reported that this month's focus of the CPOC Committee material is rolling stock procurement. The Board book includes materials that describe the process that C&D, NYCT and the other operating agencies have been going through together, in

an effort to adjust the Capital Plan to reflect the current funding envelope and projections for reduced ridership, post-COVID-19.

CDO Lieber further reported that, in tandem with the MTA's Chief Operating Officer Mario Péloquin and Chief Procurement Officer Kuvesh Ayer, the agency is shaping a strategy to break the feast-or-famine pattern of railcar procurements that the MTA has engaged in in the past. He noted that if the MTA can sustain a more stable and regular flow of orders that would help manufacturers keep facilities open during or in between procurements or over time instead of these huge peaks and valleys, it would help to reduce costs and possibly create more competition. He went on to note that the slight delay attributable to COVID-19 and reduced ridership is providing an opportunity to rethink and retool the MTA's railcar procurement strategy. He also noted that this issue is less problematic with bus procurements but is especially acute with railcar procurements, and that both he and the Independent Engineering Consultant are available to respond to any questions on the Capital Program Oversight Committee ("CPOC") material.

Board Member Albert requested that CDO Lieber update the first slide of his presentation to change the spelling of Verrazzano since everyone is spelling it with two z's now.

B. Approval of 2021 Capital Program Oversight Committee Work Plan:

MTA Chairman Foye presented the CPOC 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

11. METRO-NORTH RAILROAD AND LIRR JOINT COMMITTEE (CONT'D).

A. Metro-North President Catherine Rinaldi's Report:

President Rinaldi reported that Metro-North welcomed the State's expansion of the COVID-19 vaccine distribution last week to include Metro-North workers and she thanked the Governor for giving top priority to Metro-North's heroic frontline employees. Metro-North's front-line employees are now rolling up their sleeves to receive shots at the Javits Center and President Rinaldi looks forward to the expansion of the vaccination program to all employees. Metro-North continues to offer all employees COVID-19 testing and remains focused on the safety of all customers and employees.

Looking back at last year's performance measures, President Rinaldi reported that the dedicated Metro-North workforce was able to deliver on the promise to set the standard for safety, reliability, and innovation in the delivery of excellent customer service. She stated that she could not be prouder of every Metro-North employee who helped accomplish the goals set at the inception of the Way Ahead Program, while dealing with the unforeseen challenges of a pandemic. Metro-North not only achieved many of its goals, but performed above many of its goals and set new records.

While safety always remains Metro-North's top priority, on-time performance last year was a record high of 97.9%, surpassing the previous record set in 2009 and three and one-half percent above 2019's performance. This achievement was due in large part to the record performance on the New Haven Line of 97.8%. The Hudson line performed well at 98.2% and the Harlem Line stood at 97.8%. West of Hudson service operated at 94.4% for 2020. President Rinaldi reported that trains also traveled more miles before causing a train delay – a huge improvement over 2019 and a record high for train reliability. Overall fleet reliability in 2020 achieved a record 278,951 miles before a train broke down, with each class of train equipment performing above goal for the year. These are impressive achievements for our amazing employees who are on the system 24/7 providing safe and reliable service.

President Rinaldi also reported that Metro-North continues to provide a reduced schedule and is operating 63% of pre-pandemic service levels to accommodate essential workers who make up the core ridership right now. The reduced schedule also has allowed for critical work to be performed around the railroad to bring the infrastructure up to a state of good repair. Last year, Metro-North crews were hard at work:

- installing more than 49,700 new cross ties which was 146% above goal;
- replacing 36 new switches which was 109% above goal;
- installing almost 10 miles of continuously welded rail which was 137% above goal;
- surfacing 95 miles of track which was 105% above goal;
- welding over 1,600 joints;
- replacing 1,641 bridge timbers and 6 grade crossing pads; and
- covering 1,770 track miles with ultrasonic rail testing.

While operating a reduced schedule, Metro-North expanded its SMARTRACK Program, which allows crews to undertake critical infrastructure work by strategically shutting down continuous segments of track. The SMARTRACK Program gives multiple work groups extended and uninterrupted access to maintain and improve the system. Metro-North crews were able to expedite and replace four track switches at a critical interlocking directly south of the Scarsdale Station in less time than originally planned, resulting in less impact to customers and train service and improved overall reliability of Harlem Line service. Crews also installed twenty-seven (27) miles of communications and signal cable for the Waterbury Cab Signal project and rehabilitated three (3) platform tracks in Grand Central Terminal. The exceptional efforts of the Track Department led to a considerable reduction in FRA and track maintenance exceptions.

Crews also installed new miter and expansion rails on the Harlem River Lift Bridge, made several repairs to overhead and undergrade bridges, began an extensive tree trimming program around the overhead power lines on the Harlem and New Haven lines, and installed 1,250 feet of fencing while removing tie stubs, debris, and garbage at several locations along the track area. These proactive maintenance measures are paying dividends with a record high service delivery of 97.9% and a reduction of 68% in train delays last year caused by switch and signal issues (from 1,750 in 2019 down to only 566 in 2020). These record performance metrics are a direct result of the hard work of the entire Metro-

North team, who come together to ensure that customers receive the safe and reliable service they deserve. As COVID-19 vaccinations continue and the pandemic recedes, it is Metro-North's unwavering commitment to the safety of its customers and the reliability of its service that will bring customers back to the railroad.

President Rinaldi reported that Metro-North has successfully achieved all PTC requirements to meet the December 31, 2020 FRA deadline with over 165,000 revenue trains running in PTC mode, including Amtrak and freight trains. This year, Metro-North is looking to make PTC operational improvements throughout the territory and, in partnership with the Connecticut Department of Transportation, complete signal and PTC installations on the Waterbury Branch.

As part of raising awareness on the importance of rail safety, Metro-North's TRACKS public outreach program launched a Rail Safety Poster Contest in 2018. The 3rd annual contest was kicked off last fall and encouraged students in Pre-K through Twelfth grade who live or attend schools within the Metro-North territory to participate. Students were asked to illustrate what they know and believe is most important about rail safety. There was an overwhelming response and the TRACKS team received a record 169 student poster entries. The poster entries were divided into four (4) groups: Pre-Kindergarten, Kindergarten through Third grade, Fourth grade through Eighth grade, and Ninth grade through Twelfth grade. The posters were evaluated based on the best representations of safety around trains and tracks. President Rinaldi announced the following contest winners:

- Keren Wexler, the Pre-Kindergarten winner from Brooklyn;
- Gabriel Garofalo, the Kindergarten through Third grade winner from St. Barnabas Elementary School in the Bronx;
- Halima Cappa-Zafindramahavita, the Fourth grade through Eighth grade winner from Dobbs Ferry Middle School in Westchester; and
- Celia Marranzino, the Ninth grade through Twelfth grade winner from Saunders Trades and Technical High School in Yonkers.

The four (4) winning posters will now be featured in Metro-North's TRACKS presentations throughout this year. President Rinaldi congratulated all the winners, as well as those who participated in the contest. The contest is a creative way to amplify Metro-North's safety message and help keep all the children who live in the railroad's territory out of harm's way.

President Rinaldi also reported that earlier this month, she joined state and local officials to open the Maybrook Trailway, a twenty-three (23) mile segment of the greater Empire State Trail in Dutchess and Putnam Counties. The segment was built by Metro-North with \$42 million in State funds and the trail runs alongside the unused Beacon Line. The Maybrook Trailway is a vital link in the Empire State Trail, launched by Governor Cuomo as the longest state bike and walking pathway in the nation, spanning 750-miles from New York City to Canada and from Albany to Buffalo, and was completed at the end of December. This project ensures that outdoor enthusiasts will be able to enjoy the Trailway

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for decades to come. Metro-North is proud to have played a role in the creation of this Trailway. Healthy, socially distanced outdoor recreation never seemed more important than it does now.

As Metro-North prepares for the upcoming retirement of John Kesich, the Senior Vice President of Operations, Justin Vonashek has been promoted to the position and will shadow Mr. Kesich through the first quarter of 2021. Justin joined Metro-North in 2016 as Vice President, Office of System Safety, and brings more than fifteen (15) years of experience in commuter rail operations to his new role.

The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Rinaldi's report. Additionally, the details of the following Metro-North Committee items are contained in reports filed with the records of this meeting:

B. 2021 Metro-North Work Plan:

MTA Chairman Foye presented the Metro-North 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

C. Metro-North Information Item:

- Track Program Quarterly Update

D. Metro-North Procurement:

- Board approval to use the competitive request for proposal process for the solicitation of maintenance, inspection, and repair services for a total of fifty-three (53) escalators for Metro-North and Long Island Rail Road combined.

Upon motion duly made and seconded, the Board approved the foregoing procurement. The details of the approved procurement are contained in a staff summary and documentation filed with the records of this meeting.

E. Other Metro-North Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held December 16, 2020
- Metro-North Safety Report
- MTA Police Report – Metro-North
- Metro-North Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

12. NYCT INTERIM PRESIDENT SARAH FEINBERG'S PRESENTATION.

A. NYCT President's Report.

Interim President Feinberg started off by saying how sad it is to have to announce that additional employees have passed away due to COVID-19. She thanked NYCT's family liaison team once again for their vigilant and constant communication and outreach to these families to make sure they have a partner as they make their way through the very difficult next steps. Ms. Feinberg also thanked the team that responded to the bus incident the previous week and noted how tragic and scary the incident was. She said she was grateful nobody was killed and that our thoughts are with all of those who were injured.

Interim President Feinberg expressed her gratitude to the Governor and the State for their efforts to make sure that essential workers and transit workers are prioritized with respect to the vaccine. She said it is making a world of a difference. Ms. Feinberg also thanked Pat Warren's team and the OHS team for setting up and executing on the vaccines. She said while there is more demand than supply for the vaccine now, help is on the way from the Federal and State governments.

Interim President Feinberg next discussed the achievements of NYCT over the last year and said she would share with the Board an email she sent out to employees detailing NYCT's achievements of 2020 and thanking employees for their efforts. As part of the highlights, Ms. Feinberg reported that NYCT has shown continued performance improvements in on time performance, which was 88.6% in 2020, the highest in recent history. She noted that while part of the success was due to ridership being low, and that she was anxious for riders to come back, it was nevertheless good news for NYCT's customer base, the majority of which is our essential workers at the moment. Interim President Feinberg reported that infrastructure investments made over the last year also contributed to improvements in performance, including the replacement of more than 900 mechanical signal timers with digital units to improve reliability. Ms. Feinberg said this was a project she had met with the Governor and his staff on before she took this role and has been a big focus for everyone, so the completion of the installation is a huge achievement.

Interim President Feinberg also reported that crews completed work on about 22,000 feet of track and 32 switches including key switches at union square on the 4/5/6 line. She reported that customer journey time performance has also improved compared to the prior year, reaching nearly 86% in 2020. Ms. Feinberg said that this is the strongest measure of performance of customer experience because it includes both wait times and travel times compared to the schedule. Ms. Feinberg reported that on buses, additional travel time, or the estimated average extra time customers are on board compared to scheduled on board times, decreased by 45 seconds on a 12-month average basis, and customer journey time performance increased by 5 percentage points to 77% over the last year.

Interim President Feinberg remarked that NYCDOT's addition of more than 16 miles of bus lanes and bus ways in 2020 contributed to improved performance. These additions included the Jay Street bus way, the 149th street bus lane, the E.L. Grant Highway bus lane,

14th Street bus lane, the Merrick Blvd bus lane, the Highland bus lane and the installation of a bus way on Main street in Flushing, Queens. She said she was grateful to all the teams for their work in improving year by year.

Interim President Feinberg then acknowledged two significant retirements in NYCT. First, she acknowledged John Santamaria, Vice President, Car Equipment, who retired about two weeks ago. She said that he had been with NYCT for many years and NYCT is grateful for his service.

Interim President Feinberg also recognized Frank Jezycki, Acting Senior Vice President and Vice President of Subway Operations, who she said is retiring this week after 36 years of service. She noted that Mr. Jezycki actually joined NYCT as part of a program with high school his senior year and said we are unbelievably lucky to have had 36 years of service with him.

B. 2021 NYCT/MTA Bus Company Work Plan:

MTA Chairman Foye presented the NYCT and MTA Bus Company 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

C. Procurement Report:

Non-Competitive: Upon motion duly made and seconded, the Board approved non-competitive procurements requiring a majority vote (Schedule G in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company.

Competitive: Upon motion duly made and seconded, the Board approved competitive procurements requiring a two-thirds vote (Schedule B in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company.

Please refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of any discussion surrounding these items.

13. MTA C & D OPERATIONS PROCUREMENT ITEMS.

CDO Lieber presented C&D's procurement packages for the MNR and LIRR Joint Committee and the New York City Transit Authority ("Transit") and MTA Bus ("Bus") Committee.

A. MNR and LIRR Joint Committee:

CDO Lieber reported that C&D has two procurement actions being brought through the Joint Railroad Committee for approval this month totaling \$3.9M. There are no non-competitive items.

The first item is competitive and requests Board approval to award a contract modification to the East Side Access Traction Power Systems Contract with E-J Electric Installation Company to furnish and install approximately 9,500 feet of 500 MCM stray current drainage (grounding) cable for two Traction Power Substations in the amount of \$1.5M. The cable is needed to protect adjacent structures from stray electrical current.

The second item requests Board ratification of a modification to the East Side Access Systems Contract with Tutor Perini Corporation for changes to the building management, fire command center, and fire detection/suppression systems for the amount of \$2.4M. The original East Side Access design provided for a separate fire command center for the new LIRR terminal. These changes will provide for the consolidation of that fire command center with the MNR fire command center for the existing Grand Central Terminal into a single joint center. These revisions will also address design errors and omissions identified with these systems.

CDO Lieber reported that recovery of the increased costs resulting from the design errors and omissions associated with these items are being pursued against the General Engineering Consultant. He further noted that C&D has an on-going claims process against the insurers of the East Side Access design contract, and that this is not unconventional for a mega project and the agency pursues these claims very aggressively.

Upon a motion duly made and seconded, the Board:

1. Approved the award of a modification (No. 50) to the East Side Access Traction Power Systems Package No. 4 contract (CS084) for furnishing and installing approximately 9,500 feet of 500 MCM (ground) stray current drainage cable for the C04 and C05 Traction Power Substations for the amount of \$1,510,000.
2. Ratified a retroactive modification (No. 403) to the East Side Access (“ESA”) Systems Facilities Package No. 1 contract (CS179) for additional Building Management System points, for revisions to the Building Management, Fire Command Center, and fire detection/suppression systems for the amount of \$2,363,601 and extension of the Substation completions date from July 26, 2021 to February 2022.

A copy of the Resolution and the Staff Summaries for the above items are filed with the records of the Regular Board Meeting of the MTA of this date.

B. Transit and Bus Committee:

CDO Lieber reported that C&D has one procurement action being brought through the Transit and Bus Committee for approval this month.

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The item requests Board ratification modification of a contract with L. K. Comstock & Company, Inc. for the renewal and rehabilitation of a Central Substation at West 53rd Street in Manhattan. This modification, in the amount of \$3.58M, will accelerate the repair of existing duct banks and replacement of positive feeder cables located between the Central Substation and the 51st Street Circuit Breaker House on the Sixth Avenue Line.

CDO Lieber explained that the existing positive feeder cables are approximately 60 years old and it has recently come to the MTA's attention that they are in a deteriorated condition. Given the condition of the existing cables and duct banks, the MTA determined that it is prudent to accelerate this work and replace these cables now. L.K. Comstock has the necessary experience and is currently performing similar work, in close proximity to the additional work covered by this modification. Accelerating this work under this Contract will allow for the expedited completion and mitigate the risk of inconvenience from a failure resulting from the deterioration.

Upon a motion duly made and seconded, the Board:

1. Ratified a retroactive modification (No. 4) to the Central Substation Renewal and Rehabilitation of Negative Manholes, in the Borough of Manhattan contract (P-36705) for the repair of existing duct banks and replacing positive feeder cables located between the Central Substation and the 51st Street Circuit Breaker House on the 6th Avenue Line for the amount of \$3,580,000.

A copy of the Resolution and the Staff Summary for the above item is filed with the records of the Regular Board Meeting of the MTA of this date.

14. TBTA ACTING PRESIDENT DANIEL DeCRESCENZO'S REPORT.

A. B&T's President's Report:

Mr. DeCrescenzo stated that the outlook for 2021 is hopeful with the recent COVID-19 vaccine distribution and the TBTA workforce's continued vigilance in following COVID prevention measures, including regular on-site COVID-19 screening and robust safety practices. He also acknowledged the efforts of TBTA personnel in keeping TBTA roadways clear and business running during the first winter storm where more snow fell on TBTA facilities in one night than during the entire winter 2019-2020 season.

While below pre-pandemic levels, Mr. DeCrescenzo stated that paid vehicle crossings at TBTA facilities in 2020, as compared to 2019, were approximately 77%. For November 2020, traffic volume was 81%, as compared to 2019, and preliminary numbers for December 2020, as compared to December 2019, were about 80%. Although traffic has rebounded with a high in October of approximately 87%, as compared to October 2019, TBTA collisions and collisions with injuries have greatly declined. Collisions were down 50% during 2020 and collisions with injuries were down more than 37%. In addition to reduced traffic, Mr. DeCrescenzo credited these reductions to the many engineering safety improvements that were made throughout the year by MTA Construction and Development, the TBTA engineering team and facility employees.

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B. Approval of 2021 B&T Work Plan:

MTA Chairman Foye presented the B&T 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

C. Procurements:

Mr. DeCrescenzo stated that there are no procurements or action items.

15. AUDIT COMMITTEE. Michele Woods, Auditor General, presented the Audit Report and a summary of the Audit action items.

Refer to the Audit Committee's minutes of this date, for the details of the reports and the items approved by the Board, and to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the further details.

16. MTA COMMITTEE ON FINANCE.

A. Approval of 2021 Finance Committee Work Plan:

MTA Chairman Foye presented the Finance Committee 2021 Work Plan jointly with all other Committee work plans. Refer to the 2021 Work Plans section in these minutes for the Board's vote to approve this item. Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

B. Information Item: Patrick McCoy, Director of Finance, presented a special report on the Finance Department's 2020 Year-End Review.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. McCoy's report.

C. Procurement Item: Kuvershen Ayer, MTA Chief Procurement Officer, presented a summary of the following procurement item for Board approval.

Upon motion duly made and seconded the Board approved the procurement item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. LB Technology Inc. – Implementation of MTA Automated Vehicle Location Monitoring System – Master Contract No. 15646. Approved a competitively negotiated miscellaneous service contract for LB Technology Inc. for implementation of Automated Vehicle Location Monitoring System (VLM) for all MTA Agencies for up to seven (7) years.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Ayer's summary of the procurement item.

- D. Real Estate Items: David Florio, Director, R.E. Operations, Leasing & Acquisitions presented a summary of the following real estate items for Board approval.

Upon 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.

Metro-North Railroad

1. Lease agreement with Swarovski Retail Ventures Ltd. for the operation of retail space MC-32 on the Main Concourse in Grand Central Terminal, New York, N.Y.
2. Lease agreement with Hudson Group (HG) Retail LLC for space MC-21 on the Main Concourse in Grand Central Terminal, New York, N.Y.
3. License agreement with Sammarco Stone & Supply Inc. for use of vacant land for parking of vehicles, and storage and distribution of masonry and non-hazardous building supplies located adjacent to Lispenard Avenue, New Rochelle, N.Y.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Florio's summary of the real estate items.

Chairman Foye noted that the US Department of Transportation announced the following appointments:

- Polly Trottenberg, former New York City Transportation Commissioner and former MTA Board member, appointed US Deputy Transportation Secretary;
- Subash Iyer, MTA Special Counsel for Ethics, Risk and Compliance, appointed Chief Counsel, Federal Transit Administration;
- Nuria Fernandez, former MTA Chief Operating Officer, appointed Deputy Administrator, Federal Transit Administration, and
- Diana Lopez, appointed Senior Advisor to the Administrator, Federal Railroad Administration.

17. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:01 p.m.

Respectfully submitted,

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

Paige Graves
Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCTA

David K. Cannon
Assistant Secretary
MTA C&D

Julia Christ
General Counsel and
Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Toll Proposal Materials

February 18, 2021



Bridges and Tunnels

**Crossing Charge Increases --
Environmental and "Just and Reasonable"
Determination
(Action item)**

Staff Summary

Subject	Crossing Charge Increases (Environmental and "Just and Reasonable" Determination)
Department	Law
Department Head Name	Julia R. Christ
Department Head Signature	<i>Julia R. Christ</i>
Project Manager Name	

Date	February 18, 2021
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref. #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	2/18/21			

Internal Approvals			
Order	Approval	Order	Approval
3	President		VP Procurement
	General Counsel		VP Operations
	Executive VP		VP Labor Relations
	VP Operations Support		VP & Chief Engineer

Internal Approval (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Senior Director Planning, Innovation & Policy Analysis		Chief Security Officer		Chief Maintenance Officer	2	Acting VP ITS & Tolling
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

PURPOSE: To obtain the Board’s approval and adoption of a Resolution which will (i) find and determine that proposed increases to the Crossing Charge Schedule will have no significant adverse effect on the environment within the meaning of the State Environmental Quality Review Act (“SEQRA”), (ii) adopt and approve the Negative Declaration in accordance with SEQRA and authorize and direct the President of the Authority or his designee to execute it, and (iii) find that the proposed Crossing Charge increases are “just and reasonable” within the meaning of the General Bridge Act of 1946.

DISCUSSION: On November 18, 2020, the Board authorized the requisite preliminary steps to establish a new Crossing Charge structure consistent with the capital and operating needs of the Metropolitan Transportation Authority’s (“MTA”) integrated mass transit and commuter rail network. A copy of the resulting proposed Crossing Charge Schedule is included as Attachment 1.

Adoption of the Crossing Charge Schedule constitutes “routine or continuing agency administration” not subject to review under SEQRA as a Type II action because it is “routine or continuing agency administration and management.” See SEQRA regulations at 6 NYCRR §617.5(c)(20). Nevertheless, it is the Authority’s practice to review actions that would increase crossing charges at its facilities as if they were subject to SEQRA. Under SEQRA, prior to the Board’s adoption of a Resolution enacting increased crossing charges, the Board would consider the potential environmental impacts of a proposed toll increase and determine whether there may be a significant adverse impact resulting from the increase. If there are none, the Board would approve a Negative Declaration that the proposed increases in the new Crossing Charge Schedule (Attachment 1) will have no significant adverse impacts on the environment.

An environmental assessment (“EA”) therefore was performed to analyze the potential environmental impacts (particularly traffic and air quality) of the proposed toll increase at Authority facilities and along the toll-free diversion routes. The EA analyzed in detail the potential environmental impacts of the proposed worst case scenario toll increase and concluded that no significant adverse impacts to the environment would arise at any Authority facility or along toll-free diversion routes from such a toll increase.

Because the proposed Crossing Charge Schedule has toll increases equal to or less than the EA's proposed worst case scenario toll increase, and because the EA provides that any toll increase with toll rates equal to or lower than the proposed worst case scenario toll increase would have lower potential traffic and air quality impacts and, therefore, the findings under the EA would also apply to any toll increase with toll rates equal to or lower than the proposed worst case scenario toll increase, the EA thus provides a basis for finding that there would be no resulting significant adverse environmental effects from the increases in the proposed Crossing Charge Schedule and, accordingly, supports the adoption of a Negative Declaration as it applies to the new Crossing Charge Schedule. The results are described in the EA and the Negative Declaration separately provided to the Board. As a result, the EA provides a basis for concluding that there would be no significant adverse environmental impacts at any Authority facility or along the toll-free diversion routes from the proposed toll increase and thus no Environmental Impact Statement is required in connection with the Board action.

A report which explains why the proposed increases are "just and reasonable" within the meaning of the General Bridge Act of 1946, should that statute be deemed applicable to one or more of the Authority's facilities, has also been provided to the Board.

The Resolution also authorizes the President of the Authority or his designee to execute the Negative Declaration.

IMPACT ON FUNDING: Approval and adoption of the attached Resolution will permit the Board to consider and adopt a separate resolution increasing Crossing Charges for users of the Authority's Bridges and Tunnels.

RECOMMENDATION: It is recommended that the Board separately approve and adopt the attached Resolution finding that the proposed increases will have no significant adverse environmental effects, adopting the Negative Declaration, authorizing the President or his designee to execute the Negative Declaration, and finding the proposed increases "just and reasonable."

RESOLUTION

WHEREAS, on November 18, 2020, the Board authorized all applicable measures to establish increases in Crossing Charges at Triborough Bridge and Tunnel Authority (“the Authority”) facilities consistent with the capital and operating needs of the Metropolitan Transportation Authority (“MTA”);

WHEREAS, there has been distributed to the Board an Environmental Assessment (“EA”) regarding the effects of various proposed Crossing Charge increases as they relate to the facilities of the Authority; and

WHEREAS, the EA analyzed in detail the potential environmental impacts of the proposed worst case scenario toll increase and concluded that no significant adverse impacts to the environment would arise at any Authority facility or along the toll-free diversion routes from such a toll increase; and

WHEREAS, the EA provides the basis for finding that there would be no resulting significant adverse environmental effects from the increases in the proposed Crossing Charge Schedule (Attachment 1); and

WHEREAS, because the proposed Crossing Charge Schedule has toll increases equal to or less than the EA’s proposed worst case scenario toll increase, and because the EA provides that any toll increase with toll rates equal to or lower than the proposed worst case scenario toll increase would have lower potential traffic and air quality impacts and, therefore, the findings under the EA would also apply to any toll increase with toll rates equal to or lower than the proposed worst case scenario toll increase, the EA thus provides a basis for approving and adopting the Negative Declaration as it applies to the new Crossing Charge Schedule; and

WHEREAS, there has been distributed to the Board a proposed Negative Declaration regarding the Crossing Charge increases, prepared in accordance with the State Environmental Quality Review Act; and

WHEREAS, there has been distributed a report that discusses factors bearing on a determination that the Crossing Charge increases are “just and reasonable” and appropriate to meet MTA’s financial needs; and

WHEREAS, the Board has considered all of the above.

NOW, THEREFORE, upon motion duly made and seconded, the following resolution is adopted by the Board:

RESOLVED, that the Authority hereby determines, for the reasons set forth in the EA and the Negative Declaration, that the proposed increases in the Crossing Charges of the Authority will not have a significant adverse impact on the environment and, accordingly, that no Environmental Impact Statement is required to be prepared in connection with such action. A Negative Declaration as it applies to the new Crossing Charge Schedule is hereby approved and adopted and the President of the Authority or his designee is

hereby authorized and directed to execute, file and publish such Negative Declaration, as may be required by law.

RESOLVED, that the Crossing Charges for use of the facilities of the Authority, as increased by the amounts in the new Crossing Charge Schedule, are hereby found to be “just and reasonable.”

New York, New York
February 18, 2021

ATTACHMENT 1

Part 1021.1 Crossing Charges

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES

A. For E-ZPass New York Customer Service Center (NYCSC)
Customers When Using Their Properly Mounted NYCSC E-ZPass Tag

CLASSIFICATION	VERRAZZANO-	ROBERT F. KENNEDY, BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY	HENRY HUDSON	MARINE PARKWAY-GIL HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL
	NARROWS BRIDGE	TUNNELS	BRIDGE	BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$6.55	\$6.55	\$3.00	\$2.45
Registered Staten Island Residents using an eligible vehicle	\$3.68			
Registered Rockaway Residents using an eligible vehicle				\$1.60
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$11.84	\$11.84		\$5.92
Three-axle vehicles	\$19.40	\$19.40		\$9.70
Four-axle vehicles	\$24.80	\$24.80		\$12.40
Five-axle vehicles	\$32.33	\$32.33		\$16.17
Six-axle vehicles	\$37.72	\$37.72		\$18.87
Seven-axle vehicles	\$45.25	\$45.25		\$22.63
Each additional axle	\$7.56	\$7.56		\$3.78
3 Two-axle franchise buses	\$4.74	\$4.74		\$2.37
4 Three-axle franchise buses	\$5.63	\$5.63		\$2.97
5 Motorcycles	\$2.85	\$2.85	\$2.05	\$2.05
Each additional axle	\$1.70	\$1.70	\$1.70	\$1.70

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreements established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES

B. For Customers Using Fare Media Other Than New York Customer Service Center (NYCSC) E-ZPass Tag or Account

CLASSIFICATION	VERRAZZANO-NARROWS BRIDGE	ROBERT F. KENNEDY, BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY TUNNELS	HENRY HUDSON BRIDGE	MARINE PARKWAY-GIL HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$10.17	\$10.17	\$7.50	\$5.09
The following discounted charges are available for eligible class 1 vehicles:				
Charge per crossing for E-Tokens				\$3.39
Charge per crossing for E-Tokens for registered Staten Island Residents using an eligible vehicle	\$5.24			
Charge per crossing for E-Tokens for registered Rockaway Peninsula/Broad Channel Residents using an eligible vehicle				\$2.20
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$20.35	\$20.35		\$10.17
Three-axle vehicles	\$33.51	\$33.51		\$16.76
Four-axle vehicles	\$41.89	\$41.89		\$20.94
Five-axle vehicles	\$55.05	\$55.05		\$27.53
Six-axle vehicles	\$63.43	\$63.43		\$31.72
Seven-axle vehicles	\$78.98	\$78.98		\$39.49
Each additional axle	\$11.97	\$11.97		\$5.99
3 Two-axle franchise buses	\$9.90	\$9.90		\$4.82
4 Three-axle franchise buses	\$10.98	\$10.98		\$5.62
5 Motorcycles	\$4.28	\$4.28	\$4.28	\$4.28
Each additional axle	\$1.80	\$1.80	\$1.80	\$1.80

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES

C. For E-ZPass New York Customer Service Center (NYCSC)

Customers When Not Using Their Properly Mounted NYCSC E-Z Pass Tag;

For Crossing Charges Posted to NYCSC E-ZPass Accounts Based

on License Plates; and For NYCSC Third-Party Account Providers

CLASSIFICATION	VERRAZZANO-	ROBERT F. KENNEDY,	HENRY	MARINE PARKWAY-GIL
	NARROWS BRIDGE	BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY TUNNELS	HUDSON BRIDGE	HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$8.36	\$8.36	\$4.62	\$3.77
Registered Staten Island Residents using an eligible vehicle				
Registered Rockaway Residents using an eligible vehicle				
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$16.10	\$16.10		\$8.05
Three-axle vehicles	\$26.46	\$26.46		\$13.23
Four-axle vehicles	\$33.35	\$33.35		\$16.67
Five-axle vehicles	\$43.69	\$43.69		\$21.85
Six-axle vehicles	\$50.58	\$50.58		\$25.29
Seven-axle vehicles	\$62.12	\$62.12		\$31.06
Each additional axle	\$9.77	\$9.77		\$4.88
3 Two-axle franchise buses	\$7.32	\$7.32		\$3.60
4 Three-axle franchise buses	\$8.31	\$8.31		\$4.30
5 Motorcycles	\$3.57	\$3.57	\$3.17	\$3.17
Each additional axle	\$1.75	\$1.75	\$1.75	\$1.75

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreements established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.



Bridges and Tunnels

Crossing Charge Increases (Action item)

Staff Summary

Subject	Crossing Charge Increases
Department	Law
Department Head Name	Julia R. Christ
Department Head Signature	<i>Julia R. Christ</i>
Project Manager Name	

Date	February 18, 2021
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref. #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	2/18/21			

Internal Approvals			
Order	Approval	Order	Approval
3	President		VP Procurement
	General Counsel		VP Operations
	Executive VP		VP Labor Relations
	VP Operations Support		VP & Chief Engineer

Internal Approval (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Senior Director Planning, Innovation & Policy Analysis		Chief Security Officer		Chief Maintenance Officer	2	Acting VP ITS & Tolling
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

PURPOSE: To obtain the Board’s approval of the annexed Resolution which will (i) repeal the prior Crossing Charge Schedule and adopt a new Crossing Charge Schedule that increases Crossing Charges for use of the Authority facilities and (ii) authorize the President of the Authority or his designee to take all such steps that may be necessary and desirable to establish, implement and permanently adopt, pursuant to law, the new Crossing Charge Schedule.

DISCUSSION: The Metropolitan Transportation Authority’s (“MTA”) Proposed Financial Plan 2021-2024, presented at the November 2020 Board meeting, contemplates implementation of increased tolls and fares, to achieve budgeted revenue targets. On November 18, 2020, the Board authorized the Authority to take the requisite preliminary steps to implement a new Crossing Charge Schedule. On December 16, 2020, the Board approved the 2021 Budget and 2021-2024 Financial Plan which contemplated implementation of toll increases in March 2021.

Six public hearings were conducted in which members of the public were invited to comment on proposed Crossing Charge increases. Because of safety concerns related to the global COVID-19 pandemic, these hearings were conducted as virtual public meetings. The public was also offered the opportunity to record videotaped comments at two virtual satellite sessions, while written comments could be submitted via the MTA’s website and through the mail. Notice of the proposed changes was separately published in the *State Register* on December 16, 2020, soliciting public comments. Transcripts of the hearing testimony and the videotaped testimony and copies of written statements have been previously distributed to Board members for their consideration.

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

The attached proposed Crossing Charge Schedule (Attachment 1) contains:

- An increase in the one-way passenger car Crossing Charge of \$0.67 to \$10.17 for customers using fare media other than New York Customer Service Center ("NYCSC") E-ZPass tag or account, commonly referred to as Tolls by Mail, at the Verrazzano-Narrows, Bronx-Whitestone, Throgs Neck and Robert F. Kennedy Bridges and the Queens Midtown and Hugh L. Carey Tunnels; an increase in the passenger car charge for NYCSC E-ZPass customers of \$0.43 to \$6.55; and a new, mid-tier passenger car charge for NYCSC E-ZPass customers when their NYCSC E-ZPass tag is not properly mounted, for tolls posted to NYCSC E-ZPass accounts based on license plates, and for NYCSC third-party account providers ("Mid-Tier toll") of \$8.36.
- An increase in the one-way passenger car toll for Tolls by Mails customers at the Henry Hudson Bridge of \$0.50 to \$7.50; an increase in the passenger car toll for NYCSC E-ZPass customers of \$0.20 to \$3.00; and a Mid-Tier toll of \$4.62.
- An increase in the one-way passenger car toll for Tolls by Mail customers at the Cross Bay Veterans Memorial and Marine Parkway-Gil Hodges Memorial Bridges ("Rockaway Bridges") of \$0.34 to \$5.09; an increase in the passenger car toll for NYCSC E-ZPass customers of \$0.16 to \$2.45; and a Mid-Tier toll of \$3.77.
- A toll of \$3.68 for registered Staten Island Residents ("SIR") using their NYCSC E-ZPass tag at the Verrazzano-Narrows Bridge ("SIR E-ZPass toll"); and an effective toll rate of \$2.95 for all such Staten Island residents after receiving a rebate under the MTA's SIR Rebate Program.¹
- The discontinuance of the SIR NYCSC E-ZPass toll discount plan for using an eligible vehicle with three or more occupants (HOV) at the Verrazzano-Narrows Bridge ("SIR E-ZPass Carpool Discount Plan").
- A toll of \$1.60 for registered Rockaway/Broad Channel Residents using their NYCSC E-ZPass tag at the Rockaway Bridges; and an effective toll rate at the Cross Bay Veterans Memorial Bridge of \$0.00 for all such Rockaway/Broad Channel residents after receiving a rebate under the MTA's Cross Bay Veterans Memorial Bridge Rebate Program.²
- Other statutory discounts, which are provided through E-Tokens at the Verrazzano-Narrows and Rockaway Bridges; and
- Crossing Charge increases for other classes of vehicles.

If approved, the new charges contained in the Schedule are planned for implementation in or about April 2021.

The Board has separately adopted a Resolution (i) finding that the proposed increases will have no significant adverse effects on the environment within the meaning of the State Environmental Quality Review Act ("SEQRA"); (ii) adopting and approving a Negative Declaration; and (iii) finding that the proposed increases are just and reasonable within the meaning of the General Bridge Act of 1946.

¹The SIR Rebate Program and the VNB Commercial Rebate Program (together, the "VNB Rebate Programs"), as approved by the MTA Board, became effective as of April 1, 2014 with funding from both the MTA and New York State. The VNB Rebate Programs will be continued only for such period of operations during which, net of State actions or available offsets, MTA's financial responsibility does not exceed \$7 million. In the event that such condition is not met, or the available funding is exceeded, the VNB Rebate Programs would cease and Staten Island residents would be charged the applicable SIR E-ZPass toll and trucks and other commercial vehicles would be charged the applicable E-ZPass toll for the Verrazzano-Narrows Bridge.

²The Cross Bay Veterans Memorial Bridge Rebate Program, as approved by the MTA Board, became effective as of January 1, 1998 with funding from the MTA.

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

Finally, the Board is asked to delegate to the President of the Authority or his designee authority to take all necessary and desirable steps to repeal the prior Part 1021.1 of Title 21 of the New York Codes, Rules and Regulations and implement and permanently adopt a new Part 1021.1 of Title 21 NYCRR to reflect the new Crossing Charge Schedule.

IMPACT ON FUNDING: Adoption of the new Crossing Charge Schedule will raise toll revenues in 2021 and subsequent years and enable the Authority, which is permitted to generate surplus funds after payment of all bond obligations, operating, administration and other necessary expenses, to subsidize mass transit and assist the MTA in achieving a balanced budget as required by law.

RECOMMENDATION: It is recommended that the Board adopt and approve the attached Resolution repealing the prior Crossing Charge Schedule, establishing the new Crossing Charge Schedule and authorizing the President or his designee to take all steps to establish, implement and permanently adopt the Schedule, pursuant to law.

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

RESOLUTION

WHEREAS, on November 18, 2020, the Board authorized the President of the Triborough Bridge and Tunnel Authority (the Authority) and his designees to take requisite preliminary steps to implement a new Crossing Charge Schedule consistent with the MTA's financial needs; and

WHEREAS, notices of proposals to increase Crossing Charges were published on November 20, 2020 in the *Daily News*; on November 23, 2020 in *amNewYork/Metro*, *Newsday*, *Poughkeepsie Journal*, and *Daily Challenge*; on November 24, 2020 in *El Diario*, *Chinese World Journal*, and *Korea Central Daily*; on November 25, 2020 in *Journal News*, *Der Yid weekly*, and *Haiti Observateur*; on November 27, 2020 in *Russkaya Reklama*; and on November 28, 2020 in *Weekly Bangalee*; and

WHEREAS, hearings at which members of the public were invited to comment on the proposed crossing charge changes were conducted as virtual public meetings, because of safety concerns related to the global COVID-19 pandemic, on December 1, 2020; on December 3, 2020; on December 7, 2020; on December 9, 2020; on December 14, 2020; and on December 21, 2020; and

WHEREAS, the public was offered the opportunity to record videotaped comments at virtual satellite sessions on December 2, 2020; and on December 8, 2020; and the public was invited to submit written comments via the MTA's website and through the mail; and

WHEREAS, notice of the proposed Crossing Charge increases was published in the *New York State Register* on December 16, 2020 and the public was invited to submit comments to the Authority; and

WHEREAS, transcripts of the public hearing proceedings and copies of the written and videotaped comments which were received from members of the public have been previously distributed to members of the Board; and

WHEREAS, the Board has considered the testimony of the public at the public hearings and written and videotaped comments submitted to the Authority; and

WHEREAS, the Board, by resolution adopted February 18, 2021, found that the proposed Crossing Charge increases with respect to such action will have no significant adverse effects on the environment under the meaning of SEQRA, adopted and approved a Negative Declaration, authorized and directed the President of the Authority to execute said Negative Declaration and found the Crossing Charge increases to be "just and reasonable"; and

WHEREAS, the Board has considered all of the above.

NOW, THEREFORE, upon motion duly made and seconded, the following resolution is adopted by the Board:

RESOLVED, that provided the Negative Declaration has been duly executed by the President of the Authority, or his designee, the Crossing Charge Schedule in the prior Part 1021.1 of Title 21 New York Codes, Rules and Regulations shall be and hereby is repealed and the new Crossing Charge Schedule in the new Part 1021.1 of Title 21 New York Codes, Rules and Regulations, providing for certain increases in the Crossing Charge structure of the Authority, as set forth in the attachment to this resolution, shall be and hereby is adopted to be implemented on or about April 11, 2021; and be it further,

RESOLVED, that the President of the Authority or his designee is hereby fully authorized and directed to take such steps as may be necessary or desirable to repeal the prior Part 1021.1 of Title 21 of the New York Codes, Rules and Regulations and establish, implement and adopt the proposed Crossing Charge Schedule, annexed hereto, in the new Part 1021.1 of Title 21 of the New York Codes, Rules and Regulations, pursuant to law.

February 18, 2021
New York, New York

ATTACHMENT 1

Part 1021.1 Crossing Charges

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES

A. For E-ZPass New York Customer Service Center (NYCSC)
Customers When Using Their Properly Mounted NYCSC E-ZPass Tag

CLASSIFICATION	VERRAZZANO-	ROBERT F. KENNEDY, BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY	HENRY HUDSON	MARINE PARKWAY-GIL HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL
	NARROWS BRIDGE	TUNNELS	BRIDGE	BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$6.55	\$6.55	\$3.00	\$2.45
Registered Staten Island Residents using an eligible vehicle	\$3.68			
Registered Rockaway Residents using an eligible vehicle				\$1.60
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$11.84	\$11.84		\$5.92
Three-axle vehicles	\$19.40	\$19.40		\$9.70
Four-axle vehicles	\$24.80	\$24.80		\$12.40
Five-axle vehicles	\$32.33	\$32.33		\$16.17
Six-axle vehicles	\$37.72	\$37.72		\$18.87
Seven-axle vehicles	\$45.25	\$45.25		\$22.63
Each additional axle	\$7.56	\$7.56		\$3.78
3 Two-axle franchise buses	\$4.74	\$4.74		\$2.37
4 Three-axle franchise buses	\$5.63	\$5.63		\$2.97
5 Motorcycles	\$2.85	\$2.85	\$2.05	\$2.05
Each additional axle	\$1.70	\$1.70	\$1.70	\$1.70

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreements established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES

B. For Customers Using Fare Media Other Than New York Customer Service Center (NYCSC) E-ZPass Tag or Account

CLASSIFICATION	VERRAZZANO-NARROWS BRIDGE	ROBERT F. KENNEDY, BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY TUNNELS	HENRY HUDSON BRIDGE	MARINE PARKWAY-GIL HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$10.17	\$10.17	\$7.50	\$5.09
The following discounted charges are available for eligible class 1 vehicles:				
Charge per crossing for E-Tokens				\$3.39
Charge per crossing for E-Tokens for registered Staten Island Residents using an eligible vehicle	\$5.24			
Charge per crossing for E-Tokens for registered Rockaway Peninsula/Broad Channel Residents using an eligible vehicle				\$2.20
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$20.35	\$20.35		\$10.17
Three-axle vehicles	\$33.51	\$33.51		\$16.76
Four-axle vehicles	\$41.89	\$41.89		\$20.94
Five-axle vehicles	\$55.05	\$55.05		\$27.53
Six-axle vehicles	\$63.43	\$63.43		\$31.72
Seven-axle vehicles	\$78.98	\$78.98		\$39.49
Each additional axle	\$11.97	\$11.97		\$5.99
3 Two-axle franchise buses	\$9.90	\$9.90		\$4.82
4 Three-axle franchise buses	\$10.98	\$10.98		\$5.62
5 Motorcycles	\$4.28	\$4.28	\$4.28	\$4.28
Each additional axle	\$1.80	\$1.80	\$1.80	\$1.80

See Footnotes on next page

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CLASSIFICATION	VERRAZZANO-	ROBERT F. KENNEDY,	HENRY	MARINE PARKWAY-GIL
	NARROWS BRIDGE	BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MIDTOWN AND HUGH L CAREY TUNNELS	HUDSON BRIDGE	HODGES MEMORIAL, AND CROSS BAY VETERANS MEMORIAL BRIDGES
	Crossing Charges			
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$8.36	\$8.36	\$4.62	\$3.77
Registered Staten Island Residents using an eligible vehicle				
Registered Rockaway Residents using an eligible vehicle				
Each additional axle costs	\$4.28	\$4.28	\$3.21	\$3.21
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles	\$16.10	\$16.10		\$8.05
Three-axle vehicles	\$26.46	\$26.46		\$13.23
Four-axle vehicles	\$33.35	\$33.35		\$16.67
Five-axle vehicles	\$43.69	\$43.69		\$21.85
Six-axle vehicles	\$50.58	\$50.58		\$25.29
Seven-axle vehicles	\$62.12	\$62.12		\$31.06
Each additional axle	\$9.77	\$9.77		\$4.88
3 Two-axle franchise buses	\$7.32	\$7.32		\$3.60
4 Three-axle franchise buses	\$8.31	\$8.31		\$4.30
5 Motorcycles	\$3.57	\$3.57	\$3.17	\$3.17
Each additional axle	\$1.75	\$1.75	\$1.75	\$1.75

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreements established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.

Staff Summary

Subject Verrazzano-Narrows Bridge & Cross Bay Veterans Memorial Bridge Rebates – Environmental Determination
Department Chief Financial Officer
Department Head Name Robert Foran
Department Head Signature
Project Manager Name Mark Young

Date February 18, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	2/18/2021	x		

Internal Approvals			
Order	Approval	Order	Approval
1	General Counsel 		
2	Chief of Staff		

Purpose:

To obtain the Board’s approval and adoption of the annexed Resolution which will (i) find and determine that the proposed adjustments to the Metropolitan Transportation Authority (MTA) toll rebate programs for the Verrazzano-Narrows Bridge (VNB) and the Cross Bay Veterans Memorial Bridge (CBB) will have no significant adverse effects on the environment within the meaning of the State Environmental Quality Review Act (SEQRA); and (ii) adopt and approve the Negative Declaration in accordance with SEQRA and authorize and direct the Chairman or his designee to execute it.

Discussion:

On November 18, 2020, the Board authorized the requisite preliminary steps to adopt a new Triborough Bridge and Tunnel Authority (TBTA) Crossing Charge schedule and to adjust the MTA toll rebate programs for the VNB and CBB, consistent with the capital and operating needs of the Metropolitan Transportation Authority’s (“MTA”) integrated mass transit and commuter rail network.

Adoption of a new TBTA Crossing Charge schedule and adjustments to the MTA toll rebate programs for the VNB and CBB constitute “routine or continuing agency administration” not subject to review under SEQRA as a Type II action because they are “routine or continuing agency administration and management.” See Department of Environmental Conservation Regulations (6 NYCRR) § 617.5 (c) (26). Nevertheless, it is the Authority’s practice to review actions that would change the rebate programs for TBTA’s facilities as if they were subject to SEQRA. Under SEQRA, prior to the Board’s adoption of a Resolution enacting the rebate changes, the Board would consider the potential environmental impacts of a proposed rebate change and determine whether there may be a significant adverse impact resulting from the change. If there are none, the Board would approve a Negative Declaration that the proposed rebate changes will have no significant adverse impacts on the environment.

An environmental assessment (“EA”) therefore was performed to analyze the potential environmental impacts (particularly traffic and air quality) of a new Crossing Charge schedule, and the effective toll rates for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates, at TBTA facilities and along the toll-free diversion routes. The EA analyzed in detail the potential environmental impacts of the proposed worst case scenario toll increase and the effective toll rates for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates, and concluded that no significant adverse impacts to the environment would arise at any TBTA facility or along toll-free diversion routes from such toll increase and effective toll rates.

Because the new Crossing Charge Schedule and the proposed effective toll rate for those customers affected by the changes to the TBTA resident E-ZPass toll discount plans and proposed changes to the MTA rebates have effective toll increases equal to or less than the EA's proposed worst case scenario toll increase, and because the EA provides that any toll increase with effective toll rates equal to or lower than the proposed worst case scenario toll increase would have lower potential traffic and air quality impacts and, therefore, the findings under the EA would also apply to any toll increase with effective toll rates equal to or lower than the proposed worst case scenario toll increase, the EA thus provides a basis for approving and adopting the Negative Declaration as it applies to the Adjustment of the MTA Toll Rebate Programs at the VNB and CBB.

The Resolution also authorizes the MTA Chairman or his designee to execute the Negative Declaration.

Impact on Funding:

Approval and adoption of the attached Resolution will permit the Board to consider and adopt a separate resolution adjusting the MTA rebate programs at the VNB and CBB.

Recommendation:

It is recommended that the Board separately approve and adopt the attached Resolution finding that the proposed Adjustment of the MTA Toll Rebate Programs for the VNB and CBB will have no significant adverse environmental effects, adopting the Negative Declaration, and authorizing the MTA Chairman or his designee to execute the Negative Declaration.

RESOLUTION

WHEREAS, on November 18, 2020, the Board authorized all applicable measures to establish increases in Crossing Charges at Triborough Bridge and Tunnel Authority ("TBTA") facilities, including adjustments to the MTA toll rebate programs for the Verrazzano-Narrows Bridge (VNB) and the Cross Bay Veterans Memorial Bridge (CBB), consistent with the capital and operating needs of the Metropolitan Transportation Authority ("MTA"); and

WHEREAS, there has been distributed to the Board an Environmental Assessment ("EA") regarding the effects of various proposed TBTA Crossing Charge increases and adjustments to the MTA rebate programs for the VNB and CBB as they relate to those TBTA facilities; and

WHEREAS, the EA analyzed in detail the potential environmental impacts of the proposed worst case scenario toll increase and the effective toll rate for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates, and concluded that no significant adverse impacts to the environment would arise at any TBTA facility or along the toll-free diversion routes from such a toll increase and effective toll rates; and

WHEREAS, the EA provides the basis for finding that there would be no resulting significant adverse environmental effects from the increases in the new Crossing Charge Schedule and the proposed effective toll rates for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates; and

WHEREAS, because the new Crossing Charge Schedule and the proposed effective toll rates for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates, have effective toll increases equal to or less than the EA's proposed worst case scenario toll increase, and because the EA provides that any toll increase with effective toll rates equal to or lower than the proposed worst case scenario toll increase would have lower potential traffic and air quality impacts and, therefore, the findings under the EA would also apply to any toll increase with effective toll rates equal to or lower than the proposed worst case scenario toll increase, the EA thus provides a basis for approving and adopting the Negative Declaration as it applies to the Adjustment of the MTA Toll Rebate Programs for the VNB and CBB; and

WHEREAS, there has been distributed to the Board a proposed Negative Declaration regarding the Adjustment of the MTA Toll Rebate Programs for the VNB and CBB, prepared in accordance with the State Environmental Quality Review Act; and

WHEREAS, there has been distributed a report that discusses factors bearing on a determination that the Crossing Charge increases and the effective toll rate for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates are "just and reasonable" and appropriate to meet MTA's financial needs; and

WHEREAS, the Board has considered all of the above.

NOW, THEREFORE, upon motion duly made and seconded, the following resolution is adopted by the Board:

RESOLVED, that the MTA hereby determines, for the reasons set forth in the EA and the Negative Declaration, that the proposed adjustment of the MTA Toll Rebate Programs for the VNB and CBB will not have a significant adverse impact on the environment and, accordingly, that no Environmental Impact Statement is required to be prepared in connection with such action. A Negative Declaration as it applies to the adjustment of the MTA Toll Rebate Programs for the VNB and CBB is hereby approved and adopted and the Chairman of the MTA or his designee is hereby authorized and directed to execute, file and publish such Negative Declaration, as may be required by law.

RESOLVED, that the adjustments of the MTA Toll Rebate Programs for the VNB and CBB are hereby found to be “just and reasonable.”

New York, New York
February 18, 2021

Metropolitan Transportation Authority
TYPE II DETERMINATION AND NEGATIVE DECLARATION
Under the State Environmental Quality Review Act
For the Adjustment of the Toll Rebate Programs for the Verrazzano-Narrows Bridge and
the Cross Bay Veterans Memorial Bridge

I. Introduction

Pursuant to Board resolutions dated September 30, 1997, March 28, 2012, February 24, 2014, and March 25, 2020 (the “Board Resolutions”), the Metropolitan Transportation Authority (“MTA” or the “Authority”) is authorized to provide funding to the Triborough Bridge and Tunnel Authority (“TBTA”) to support programs whereby rebates are provided to Staten Island resident customers for tolls incurred in crossing the Verrazzano-Narrows Bridge (“VNB”), and to Rockaways and Broad Channel Residents for tolls incurred in crossing the Cross Bay Veterans Memorial Bridge (“CBB”) (collectively, the “MTA Rebate Programs”). MTA is considering whether to adjust the amount of the funding it transfers to TBTA for the MTA Rebate Programs (the proposed “Rebate Actions”). At the same time, TBTA has proposed to increase crossing charges at the nine facilities it operates in the City of New York and may change the TBTA resident E-ZPass toll discount plans it currently offers at the VNB, the Marine Parkway Gil Hodges Bridge (“MPB”) and the CBB (the “Tolling Actions”). MTA’s proposed Rebate Actions and TBTA’s Tolling Actions are separate but related actions that would become effective in or around April 2021.

II. State Environmental Quality Review Act and proposed Rebate Actions

Pursuant to the Board Resolutions, each year MTA transfers to special TBTA accounts the amounts needed to fund the MTA Rebate Programs, drawing on moneys allocated to MTA by the legislature for this purpose and on other appropriate MTA funds. MTA is considering whether to adjust the funding it transfers to TBTA for the MTA Rebate Programs in rebate years 2021 and 2022. It is doing so in the ordinary course of its administration of the budgetary affairs of the Authority.

Under the State Environmental Quality Review Act (“SEQRA”), codified at Article 8 of the Environmental Conservation Law and the regulations adopted by the New York State Department of Environmental Conservation under SEQRA, appearing at 6 New York Code, Rules and Regulations (“N.Y.C.R.R.”) Part 617, actions constituting “Type II Actions” are “not subject to review” under SEQRA. 6 N.Y.C.R.R. § 617.5(a). Because the Type II list includes a category for “routine or continuing agency administration and management,” 6 N.Y.C.R.R. § 617.5(c)(26), the proposed Rebate Actions are exempt from SEQRA as Type II actions.

Nevertheless, MTA has arranged with TBTA for the preparation of an environmental assessment that examines thoroughly the cumulative impacts of a “Proposed Action” that includes TBTA’s possible Tolling Actions (including a potential toll increase and possible changes to TBTA resident E-ZPass toll discount plans at the VNB, MPB, and CBB) together the potential for adjustments to MTA funding for the VNB and CBB rebates. TBTA, in consultation with MTA,

engaged WSP USA, Inc. in association with AKRF Inc. to prepare the environmental assessment (the “EA”), which was issued in February, 2021. MTA is making this Type II Determination and Negative Declaration based upon the information, analyses and findings in the EA with respect to the “Proposed Action” as described therein, and in doing so MTA incorporates the EA by reference.¹

The Proposed Action examined in the EA was based upon certain “reasonable worst case” assumptions concerning the amounts of a possible toll increase, and the effective toll rate for those customers affected by changes to the TBTA resident E-ZPass toll discount plans and MTA rebates. Assumptions made in the EA with relevance to the TBTA facilities affected by the Rebate Actions are: (i) at the VNB, the combined effect of the elimination of TBTA resident E-ZPass toll discount plans and any changes to the MTA Rebate Programs, together with the potential toll increase, would result in a combined maximum effective toll increase of up to about 50 percent for affected VNB customers; (ii) the carpool discount at the VNB would be eliminated and revert to the discounted SIR E-Z Pass rate; (iii) at the MPB and CBB, the Rockaway resident E-ZPass discount would be eliminated; and (iv) at the CBB, the Rebate Program would be eliminated. The proposed changes to TBTA tolls and resident E-ZPass toll discount plans, and the Rebate Actions, fall well within the assumptions upon which the Proposed Action examined in the EA were based.

The scope of the EA extends broadly to address all of the TBTA facilities, and the areas that would be affected by vehicles diverting from such facilities to avoid the potential increase in tolls. Because the effects of the Rebate Actions would occur at the VNB, the CBB, and the areas affected by diversions to or from those facilities, this Type II Determination and Negative Declaration focuses on those facilities and areas. However, MTA adopts and incorporates herein by reference the findings set forth in the EA in their entirety, as well as the reasoning and conclusions set forth in the Type II Determination and Negative Declaration adopted by TBTA attached hereto as Exhibit A, with respect to the environmental impacts of the TBTA Tolling Actions, as and to the extent such findings and determinations have some bearing on the Rebate Actions.

The EA focuses on the potential effects that the Proposed Action would have on transportation and air quality, because those are the areas of potential environmental concern that would most likely be affected by the Proposed Action. EA § 2.3.² The EA establishes that the Proposed Action would not result in any large and/or important impacts in either of these areas of environmental concern and, as a result, would not have significant adverse environmental impacts. A summary of the findings in the EA with particular relevance to the Rebate Actions is set forth Section IV below.

¹ All section and table references in this Type II Determination and Negative Declaration refer to the February 2021 EA prepared by WSP USA Inc. and AKRF Inc.

² Other areas of environmental concerns such as noise, land use, neighborhood character, natural resources, open space and parklands, historic or archeological resources, community facilities, water quality and solid waste have been screened out or are not applicable to toll increases.

III. Other Actions

A. 2021 Fare Increases

In parallel with the Rebate Actions and other components of the Proposed Action considered in the EA, fare increases have been proposed for the following MTA operating agencies: NYCTA; Long Island Rail Road (“LIRR”), Metro-North Railroad (“MNR”), MTA Bus Company and the Staten Island Rapid Transit Operating Authority. Fare increases adopted for these operating agencies are exempt from SEQRA review pursuant to Sections 1205, 1266 and 1266-c of the New York Public Authorities Law. The background conditions used to assess the effects of the Proposed Action in the EA assumed a conservatively high traffic recovery rate (of 95 percent) from the effects of COVID 19, and thereby account for traffic growth at a level that would accommodate the small anticipated shift of transit riders to autos due to the proposed fare increases. (EA Chapter 4, Section 4.4).

IV. Assessment of the Potential Effects of the Proposed Action on Areas Affected by the Rebate Actions

In general, the Proposed Action examined in the EA was found to reduce TBTA toll facility traffic volumes because some customers would choose to avoid paying the higher toll and divert to an alternate, toll-free route, shift their trips to mass transit, consolidate trips or decide not to make them. Some vehicular trips would be eliminated due to the Proposed Action, which would result in a reduction in vehicle-miles traveled (“VMT”) and an associated reduction in regional air pollutant emissions.

The EA presents a detailed analysis of the potential traffic and air quality impacts that would result from the Proposed Action: (i) at TBTA facilities; (ii) at the diversion locations that would experience some additional vehicular traffic as a result of the Proposed Action; and (iii) with regard to region-wide VMT and related air pollutant emissions. With respect to each of these areas of analysis, the EA concludes that the Proposed Action would not result in significant adverse impacts to traffic or air quality. EA at Chapters 2, 5, 6 and 7.

In making this Type II Determination and Negative Declaration, MTA notes that the New York City area roadway network is a dynamic and complicated system used by millions of vehicles on a daily basis. The EA applies a detailed methodology for estimating the potential diversions that would result from a change in toll rates at the TBTA facilities and how those diversions would affect this complex network. This methodology is based on data collected from TBTA facilities and toll-free alternative routes before and after previous toll increases, origin-destination studies, generally accepted traffic engineering methodologies and professional judgment. Diligent efforts have been made to develop conservative and reasonable estimates of the potential effect of the Proposed Action on traffic diversions to alternative routes. Nevertheless, it bears noting that the analysis yields estimates and must be viewed accordingly. The small number of vehicles that are estimated to divert as a result of the Proposed Action represents a tiny fraction of the vehicles using the TBTA facilities each day, and the effects of these diversions would be overshadowed on any given day by many independent factors affecting the greater roadway network such as changes in gasoline prices, the state of the general economy, roadway conditions, construction projects and other factors affecting travel patterns in and around New York City. Thus, the effects of a toll

increase are one minor factor affecting traffic patterns and any changes in traffic resulting from a toll increase are likely to be within the range of daily variation on New York City roadways.

A. Potential Effects of the Proposed Action on TBTA Facility Operations

With one exception, the Proposed Action is anticipated to slightly reduce TBTA toll facility traffic volumes because some customers would choose to avoid paying the higher toll and divert to a toll-free alternate route, shift to mass transit, consolidate trips or decide to not make the trip. Thus, the Proposed Action would result in a slight improvement in traffic conditions and a slight reduction in vehicle-related air pollutant emissions at the TBTA facilities and the approaches to those facilities. Moreover, since the implementation of Cashless Tolling at all TBTA facilities, delays associated with toll collection have been eliminated. Therefore, the Proposed Action would not result in an increase in transaction time or queueing delays. Because the Proposed Action would likely result in a minor decrease in traffic and would not increase delays at TBTA facilities, it would not result in significant adverse traffic and air quality impacts at the facilities or their approaches. EA §§ 2.4, 5.10.6.

The EA found that some traffic would divert from the CBB to the MPB in the event the Rebate Program for the CBB were to be eliminated (worst-case scenario). The analysis showed that traffic diversions from the CBB to the MPB would be largely offset by a reduction in traffic at the MPB due to the proposed toll increase. The maximum net increase in hourly traffic at the MPB was found to be very small, about 4 vehicles during the peak hours and about 6 vehicles during the off-peak hours (EA at Table 6-3). These small increases or decreases in hourly traffic would not result in significant traffic or air quality impacts at the MPB.

B. Potential Effects of the Proposed Action on Traffic at Diversion Locations

The EA analyzed potential effects of traffic diversions from TBTA facilities on intersection delays and Level of Service (“LOS”) within the following four representative study areas: (i) Lower Manhattan/Canal Street Corridor Study Area; (ii) Ed Koch Queensboro Bridge and Vicinity Study Area; (iii) Broadway Bridge Corridor Study Area; and (iv) Rockaway/Nassau Expressway Corridor Study Area. These study areas were determined to be the locations with the greatest potential for impacts from traffic diverted from the TBTA facilities due to the Proposed Action. EA §§ 2.5, 6.1. A total of 49 critical intersections and 669 movements (*i.e.*, lane groupings within intersections) in the four representative study areas were analyzed in the EA. EA §§ 2.5.5, 6.4.2

In order to identify the potential for traffic impacts associated with diversions from TBTA facilities at the analyzed intersections, the EA compared conditions as they are projected to be without the Proposed Action (the “2021 No Action Condition”) against projected conditions with the Proposed Action (the “Action Condition”) in the AM, PM and mid-day peak hours.³ Version 10 of Synchro (Trafficware) was utilized to determine the average delay per vehicle and LOS at each of the analyzed intersections; this software is approved for use by both NYSDOT and NYCDOT.

³ The 2021 No Action condition assumes a 95 percent recovery from pre-COVID19 2019 traffic levels. See EA Chapter 4 for a more detailed discussion of the methodology followed in making this projection.

In assessing the significance of an increase in traffic congestion and delays at the analyzed intersections, the EA considered, among other factors, criteria keyed to the increase in delay projected by the model from additional traffic associated with vehicles diverted from TBTA facilities as a result of the Proposed Action. Those criteria fall into two categories. First, the EA applied criteria developed in light of TBTA's experience with prior toll increases, as well as the practice of certain other state agencies in performing environmental reviews of their actions under SEQRA. EA § 6.4. Under those criteria (referred to hereafter as the SEQRA Criteria) an increase in average intersection delay greater than 5 seconds at LOS E or F may be considered significant. At LOS D or better, the 5-second threshold could be exceeded if the LOS does not worsen to LOS E or F.

The EA also considered criteria set forth in New York City's *CEQR Technical Manual* (the "CEQR Criteria") as another factor in determining whether increased intersection delays resulting from the Proposed Action would result in significant adverse traffic impacts at the analyzed locations. However, it did so with the understanding that: (i) state authorities (such as MTA and TBTA) are not bound by the CEQR Criteria; and (ii) the CEQR Criteria are designed to apply generally to the analysis of traffic generated by projects and are not directly applicable to the analysis of a toll increase (which may redistribute some existing traffic rather than add new vehicles to the roadway network).⁴ EA § 6.4. The *CEQR Technical Manual* sets forth a tiered approach to traffic assessment, with screening criteria to determine if the next level of analysis is warranted. A first level screen is keyed to whether a project would generate 50 or more new peak hour vehicle trips, because fewer than 50 new vehicle trips are deemed not to cause a significant adverse impact. Using a second level screen for new development projects based on vehicle trip assignments, the *CEQR Technical Manual* indicates that a lead agency may determine that intersections with fewer than 50 new peak hour vehicle trips do not warrant further analysis. For those intersections that undergo detailed traffic impact analyses, the *CEQR Technical Manual* sets forth thresholds for particular traffic movements rather than average delays at the intersections as whole, and are more stringent than the SEQRA Criteria in certain respects.

The EA found that increased traffic volumes due to diversions resulting from the Proposed Action at intersections in the four representative study areas would be within the range of daily traffic variation, and would not result in significant traffic impacts at those affected intersections. The analysis determined that there would be no exceedances of the SEQRA criteria as a result of diversions caused by the Proposed Action at intersections in any of the study areas, including the two study areas -- the Lower Manhattan/Canal Street Corridor Study Area and the Rockaway/Nassau Expressway Corridor Study Area -- potentially affected by the Rebate Actions. The analysis predicted that there would be CEQR Criteria exceedances at 5 out of the 198 movements analyzed in the Lower Manhattan/Canal Street Corridor study area, and no projected exceedances of the CEQR Criteria in the Rockaway/Nassau Expressway study area at any location within New York City. EA § 6.4.2. These results are discussed in more detail below.

⁴ See 2020 *CEQR Technical Manual* Chapter 16 "Transportation" at §§ 200 and 313.1.

1. Potential Effects of the Proposed Action on the Lower Manhattan/Canal Street Corridor Study Area

The effects of the Proposed Action from facility diversions on traffic conditions in the Manhattan/Canal Street Study Area are presented in Section 6.4.1.1 of the EA.

The EA projected that traffic would divert from both the VNB and Hugh Carey Tunnel through Lower Manhattan and along the Canal Street Corridor due to the Proposed Action. It found that those diversions would be relatively small and would fall well within the range of daily traffic variation. The highest estimated increase in average intersection delay resulting from such additional traffic was found to be about 3.1 seconds (at the intersection of Canal Street and Holland Tunnel On-Ramp during the PM peak hour), well under the SEQRA Criteria. Thus, diversions to the Manhattan/Canal Street Corridor Study Area would not be deemed to have a significant traffic impact under those criteria.

The EA found exceedances of the more stringent CEQR Criteria at 5 out of 198 movements analyzed within the Lower Manhattan/Canal Street Corridor Study Area. Those exceedances are not considered to result in significant traffic impacts for the following reasons:

- Average increases in delay at the affected intersections were below the SEQRA Criteria.
- Only one intersection, the intersection of Chambers Street and Centre Street, was projected to receive 50 or more vehicles during the Mid-day peak hour, and delays at this location do not exceed the CEQR Criteria. All other locations are expected to receive fewer than 50 additional vehicles in the AM, Mid-day and PM peak hours, and would screen out under the CEQR Criteria.
- Traffic control agents are routinely deployed at many of the intersections along Canal Street to help optimize intersection performance and overall traffic operations. Therefore, it is expected that the increases in delay at these locations are likely to be lower than what is predicted by the analysis of signalized intersections.
- The effects of the Proposed Action would be temporary and would diminish after it goes into effect as more congestion along toll-free routes, travel-time considerations, and the effects of economic inflation, among other factors, reduce the attractiveness of alternative routes.
- Based on historical traffic data gathered on the effects of previous toll increases and an examination of more recent traffic data that show no permanent increase in traffic at toll-free Manhattan crossings, it is expected that diverted trips would return to tolled facilities after a short period of time, thereby reducing the additional delays at intersections along the diversion routes.
- Due to the shrinkage in No Action traffic due to the COVID-19 pandemic, all locations across the various peak hours are expected to have an Action volume and delay below conditions as they existed in 2019.

2. Potential Effects of the Proposed Action on the Rockaway/Nassau Expressway Corridor Study Area

The effects of the Proposed Action from facility diversions on traffic conditions in the Nassau Expressway Study Area are presented in Section 6.4.1.4 of the EA.

The EA found that the Nassau Expressway would be a primary diversion route for traffic diverting from the MPB and the CBB, and the main routes used to access the Nassau Expressway would be via the Rockaway Freeway and either Seagirt Boulevard or Beach Channel Drive.

Facility traffic diversions to the Nassau Expressway Corridor were found to be relatively small and well within the range of daily traffic variation. The highest estimated increase in average intersection delay (at the intersection of Nassau Expressway and Burnside Avenue during the AM peak hour) was found to be 3.0 seconds, well under the SEQRA Criteria. Thus, diversions to the Nassau Expressway Corridor would not be deemed to result in a significant traffic impact under those criteria. Based on the analysis of individual movements analyzed at key intersections, the more stringent *CEQR Technical Manual* traffic criteria for significance would not be exceeded at the two locations within New York City.

C. Potential Impacts on Air Quality at Diversion Locations

The potential impacts of the Proposed Action on air quality associated with traffic diversions from TBTA facilities were analyzed in Chapter 7 of the EA. The quantified air quality analysis focused on the three relevant criteria pollutants: carbon monoxide (“CO”), particulate matter with an aerodynamic diameter of 2.5 micrometers or less (“PM_{2.5}”), and particulate matter with an aerodynamic diameter of 10 micrometers or less (“PM₁₀”). The analysis was conducted at two locations projected to experience the highest air pollutant increments due to diverted traffic together with high existing background traffic volumes and congestion. Those locations are the intersection of Canal Street and Sixth Avenue, and the vicinity of the Ed Koch Queensboro Bridge and 2nd Avenue.⁵ EA § 7.4.1. The EA found that: (i) incremental concentrations of CO, PM₁₀ and PM_{2.5} would not cause an exceedance of the National Ambient Air Quality Standards (“NAAQS”); (ii) incremental increases in CO concentrations would fall below the *de minimis* thresholds provided in the *CEQR Technical Manual*; and (iii) incremental increases in PM_{2.5} concentrations would fall below thresholds provided by both the *CEQR Technical Manual* and a NYSDEC policy issued to provide interim direction for evaluating PM_{2.5} impacts. EA § 7.5.1.

Because the data and established methodology is not available to perform a quantitative analysis of one other criteria pollutant – nitrogen dioxide (“NO₂”) – the EA included a qualitative assessment with respect to that pollutant. The EA concluded that the small predicted increases in projected traffic at the diversion locations would not change NO₂ concentrations appreciably, because the increases would be a small percentage of vehicles in any particular area. Moreover, the EA noted that diversions associated with a toll increase would diminish over time, so any localized increase in ambient concentrations of NO₂ that may result from diversions caused by the

⁵ A discussion of the methodology followed in analyzing the effects of traffic diversions on air quality can be found in Section 7.4 of the EA.

Proposed Action can be expected to be negligible over the three year averaging period specified in the one-hour NO₂ NAAQS. EA § 7.5.1.3.

For all of the reasons referenced above and further discussed in the EA, there would not be any significant impacts on air quality caused by the Proposed Action along the diversion routes, including those affected by the Rebate Actions.

D. Potential Effects of the Proposed Action on Regional Vehicle-Miles Traveled and Regional Air Quality Emissions

The Proposed Action was predicted to result in diversion of some traffic from TBTA facilities to alternate toll-free routes, as well as elimination of some facility traffic due to shrinkage (elimination of trips, consolidation of trips, or a shift to mass transit). Based on the estimated reduction in vehicles miles traveled (“VMT”) resulting from traffic shrinkage, the EA estimated that there would be a net reduction in on-road emissions of volatile organic compounds (“VOCs”), CO, nitrogen oxides (“NO_x”), PM₁₀ and PM_{2.5} within the affected nonattainment and maintenance areas, and a net decrease in greenhouse gases with the Proposed Action. Accordingly, the Proposed Action would not have a significant adverse impact on regional air quality. EA at Section 7.5.2.

V. Conclusions and Findings

Based on a thorough analysis, MTA hereby determines that the Rebate Actions being considered are routine or continuing agency administration and management, exempt from SEQRA requirements as Type II actions. Moreover, based on the foregoing analysis and the EA incorporated herein by reference, the Authority finds and concludes that the Rebate Actions will not result in any large and/or important environmental impacts and will have no significant adverse environmental impact. This Type II Determination and Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.

Dated: New York, New York
February 18, 2021

Staff Summary

Subject Verrazzano-Narrows Bridge Rebate Program Adjustment
Department Chief Financial Officer
Department Head Name Robert Foran
Department Head Signature
Project Manager Name Mark Young

Date February 18, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	2/18/2021	x		

Internal Approvals			
Order	Approval	Order	Approval
1	General Counsel 		

Purpose:

To obtain the Board’s approval of the annexed Resolution which will authorize the MTA Chairman or his designee to take all such steps that may be necessary and desirable to establish, implement and adopt, pursuant to law, adjustments to the MTA’s Verrazzano-Narrows Bridge (VNB) Rebate Program.

Discussion:

The Metropolitan Transportation Authority’s (“MTA”) Proposed Financial Plan 2021-2024, presented at the November 2020 Board meeting, contemplates implementation of increased tolls and fares, to achieve budgeted revenue targets. On November 18, 2020, the Board authorized the MTA and Triborough Bridge and Tunnel Authority (“TBTA”) to take the requisite preliminary steps to implement a new Crossing Charge Schedule, including adjustments to the MTA VNB toll rebate program. On December 16, 2020, the Board approved the 2021 Budget and 2021-2024 Financial Plan which contemplated implementation of toll increases and adjustments to the MTA VNB toll rebate program in March 2021.

Six public hearings were conducted in which members of the public were invited to comment on proposed Crossing Charge increases, including adjustments to the MTA VNB toll rebate program. Because of safety concerns related to the global COVID-19 pandemic, these hearings were conducted as virtual public meetings. The public was also offered the opportunity to record videotaped comments at two virtual satellite sessions, while written comments could be submitted via the MTA's website and through the mail. Transcripts of the hearing testimony and the videotaped testimony and copies of written statements have been previously distributed to Board members for their consideration.

The adjusted MTA VNB Rebate Program will:

- 1) Change the rebate amount to \$0.73 of an increased \$3.68 toll amount for registered Staten Island Residents ("SIR") using their NYCSC E-ZPass tag at the Verrazzano-Narrows Bridge ("SIR E-ZPass toll"), resulting in a \$0.20 increase in the effective toll rate (from the current amount of \$2.75 to a new

amount of \$2.95) for all such Staten Island residents after receiving a rebate under the MTA's SIR Rebate Program at the Verrazzano-Narrows Bridge.¹

- 2) Change the VNB Commercial Rebate rate to 15% for eligible trucks and other commercial vehicles on the VNB using their NYCSC E-ZPass tag.

If approved, the adjusted MTA VNB Rebate Program is planned for implementation in April 2021. The Board has separately adopted a Resolution (i) finding that the proposed adjustments to the MTA VNB Rebate Program will have no significant adverse effects on the environment within the meaning of the State Environmental Quality Review Act ("SEQRA"); (ii) adopting and approving a Negative Declaration; and (iii) finding that the proposed adjustments to the MTA VNB Rebate Program are just and reasonable within the meaning of the General Bridge Act of 1946.

Impact on Funding:

Adoption of the adjusted MTA CBB Rebate Program was contemplated as part of the 2021 Budget and 2021-2024 Financial Plan.

Recommendation:

It is recommended that the Board adopt and approve the attached Resolution modifying the existing prior VNB Rebate Program, establishing the adjusted MTA VNB Rebate Program and authorizing the MTA Chairman or his designee to take all steps to establish, implement and adopt the adjusted MTA VNB Rebate Program, pursuant to law.

¹ The SIR Rebate Program and the VNB Commercial Rebate Program (together, the "VNB Rebate Programs"), as approved by the MTA Board, became effective as of April 1, 2014 with funding from both the MTA and New York State. The VNB Rebate Programs will be continued only for such period of operations during which, net of State actions or available offsets, MTA's financial responsibility does not exceed \$7 million. In the event that such condition is not met, or the available funding is exceeded, the VNB Rebate Programs would cease and Staten Island residents would be charged the applicable SIR E-ZPass toll and trucks and other commercial vehicles would be charged the applicable E-ZPass toll for the Verrazzano-Narrows Bridge.

RESOLUTION

WHEREAS, on November 18, 2020, the Board authorized the taking of all preliminary steps to adjust the Metropolitan Transportation Authority's ("MTA") Verrazzano-Narrows Bridge (VNB) Rebate Program, consistent with the capital and operating needs of the MTA; and

WHEREAS, notices of proposals to adjust the MTA VNB toll rebate program were published on November 20, 2020 in the *Daily News*; on November 23, 2020 in *amNewYork/Metro*, *Newsday*, *Poughkeepsie Journal*, and *Daily Challenge*; on November 24, 2020 in *El Diario*, *Chinese World Journal*, and *Korea Central Daily*; on November 25, 2020 in *Journal News*, *Der Yid weekly*, and *Haiti Observateur*; on November 27, 2020 in *Russkaya Reklama*; and on November 28, 2020 in *Weekly Bangalee*; and

WHEREAS, hearings at which members of the public were invited to comment on the proposed adjustments to the MTA VNB toll rebate program were conducted as virtual public meetings, because of safety concerns related to the global COVID-19 pandemic, on December 1, 2020; on December 3, 2020; on December 7, 2020; on December 9, 2020; on December 14, 2020; and on December 21, 2020; and

WHEREAS, the public was offered the opportunity to record videotaped comments at virtual satellite sessions on December 2, 2020; and on December 8, 2020; and the public was invited to submit written comments via the MTA's website and through the mail; and

WHEREAS, transcripts of the public hearing proceedings and copies of the written and videotaped comments which were received from members of the public have been previously distributed to members of the Board; and

WHEREAS, the Board has considered the testimony of the public at the public hearings and written and videotaped comments submitted to the Authority; and

WHEREAS, the Board, by resolution adopted February 18, 2021, found that the proposed adjustments to the MTA VNB toll rebate program will have no significant adverse effects on the environment under the meaning of SEQRA, adopted and approved a Negative Declaration, authorized and directed the MTA Chairman or his designee to execute said Negative Declaration and found the adjustment to the MTA VNB toll rebate program to be "just and reasonable;" and

WHEREAS, the MTA is seeking approval to increase the rebate amount to \$0.73 toward the new \$3.68 toll amount for registered Staten Island Residents ("SIR") using their NYCSC E-ZPass tag at the Verrazzano-Narrows Bridge ("SIR E-ZPass toll"); and

WHEREAS, the MTA is seeking approval to change the VNB Commercial Rebate rate to 15%, eligible trucks and other commercial vehicles on the VNB, using their NYCSC E-ZPass tag, would receive a 15% rebate of their NYCSC E-ZPass tolls; and

WHEREAS, the Board has considered all of the above.

NOW, THEREFORE, upon motion duly made and seconded, the following resolution is adopted by the Board:

RESOLVED, that provided the Negative Declaration has been duly executed by the Chairman of the MTA, or his designee, the MTA VNB Rebate Program is hereby modified to provide for a \$0.73 rebate of the toll amount for registered Staten Island Residents ("SIR") using their NYCSC E-ZPass tag at the Verrazzano-Narrows Bridge ("SIR E-ZPass toll").

RESOLVED, that following the execution of the Negative Declaration by the Chairman, or his designee, the MTA VNB Commercial Rebate Program is hereby modified to provide for a 15% rebate rate of the toll amount for eligible trucks and other commercial vehicles using their NYCSC E-ZPass tag at the Verrazzano-Narrows Bridge.

RESOLVED, if, in the judgment of TBTA during the course of a VNB Rebate Program year, funds in the account for the VNB Rebate Programs were likely to be less than the amount of a year's potential rebates, TBTA could request supplemental funds of MTAHQ, but the provision of such funds would be subject to regular MTAHQ budget procedures, including Board approval when required. In the event that funds are not on deposit in the account for the VNB Rebate Programs at the time and in the amount necessary to effectuate the credit to participants in the VNB Rebate Program, participants in the VNB SIR Rebate Program would be charged the applicable resident discount toll rate without such further rebate and trucks and other commercial vehicles in the VNB Commercial Rebate Program would be charged the applicable NYCSC E-ZPass toll rate without such further rebate for their trips across the Verrazzano Narrows Bridge.

RESOLVED, the Chairman of the MTA, in consultation with the President of TBTA, is further authorized to make such changes, alterations, modifications, and revisions to the VNB Rebate Programs as are not inconsistent with this Resolution, including but not limited to adjusting the amount and/or percentage of the rebate without necessity of further Resolution.

New York, New York
February 18, 2021

Staff Summary

Subject Cross Bay Veterans Memorial Bridge Rebate Program Adjustment
Department Chief Financial Officer
Department Head Name Robert Foran
Department Head Signature
Project Manager Name Mark Young

Date February 18, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	2/18/2021	x		

Internal Approvals			
Order	Approval	Order	Approval
1	General Counsel 		

Purpose:

To obtain the Board’s approval of the annexed Resolution which will authorize the MTA Chairman or his designee to take all such steps that may be necessary and desirable to establish, implement and adopt, pursuant to law, adjustments to the MTA’s Cross Bay Veterans Memorial Bridge (CBB) Rebate Program.

Discussion:

The Metropolitan Transportation Authority’s (“MTA”) Proposed Financial Plan 2021-2024, presented at the November 2020 Board meeting, contemplates implementation of increased tolls and fares, to achieve budgeted revenue targets. On November 18, 2020, the Board authorized the MTA and Triborough Bridge and Tunnel Authority (“TBTA”) to take the requisite preliminary steps to implement a new Crossing Charge Schedule, including adjustments to the MTA CBB toll rebate program. On December 16, 2020, the Board approved the 2021 Budget and 2021-2024 Financial Plan which contemplated implementation of toll increases and adjustments to the MTA CBB toll rebate program in March 2021.

Six public hearings were conducted in which members of the public were invited to comment on proposed Crossing Charge increases, including adjustments to the MTA CBB toll rebate program. Because of safety concerns related to the global COVID-19 pandemic, these hearings were conducted as virtual public meetings. The public was also offered the opportunity to record videotaped comments at two virtual satellite sessions, while written comments could be submitted via the MTA's website and through the mail. Transcripts of the hearing testimony and the videotaped testimony and copies of written statements have been previously distributed to Board members for their consideration.

The adjusted MTA CBB Rebate Program will:

Increase the current rebate amount to \$1.60 toward an increased \$1.60 toll amount for registered Rockaway/Broad Channel Residents using their NYCSC E-ZPass tag at the Cross Bay Veterans Memorial Bridge (“Rockaway/Broad Channel Residents E-ZPass toll”), resulting in an effective toll rate of \$0.00 (toll fully rebated), for all such Rockaway/Broad Channel residents after receiving a rebate under the MTA's Cross Bay Veterans Memorial Bridge Rebate Program for registered Rockaway/Broad Channel Residents.

If approved, the adjusted MTA CBB Rebate Program is planned for implementation in April 2021.

The Board has separately adopted a Resolution (i) finding that the proposed adjustments to the MTA CBB Rebate Program will have no significant adverse effects on the environment within the meaning of the State

Environmental Quality Review Act (“SEQRA”); (ii) adopting and approving a Negative Declaration; and (iii) finding that the proposed adjustments to the MTA CBB Rebate Program are just and reasonable within the meaning of the General Bridge Act of 1946.

Impact on Funding:

Adoption of the adjusted MTA CBB Rebate Program was contemplated as part of the 2021 Budget and 2021-2024 Financial Plan.

Recommendation:

It is recommended that the Board adopt and approve the attached Resolution modifying the existing MTA CBB Rebate Program, establishing the adjusted MTA CBB Rebate Program and authorizing the MTA Chairman or his designee to take all steps to establish, implement and adopt the adjusted MTA CBB Rebate Program, pursuant to law.

RESOLUTION

WHEREAS, on November 18, 2020, the Board authorized the taking of all preliminary steps to adjust the Metropolitan Transportation Authority's ("MTA") Cross Bay Veterans Memorial Bridge ("CBB") Rebate Program, consistent with the capital and operating needs of the MTA; and

WHEREAS, notices of proposals to adjust the MTA CBB toll rebate program were published on November 20, 2020 in the *Daily News*; on November 23, 2020 in *amNewYork/Metro*, *Newsday*, *Poughkeepsie Journal*, and *Daily Challenge*; on November 24, 2020 in *El Diario*, *Chinese World Journal*, and *Korea Central Daily*; on November 25, 2020 in *Journal News*, *Der Yid weekly*, and *Haiti Observateur*; on November 27, 2020 in *Russkaya Reklama*; and on November 28, 2020 in *Weekly Bangalee*; and

WHEREAS, hearings at which members of the public were invited to comment on the proposed adjustments to the MTA CBB toll rebate program were conducted as virtual public meetings, because of safety concerns related to the global COVID-19 pandemic, on December 1, 2020; on December 3, 2020; on December 7, 2020; on December 9, 2020; on December 14, 2020; and on December 21, 2020; and

WHEREAS, the public was offered the opportunity to record videotaped comments at virtual satellite sessions on December 2, 2020; and on December 8, 2020; and the public was invited to submit written comments via the MTA's website and through the mail; and

WHEREAS, transcripts of the public hearing proceedings and copies of the written and videotaped comments which were received from members of the public have been previously distributed to members of the Board; and

WHEREAS, the Board has considered the testimony of the public at the public hearings and written and videotaped comments submitted to the Authority; and

WHEREAS, the Board, by resolution adopted February 18, 2021, found that the proposed adjustments to the MTA CBB toll rebate program will have no significant adverse effects on the environment under the meaning of SEQRA, adopted and approved a Negative Declaration, authorized and directed the MTA Chairman or his designee to execute said Negative Declaration and found the adjustment to the MTA CBB toll rebate program to be "just and reasonable;" and

WHEREAS, the MTA is seeking approval to increase the current rebate amount from \$1.49 to \$1.60 toward the new \$1.60 toll amount for registered Rockaway/Broad Channel Residents using their NYCSC E-ZPass tag at the Cross Bay Veterans Memorial Bridge ("Rockaway/Broad Channel Residents E-ZPass toll"); and

WHEREAS, the Board has considered all of the above.

NOW, THEREFORE, upon motion duly made and seconded, the following resolution is adopted by the Board:

RESOLVED, that that provided the Negative Declaration has been duly executed by the Chairman of the MTA, or his designee, the MTA CBB Rebate Program is hereby modified to provide for a \$1.60 rebate of the toll amount for registered Rockaway/Broad Channel Residents using their NYCSC E-ZPass tag at the Cross Bay Veterans Memorial Bridge.

RESOLVED, if, in the judgment of TBTA during the course of a CBB Rebate Program year, funds in the account for the CBB Rebate Program were likely to be less than the amount of a year's potential rebates, TBTA could request supplemental funds of MTAHQ, but the provision of such funds would be subject to regular MTAHQ budget procedures, including Board approval when required. In the event that funds are not on deposit in the account for the CBB Rebate Program at the time and in the amount necessary to effectuate the credit to participants in the CBB Rebate Program, participants in the CBB Rebate Program would be charged the applicable resident discount toll rate without such further rebate for their trips across the Cross Bay Veterans Memorial Bridge.

RESOLVED, the Chairman of the MTA, in consultation with the President of TBTA, is further authorized to make such changes, alterations, modifications, and revisions to the CBB Rebate Program as are not inconsistent with this Resolution, including but not limited to adjusting the amount and/or percentage of the rebate without necessity of further Resolution.

New York, New York
February 18, 2021

Staff Summary

Subject All-Agency Responsibility Guidelines
Department MTA Office of the General Counsel
Department Head Name Thomas J. Quigley
Department Head Signature
Project Manager Name Thomas J. Quigley

Date FEBRUARY 18, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	2/18/21			
2	Board	2/18/21			

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief of Staff		

Purpose:

To obtain Board approval of the revised MTA All-Agency Responsibility Guidelines.

Discussion:

The All-Agency Contractor Responsibility Guidelines (“Guidelines”), originally adopted in 1988, were last revised in 2010. The MTA Legal Department, in consultation with agency counsel and procurement staff, has reviewed the existing Guidelines and recommends adoption of the revised Guidelines, which are annexed as Exhibit A. The revisions will help to streamline the contracting process, in accordance with the goals of the Board’s Procurement Working Group, and focus MTA resources on areas of greater risk.

Notable proposed changes from the current Guidelines include the following:

1. The revised Guidelines apply to contracts with an estimated value at the time of award of \$1 million or greater, which is consistent with the 2019 statutory increase in the MTA’s sealed bidding threshold to \$1 million and efforts of the Board’s Procurement Working Group to streamline the procurement process. The previous threshold for the applicability of the Guidelines was \$250,000. Because procurements less than \$1 million make up seventy-nine percent of contract awards by volume, but less than seven percent of the value of MTA’s annual contract awards, streamlined procedures are appropriate for such contracts. The increase is also justified by inflation. Escalating the \$250,000 threshold, which was established 32 years ago in 1988, by the increase in construction costs from 1988 to the end of the upcoming capital program in 2024 yields \$1.04 million. It should be noted that responsibility determinations will continue to be made prior to the award of any contract. Contractors will still be required to complete the responsibility form (the “Responsibility Form”) for contracts between \$250,000 and \$1 million and any answers that reveal the potential existence of Significant Adverse Information (“SAI”) will trigger a full background check.
2. The revised Guidelines modify the definition of SAI to exclude interim performance evaluations because they have been criticized as not sufficiently objective to be used as a basis for an SAI determination. In that regard, and in response to audit findings by the Office of the MTA Inspector General and the New York State Office of the State Comptroller with regard to the MTA’s All-Agency Contractor Evaluation (“ACE”) system, the MTA is developing a replacement for ACE. The goal of

the replacement system is to ensure that contractor evaluations are objective and accurate.

3. The revised Guidelines permit the agency Presidents to determine that a Contractor is responsible notwithstanding SAI for contracts up to \$3 million, thus streamlining the process; previously agency Presidents could only make this determination for contracts up to \$1 million.
4. The revised Guidelines include a new provision that allows an agency President to temporarily suspend ACE evaluations on a contract if the agency President determines that it is in the agency's best interest to do so. That decision, as well as the reasoning, must be documented in the agency file, and a copy of that documentation must be provided to the MTA General Counsel and the MTA Inspector General. This proposed change gives the agency some flexibility when disputes arise with regard to Contractor performance.
5. The revised Guidelines include a requirement that MTA agencies must now consider certain factors when determining whether to appoint a monitor after SAI or a serious violation of the MTA Vendor Code of Ethics is found. The new criteria are intended to provide greater uniformity in the decisions to appoint monitors.
6. In addition to prime contracts, the Guidelines apply to Significant Subcontracts. Currently, Significant Subcontracts are defined as those over \$1 million. The revised Guidelines update this definition to include only subcontracts in which the subcontractor is proposed to perform work valued at \$1 million or more and more than ten percent of the contract value, as well as any subcontract valued at \$5 million or more. The effect of this change will be to apply the Guidelines only to those subcontractors that will perform a truly significant portion of the contract work. Finally, the Guidelines will continue to be applied to subcontractors for subcontracts in excess of \$100,000 in special circumstances.

A redlined copy of the Guidelines is annexed as Exhibit A to show all of the proposed revisions.

The MTA has also updated the Responsibility Form that contractors must complete prior to award of a new contract. In line with the agency transformation efforts, the MTA also used this opportunity to update the Responsibility Form so that it is more user-friendly, to clarify and update the information requested and to allow for electronic submission of the form. In addition, the MTA has removed certain contract-specific questions from the Responsibility Form and added those questions to a new short form.

Recommendation:

It is recommended that the Board approve the annexed resolution and adopt the revised All Agency Responsibility Guidelines annexed hereto as Exhibit A, effective immediately.

BOARD RESOLUTION

WHEREAS, the Board enacted the current All Agency Responsibility Guidelines (the “Guidelines”) for the procurement of public works, goods, miscellaneous procurements, and services in 2010;

WHEREAS, pursuant to those Guidelines, the Metropolitan Transportation Authority, its subsidiaries and affiliated agencies (collectively, the “MTA”) has the duty to determine the responsibility of firms under consideration for the award of the contracts for such procurements; and

WHEREAS, the objective of the determination of a firm’s responsibility is to award a contract to a firm with the experience, integrity, and financial and other capacity to properly perform the contract in a timely and cost-effective manner.

NOW, THEREFORE, BE IT RESOLVED, that the Board, acting as the Board of each agency of the MTA, adopts the attached Guidelines, which shall supersede the All Agency Responsibility Guidelines adopted by the Board in 2010; and

BE IT FURTHER RESOLVED, that this resolution is effective immediately; however each agency of the MTA is granted discretion to continue to apply the 2010 Guidelines for contracts that are in the process of being solicited or will be solicited within thirty days after this resolution’s effective date.

Dated: February 18, 2021

Comparison of all changes made to the All Agency Responsibility Guidelines since the previously approved Guidelines (November 17, 2010)

ALL-AGENCY RESPONSIBILITY GUIDELINES

(Note: The term “Contractor” refers to both a bidder/proposer and to the firm awarded the contract)

Statement of Purpose - These All-Agency Guidelines (the “Guidelines”) are designed to provide structure and guidance in assessing contractors’ responsibility in the performance of contracts with the Metropolitan Transportation Authority and each of its subsidiaries and affiliates (collectively “MTA”). The Guidelines establish standards of compliance and procedures for remedying non-compliance with contractual and ethical obligations undertaken to MTA.

1. These guidelines shall apply to ~~the award of any~~ contract awards where the ~~contracting officer is required to determine the responsibility of a firm and the~~ estimated value of the contract at the time of award is equal to or greater than ~~\$250,000~~ 1 million and to Significant Subcontracts, as defined herein. For contract awards below that amount, each agency may use these procedures or establish simplified procedures appropriate to such awards. Nothing in these guidelines is intended to preclude an agency in particular cases from requiring bidders/proposers (“bidder”) to provide more information or data than set forth herein. No contract to which these Guidelines apply should be awarded unless all questions on the applicable Contractor Responsibility Form(s) have been answered and reviewed, or duly waived in writing.

2. An agency shall require each bidder/~~proposer (“bidder”)~~ to complete and submit, as part of its bid/proposal, the information specified on the ~~annexed~~ Contractor Responsibility Form or provide an Affidavit Certification of No Change as described in Paragraph 3 below~~;~~. An agency may require as part of the ~~contract documents~~solicitation, or in connection with a qualification review or hearing, answers to additional questions or additional representations by a bidder as the agency deems appropriate in each instance.

3. If the Contractor has previously submitted a Contractor Responsibility Form within ~~one year prior to the present date~~last year and there have been no material changes in the information specified on that form, ~~two original signed, notarized Affidavits~~a Certification of No Change may be submitted in lieu of a new Contractor Responsibility Form, subject to the same execution requirements applicable to the Contractor Responsibility Form.

4. A bidder has the obligation to demonstrate its responsibility ~~prior to award and to remain a responsible contractor during the term of the contract, including any extension thereof~~. After receipt of a completed Contractor Responsibility Form, an agency may require a bidder to provide additional information or to clarify or supplement information already furnished, including but not limited to information relating to its past performance,

its plan for performing the contract, investigations, indictments, convictions, safety practices and record, and financial condition. An agency may conduct site visits to a bidder's plant, current work sites, and other locations and may also perform additional inquiries with other public and private agencies such as the MTA Inspector General, the New York City Department of Investigation, public prosecutor offices and state, federal and local agencies and authorities, as appropriate. If any such investigation uncovers allegations of improprieties or other matters that give rise to concerns about criminal wrongdoing, appropriate agencies may be contacted.

5. Information obtained with regard to a bidder shall be incorporated into the responsibility determination record ~~of the agency.~~ If the agency personnel authorized to determine a bidder's responsibility ("contracting officer") determines that Significant Adverse Information ("SAI") regarding a bidder has been obtained, the determination that the bidder is responsible or not responsible shall include the rationale for the decision in light of the ~~adverse information~~ SAI and, if the determination is that the bidder is responsible, shall be approved in writing by the ~~agency's~~ agency President ~~or the President's designee~~ and in the case of contracts with an estimated value at the time of contract award of \$~~13~~ million or greater, the MTA Chief Operating Officer or equivalent title reporting to the Chairman/~~CEO,~~ in consultation with the MTA's General Counsel. ~~Significant adverse information regarding a bidder~~ SAI includes but is not limited to (i) an overall unsatisfactory final performance evaluation in the MTA's All-Agency Contractor Evaluation (ACE) system on a contract with any MTA agency within the ~~immediate prior~~ three (3) years, ~~an uncured interim unsatisfactory rating on a contract with any MTA agency, or prior to the date when the contracting officer makes the determination or recommendation regarding the contractor's responsibility;~~ or (ii) an answer of "Yes" to any question in Part IV of the ~~annexed~~ Contractor Responsibility Form. If the award of a contract is subject to Board approval, ~~the existence of significant adverse information~~ notation stating that SAI exists shall be included in the staff summary.

6. ~~A Contractor's evaluation within the last~~ Adverse information ("AI") exists where there are three (3) ~~years, as either: (a) or more overall marginal or two (2) or more final ACE performance ratings; or (b) overall Marginal on contracts with any MTA agency within the three (3) or more consecutive interim performance ratings on years prior to the same contract, constitutes adverse information.~~ date when the contracting officer makes the determination or recommendation regarding the contractor's responsibility. In order for an agency to find such a Contractor to be responsible notwithstanding such ~~adverse information, agency's AI,~~ the agency President's written authorization is required. Moreover, if an agency President determines that it is in the agency's best interest, they may suspend the requirement to conduct ACE evaluations on a contract specific basis. The

decision, as well as the reasons for that decision, must be documented in the agency file, with a copy to the MTA General Counsel and to the MTA Inspector General.

7. In order to permit a finding of ~~responsibility or non-responsibility~~responsible or not responsible, the evaluation of a bidder's responsibility by the contracting officer will include, but not be limited to, consideration of relevant factors within the last ten (10) years, such as:

- A. The bidder's general business experience and stability, with consideration of the organizational structure of the bidder, its management expertise and depth, length of time in business, ~~bondability~~ability to secure bonding by an acceptable surety, and prior history of defaults, debarments and non-responsibility determinations;
- B. The bidder's ~~cash~~cash flow and balance sheet and the financial demands that will be imposed on the bidder by its performance of the contract;
- C. The size, capacity and capability of the bidder in relation to the work to be performed and in relation to other work being performed by the bidder. This includes an evaluation of the availability to the bidder of the management, professional or technical expertise to perform the work, the availability of the physical plant or equipment required for the work, previous experience relevant to the work, and the effect on the bidder of other work being performed or about to be performed by it;
- D. The record of performance of the bidder on other contracts of the agency, affiliated agencies, other governmental agencies, and ~~non-governmental~~governmental entities, including Workers Compensation experience rating, compliance with safety standards, compliance with DBE/WBE/MBE requirements on prior contracts, and claims loss history;
- E. The bidder's record with respect to integrity and business ethics including with regard to criminal activity or other misconduct; (i) the nature of any alleged criminal activity or other misconduct; (ii) the status and disposition of any investigation into such activity; (iii) the nature of any criminal or administrative penalty imposed; (iv) the time-frame encompassed by the alleged activity; (v) the general condition of the relevant industry in terms of such factors as integrity and competitiveness; and (vi) any remedial steps taken by the firm to address concerns about its responsibility;
- F. Whether, pursuant to applicable law or regulation, the bidder is barred by any

federal, state, local or other public or governmental entity from the award of a ~~contractor~~contract or submission of bids/proposals;

- G. The risks associated with the project in general and if the contract is awarded to the bidder in terms of: (i) the extent to which the work of the project impacts the safety of the general public, customers, and employees; (ii) the agency's operations; (iii) the agency's finances-; (iv) the best interests of the agency; and (v) whether, if requested by an agency, the firm will agree to address concerns about its responsibility through such techniques as the appointment of a monitor or the termination of the relationship between the firm and specific person(s) or other firm(s); and
- H. Any other factors considered relevant by the agency.

Where a bidder is a newly-formed firm, such information may be obtained with respect to predecessor firms or the prior experience of the principals of the new firm.

88. When an agency considers whether it should require the appointment of a Monitor where there is SAI or a serious violation of the MTA Vendor Code of Ethics found, the agency shall take into account the following factors:

- A. Whether the conduct comprising the SAI can be effectively deterred by the appointment of a monitor;
- B. The relationship between the specific entity that will perform the contract and the entity(ies) implicated in the SAI (i.e., whether the bidder entity itself committed the SAI or a remote or non-controlling parent, subsidiary or affiliate of the bidder entity committed the SAI);
- C. Whether the SAI is indicative of a defective corporate culture which may benefit from the imposition of a monitor, or whether the SAI results from the isolated actions of one or more individuals (and if the latter, whether such individual(s) have been separated from the bidder);
- D. Whether a monitor was previously put in place or other actions and controls were instituted by the bidder in response to the SAI, and the apparent effectiveness of any such prior remedial actions;
- E. Whether a level of government or law enforcement agency has debarred or sanctioned the entity or affiliate;
- F. The severity of the SAI and its proximity in time; and
- G. Any other factors deemed relevant by the agency, including commercial

considerations, such as where the bidder is the only available source for the product or service, or whether its absence from the process would substantially reduce the competition for the product or service or is likely to result in adverse pricing or terms.

The procurement/contract file shall document the agency's determination. Where a monitor is required: (i) the scope of such services shall be reasonably targeted as to the entity(ies) covered, the area(s) of concern to be monitored, and the time period for which such monitoring services shall be required; and (ii) the bidder shall be required to bear the associated costs, provided that in unique circumstances (e.g., sole source procurements), the agency may determine to take on all or part of such costs. A monitor may be either internal (within the MTA) or external (by a third party), depending on the severity of the conduct giving rise to the necessity for the monitorship and the availability of internal resources. The agency shall have the discretion to determine whether to use an internal or external monitor.

9. Before an agency makes a final determination that a bidder is not responsible, the agency must give notice to the bidder of the reasons ~~which~~that lead to such finding, and the bidder must be offered a reasonable opportunity to respond to such reasons. The bidder's response, at the agency's ~~options~~option, may be in writing or made in person.

910. An agency may, if it deems it necessary, convene a hearing to determine or make a recommendation with respect to: (i) a bidder's pre-contract award qualification/responsibility; and/or (ii) post-contract award information about a Contractor. A recording or transcript of the hearing may be made if the agency deems it appropriate to do so.

~~1011.~~ The agency shall document its ~~files with its~~ findings and the reasons ~~therefore~~for those findings in its procurement/contract file and, if a finding of non-responsibility is made, may award the contract to the next low bidder or best proposer whose proposal best meets the agency's requirements, ~~which~~ and is responsive and responsible or may take any other action in accordance with applicable law and established procedures.

~~112.~~ An agency's contract documents shall include provisions ~~which grant~~granting the agency discretion to terminate the contract for convenience without payment for profit and overhead for work not performed or to take such other action as the agency may deem appropriate if, among other reasons, during the contract term: (i) the contractor, a contractor director, officer, principal, or managerial employee, or owner of a 10% or more interest in the contractor is convicted of a crime involving a public contract; ~~that would constitute SAI under the All-Agency Responsibility Guidelines;~~ (ii) significant concerns about the contractor's integrity are raised based upon an evaluation of the events underlying

any other determination, or an indictment or other allegation, that the contractor or a contractor director, officer principal, managerial employee, or owner of a 10% or more interest in the contractor, ~~is involved in a criminal or other unlawful activity has been involved in any felony or a misdemeanor related to truthfulness and/or business conduct in the past ten (10) years;~~ or (iii) an agency determines that a bidder submitted materially false or incomplete information in its Contractor Responsibility Form or otherwise in obtaining the award; ~~or (iv) the Contractor has failed to disclose events or circumstances that have changed and would render its Contractor Responsibility Form inaccurate or incomplete. Nothing herein shall be construed to limit an agency's contract documents from providing the agency discretion to terminate a contract for convenience on grounds other than those set forth in this paragraph.~~

~~12~~13. After a contract is awarded, the Contractor has a continuing obligation to update and correct the information provided in response to the Contractor Responsibility Form. Any ~~information so obtained shall~~ updates or corrections should be included in the agency's contract records and ~~shall~~ should be taken into account in the management and administration of the contract with respect to present responsibility determinations.

~~13. The agency shall update the relevant MTA and agency databases with required and other information about the Contractor's performance.~~

~~14. These guidelines are intended for the guidance of officers and employees of the MTA and MTA subsidiaries and affiliates.~~ Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

~~Except to the extent an agency is granted discretion under these guidelines,~~ ~~15.~~ Nothing contained in these guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these Guidelines.

~~With respect to contracts in excess of \$1 million,~~ ~~16.~~ These Guidelines shall be applied to ~~significant~~ subcontractors ~~known at for Significant Subcontracts, with the time of contract award, to exception that if the extent~~ subcontractor is found to be responsible despite the existence of SAI, only approval by the agency head, or his/her designee shall be required by statute or applicable regulation, irrespective of the dollar value. "Significant Subcontracts" means subcontracts in which the subcontractor is proposed to perform work valued at \$1 million or more and more than 10% of the contract value, as well as any subcontract valued at \$5 million or more. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in ~~the~~ conflict with

or impose greater obligations upon the agency than ~~the~~these guidelines, such requirements shall take precedence. In addition, these guidelines shall be applied to subcontractors for subcontracts of \$100,000 or more in such areas as the MTA may designate from time to time (referred to as “Special Circumstances”).

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

February 18, 2021



Staff Summary

Subject: Request for Authorization to Award Various Procurements						Date February 18, 2021			
Department Procurement and Logistics									
Department Head Name Richard A. Mack, Acting Chief Procurement and Logistics Officer									
Department Head Signature									
Board Action						Internal Approvals			
Order	To	Date	Appr	Info	Other	Order	Approval	Order	Approval
1	MTA Joint Committee and Board	Feb. 18, 2021				X	President 		

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 Non-Competitive Procurements in the following categories:

of Actions \$ Amount

None

LIRR proposes to award Competitive Procurements in the following categories:

of Actions \$ Amount

Schedules Requiring Two-Thirds Vote

Schedule C: Competitive Requests for Proposals

	1	\$3,186,584
SUBTOTAL:	1	\$3,186,584

LIRR proposes to award Ratifications in the following categories:

of Actions \$ Amount

None

	<u>1</u>	<u>\$3,186,584</u>
TOTAL:	<u>1</u>	<u>\$3,186,584</u>

BUDGET IMPACT:

The purchases/contracts will result in obligating LIRR Federal procurement funds in the amounts listed. Funds are available in the current budget 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.)

METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work 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 Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

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 the 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 it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.
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. The Board ratifies each action taken set forth in Schedule D 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 2021

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts) (Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | | |
|-----------|----------------------------|--------------------|--------------------------------------|
| 1. | Corys, Inc. | \$3,186,584 | <i><u>Staff Summary Attached</u></i> |
| | Competitive RFP | | |
| | Contract No. 281739 | | |

LIRR requests MTA Board approval to award a competitively negotiated contract in the amount of \$3,186,584 to Corys, Inc. to design, manufacture, test and deliver Train Simulator Systems for each of its M-7/M-9, Dual Mode (DM) Locomotive and C-3 fleets. These three simulators will support increased training requirements for (1) train crews required in advance of operating equipment within East Side Access (ESA) territory to Grand Central Terminal), (2) Positive Train Control (PTC), and (3) new equipment familiarization i.e. M-9. These simulators will also support potential remedial training, emergency situations, equipment failures, physical characteristics, and numerous operating scenarios.

Staff Summary



Item Number:					
Dept & Dept Head Name: Procurement & Logistics, Richard Mack Signature & Date					
Division & Division Head Name: Executive Dir. ESA/Special Projects, Nevil Perkins Signature & Date					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA Joint Committee and Board	2.18.21			
Internal Approvals					
Order	Approval	Order	Approval		
4	President <i>[Signature]</i>	1	SVP Operations <i>[Signature]</i>		
3	VP, Gen'l Counsel & Sec'y				
2	VP CFO <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name Corys, Inc.	Contract Number 281739
Description Purchase M7/M9, DM Locomotive, C3 Train Simulator Systems	
Total Amount \$3,186,584	
Contract Term (including Options, if any) seven (7) years	
Options(s) included in Total Amount: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

LIRR requests MTA Board approval to award a competitively negotiated contract in the amount of \$3,186,584 to Corys, Inc. to design, manufacture, test and deliver Train Simulator Systems for each of its M-7/M-9, Dual Mode (DM) Locomotive and C-3 fleets. These three simulators will support increased training requirements for (1) train crews required in advance of operating equipment within East Side Access (ESA) territory to Grand Central Terminal), (2) Positive Train Control), and (3) new equipment familiarization i.e. M-9. These simulators will also support potential remedial training, emergency situations, equipment failures, physical characteristics, and numerous operating scenarios.

II. DISCUSSION:

The M-7/M-9, DM Locomotive and C3 Train Simulator procurement supports agency-wide initiatives associated with securing the success for ESA Opening Day. Under the, contract, the opening of ESA will generate a significant increase in train service, which will directly affect the need to hire additional train and engine service employees. A fully developed hiring and staffing plan has been prepared anticipating the ramp-up of new work forces. Adherence to required Federal Railroad Administration training and qualification rules necessitates the need to skillfully expedite the process to meet specific readiness milestones.

In July 2019, the MTA Board approved the use of the Request for Proposal (RFP) method to solicit firms to design, manufacture, test and deliver Train Simulator Systems for each of its M-7/M-9, DM Locomotive and C-3 fleets.

Staff Summary

On March 9, 2020, the RFP was advertised in the New York State Contract Reporter, New York Post and on the MTA's website. In addition, a copy of the advertisement was sent directly to firms known to have experience with this type of work.

On June 15, 2020, LIRR received four (4) proposals from the following firms: 1) Corys, Inc. for \$ 3,186,584, 2) Oktal Sydac for \$ 3,227,716, 3) Transurb AB for \$4,831,771 and 4) FAAC Corp. for \$7,116,812.

A Technical Evaluation Committee (TEC) evaluated each firm's technical proposal against the technical evaluation criteria set forth in the RFP except for Price. The criteria evaluated by the TEC included: (1) Technical Approach; (2) Demonstrated Ability to Meet Schedule; and (3) Project Team including Key Personnel. The TEC's final technical evaluation found that each proposer was technically compliant with the RFP requirements and successfully demonstrated their ability to complete the scope of work.

Subsequent to the TEC's final technical evaluations, Corys, Inc. was selected as the simulator designer/manufacturer that provided the strongest team and the best value to LIRR

Pursuant to the All-Agency Responsibility Guidelines, a vendor responsibility review was performed by LIRR and returned no adverse information against Corys, Inc. In addition, a financial review of the firm by LIRR's Controller Department yielded favorable results.

Based on the above, Cory's Inc. is determined to be a responsive and responsible vendor and the proposer selected for award of the contract.

III. D/M/WBE INFORMATION:

The MTA Department of Diversity and Civil Rights has established 0% DBE goals for the contract. The LIRR requirements set forth in the solicitation are highly specialized and there are no certified DBE vendors in the marketplace capable of designing, manufacturing, testing, and delivering train simulator systems.

IV. IMPACT ON FUNDING:

The contract will be funded with the MTA Capital Construction East Side Access federal funds, which is included in the MTA's 2015-2019 Capital Program.

V. ALTERNATIVES:

LIRR does not have the ability to perform the work in-house.

VI. FUTURE TASKS:

None

Procurement & Supply Chain

Louis Montanti, Acting Senior Vice President



Above is an R160 car manufactured by Alstom. This month's Board package seeks approval for the award of a price agreement for sole-source items manufactured by Alstom to maintain this fleet as well as other cars having Alstom propulsion systems.

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed expenditure of \$7.0M.

Subject	Request for Authorization to Award Various Procurements				
Department	Procurement & Supply Chain – NYCT				
Department Head Name	Louis A. Montanti				
Department Head Signature	<i>Louis A. Montanti</i>				
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	02/18/21			
2	Board	02/18/21			

February 9, 2021			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
<i>Do not</i>	President NYCT		Pres. MTA Bus/SVP DOB
X	COO NYCT	X	Subways
	Capital Prog. Management		Diversity/Civil Rights
X	Law		

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 NYC Transit Committee of these procurement actions.

DISCUSSION

NYC Transit proposes to award Noncompetitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote:

Schedule A: Miscellaneous Service Contracts		1	\$	7.0 M
• Alstom Transportation	\$ 7.0 M			
				SUBTOTAL
		1	\$	7.0 M

MTA Bus Company proposes to award Noncompetitive procurements in the following categories: NONE

NYC Transit proposes to award Competitive procurements in the following categories: NONE			
MTA Bus Company proposes to award Competitive procurements in the following categories: NONE			
MTA Bus Company proposes to award Ratifications in the following categories: NONE			
NYC Transit proposes to award Ratifications in the following categories: NONE			
	TOTAL	1	\$ 7.0 M
<p>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.</p> <p>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.</p> <p>RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)</p>			

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 in regard to 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 2021

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. Alstom Transportation
Contract# 299610 | \$7,000,000 | <u>Staff Summary Attached</u> |
|--|--------------------|--------------------------------------|

A five-year pricing agreement for sole-source replacement parts from Alstom including the propulsion controller, traction motor, and carbody.

Item Number: 1

Vendor Name (Location) Alstom Transportation, Inc. (New York, New York)
Description Pricing Agreement for the purchase of sole-source replacement parts, including the Propulsion Controller, Traction Motor, and Carbody
Contract Term (including Options, if any) Five Years
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source Parts Pricing Agreement

Contract Number 299610	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$7,000,000 (Est.)
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept./Div., Dept./Div. Head Name: Procurement & Supply Chain, Louis Montanti	

Discussion:

Approval is requested to award a five-year pricing agreement contract for sole-source replacement parts including the propulsion controller, traction motor, and carbody to Alstom Transportation, Inc. (“Alstom”) in an estimated total amount of \$7 million. This pricing agreement will improve purchasing process efficiencies by reducing the number of transactions and provide for the timely purchase of various items identified as obtainable only from Alstom for the following reasons: sole pre-qualified item on the Qualified Products List and not available from any distributors or other sources; publicly advertised within a 12-month period without an acceptable alternate supplier; or proprietary to Alstom. A list of Alstom sole-source items, as well as NYC Transit’s intention to purchase these items without competitive bidding, is available for download from the NYC Transit website at any time, by any prospective vendor. Additionally, NYC Transit publicly advertised its intention to award this five-year parts pricing agreement on a sole-source basis.

The award of this pricing agreement will be made pursuant to paragraph 9(b) of Public Authorities Law 1209, which allows for purchases of items available from only a single responsible source to be conducted without competitive bidding.

These sole-source replacement parts will be used by the Division of Car Equipment for Scheduled Maintenance System (“SMS”) and normal maintenance for 2,427 subway cars, for which Alstom is the propulsion supplier. Alstom is the car builder for 1,002 of those subway cars. During the term of this pricing agreement, it is projected that a total of 2,086 subway cars will undergo SMS (1,025 R142 cars and 320 R160 cars will undergo a six-year SMS, and 741 R160 subway cars will undergo a 12-year SMS).

In the past, an omnibus approval was used by NYC Transit to purchase sole-source parts from Alstom. This approval eliminated the need to prepare individual procurement staff summaries and seek Presidential approval for each individual procurement greater than \$100,000 up to and including \$1 million, and Board approval for each individual procurement greater than \$1 million. There is an existing Alstom omnibus approval for \$12 million that was approved by the Board in January 2019 and expires on January 31, 2022. The \$12 million was established by applying historical pricing to the then current as well as projected forecasted quantities of material for the term of the omnibus. Pricing was established during the omnibus term by requesting a quotation for each item from Alstom on an as-required basis; and then performing a cost and/or price analysis to determine that the price is fair and reasonable.

The current approach is to award this five-year parts pricing agreement to Alstom where specific pricing has already been established for 158 items, which represent most of the items expected to be purchased during the five-year term. The award of this pricing agreement will facilitate both reduced procurement lead times and expedited material delivery; and replace the need to have an omnibus approval for Alstom sole-source items. In order to obtain an efficient and manageable price schedule, NYC Transit reviewed historical data, forecasts, and projections for the five-year term.

Continued:

The resulting parts pricing agreement will be an estimated quantity contract without limitations on the quantity of orders. The quantity of each item is only an estimate, not guaranteed, and NYC Transit has the option to increase or decrease the quantity as required during the pricing agreement period. NYC Transit is not obligated to accept any or all of the quantities on this pricing agreement. Additional items for which Alstom is the sole supplier may be added during the term of the pricing agreement.

A price analysis was performed on the aforementioned 158 items, which represent \$5,103,151 of the overall pricing agreement value. Of the 158 items, 154 have comparative price history and represent 99.4 percent, or \$5,072,548, of the total dollar value of the 158 items. The analysis revealed an annual weighted average price increase of 0.01 percent. This increase is within range of the U.S. Macroeconomic Forecasts for Transportation Equipment (as of August 2020), which shows a projected annualized increase of 2.2 percent for the next three years. The pricing agreement amount includes all five years, with firm fixed pricing for the first three years, after which pricing for years four and five will be adjusted once using an established Producer Price Index. NYC Transit's Cost Price Analysis Unit reviewed the price analysis and deemed the pricing offered by Alstom to be fair and reasonable.

Contingency is included to cover unanticipated items that may need to be purchased during the five-year term, and potential escalation in years four and five if applicable. Pricing for any additional sole-source item without the aforementioned firm fixed pricing will be established by requesting a quotation from Alstom on an as-required basis, and each item is subject to a cost and/or price analysis and a determination that the price is fair and reasonable. Procurement will continue to research alternate sources of supply wherever possible. If successful, the item will be removed from this pricing agreement and purchased competitively.

Both Metro-North Railroad and Long Island Rail Road declined to join this pricing agreement because they do not have propulsion manufactured by Alstom on their fleets.

In connection with a previous contract awarded to Alstom, Alstom 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 Chief Operating Officer in consultation with the MTA General Counsel in January 2020. No new SAI has been found relating to Alstom, and Alstom has been found to be responsible.

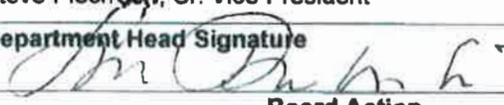
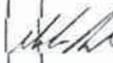
Contracts Department

Stephen Plochochi, Senior Vice President

PROCUREMENTS

The Procurement Agenda this month includes one procurement action for a proposed expenditure of \$12.5M.

Staff Summary

Subject Request for Authorization to Award Various Procurement Actions						Date: February 8, 2021			
Department Contracts									
Department Head Name & Title Steve Plochoci, Sr. Vice President									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other		Approval		Approval
1	NYCT & Bus Committee	2/18/21	X				Deputy Chief Development Officer, Development		President
2	Board	2/18/21	X				Deputy Chief Development Officer, Delivery		Executive Vice President & General Counsel

PURPOSE

To obtain the approval of the Board to award a procurement action and, to inform the New York City Transit Committee of this procurement action.

DISCUSSION

MTA Construction & Development proposes to award a Ratification in the following category:

Schedules Requiring Majority Vote

K. Ratification of Completed Procurement Actions	1	<u>\$12,500,000</u>
TOTAL	1	\$12,500,000

Budget Impact:

The approval of this procurement action will obligate the capital funds in the amount listed. Funds are available in the capital budget for this purpose.

Recommendation:

The procurement action be approved as proposed. (The item is included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All Agency 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 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 2021

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule K. Ratification of Completed Procurement Actions (Involving Schedules E-J)
(Staff Summaries required for items requiring Board Approval)

- | | | |
|---|--------------|--------------------------------------|
| 1. L.K. Comstock & Company, Inc.
Contract No. S-48006.08 | \$12,500,000 | <i><u>Staff Summary Attached</u></i> |
|---|--------------|--------------------------------------|

MTA Construction and Development requests the Board ratify a retroactive modification for the removal and disposal of out-of-service equipment and associated hardware accessories on the Flushing Line from the Time Square Station in Manhattan to the Main Street Station in Queens, including the Corona Yard.

Item Number: 1

Vendor Name (Location) L.K. Comstock & Company Inc. (E. Farmingdale, NY)
Description CBTC 8 th Avenue Line (59 th Street to High Street) "B" Division (IND) in the Boroughs of Manhattan and Brooklyn
Contract Term (including Options, if any) January 2020 to January 2025
Option(s) included in Total Amt? <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 type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
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

Contract Number S-48006	AWO/Mod. #s 8
Original Amount:	\$ 245,798,000
Prior Modifications:	\$ 49,500
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 245,847,500
This Request:	\$ 12,500,000
% of This Request to Current Amt.:	5%
% of Modifications (including This Request) to Original Amount:	5.1%

Discussion:

This contract is for a Communications Based Train Control (CBTC) signal system on the 8th Avenue Line from south of the 59th Street Interlocking in Manhattan to the High Street Station in Brooklyn including the installation of two solid state interlockings at 30th Street and 42nd Street in Manhattan. This retroactive modification is for the removal and disposal of out-of-service equipment and associated hardware accessories on the Flushing Line from the Time Square Station in Manhattan to the Main Street Station in Queens, including the Corona Yard.

The work to be added under this Modification is for the removal of out-of-service signal air-line equipment, associated air lines, cables and cable supports and steel platforms and concrete pedestals. The Contractor will also provide new fiberglass walkways where platforms or other equipment have been removed from the elevated structure and cover openings or holes left after removal of equipment. The Flushing Line CBTC Signal System Modernization project, that was awarded in June of 2010, did not include the removal of the decommissioned signal equipment due to funding constraints and cash flow issues at that time. It was contemplated that this work would be contractually bundled with other associated station and structural work on this line, however, as a result of the COVID-19 pandemic, that work was delayed.

Accelerating this work by Modification will permit this work to start in early 2021 during the current period of low ridership, take advantage of already scheduled outages resulting in reduced support costs and further mitigate the risk of out-of-service equipment coming loose and falling from the elevated structure. In addition, L.K. Comstock is an experienced contractor that is familiar with the out-of-service equipment due to their experience as the installation subcontractor on the Flushing Line CBTC Signal System Modernization project.

L.K. Comstock submitted its proposal in the amount of \$18,085,778.52. Negotiations resulted in the agreed-upon lump-sum price of \$12,500,000, which is considered to be fair and reasonable. Existing dates and obligations associated with the 8th Avenue CBTC work remain unchanged. Permission was obtained from the President to process this modification on a retroactive basis and the Contractor was directed to proceed with the work, on December 31, 2020, up to a not-to-exceed amount of \$1,000,000.

In connection with a previous contract awarded to L.K. Comstock & Company Inc. ("Comstock"), Comstock was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2016. No new SAI has been found relating to Comstock and Comstock has been found to be responsible.

Staff Summary

Subject
Approval of Triborough Bridge and Tunnel Authority Supplemental Resolutions authorizing the issuance of bonds and notes to finance Central Business District Tolling Program Costs
Department
Finance
Department Head Name
Robert E. Foran, Chief Financial Officer
Department Head Signature
Project Manager Name
Patrick J. McCoy, Director, Finance

Date
February 18, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	2/18/2021	X		
2	Board	2/18/2021	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

PURPOSE:

The MTA Finance Department is seeking Triborough Bridge and Tunnel Authority (“TBTA” or “MTA Bridges and Tunnels”) Board authorization and approval of the annexed supplemental resolutions and the necessary documentation to provide for the issuance of TBTA CBDTP Second Subordinate Revenue Obligations (Central Business District Tolling Program) in an amount not to exceed \$506 million to fund costs related to the design, build, and installation of infrastructure, tolling systems and allowable implementation expenses necessary for the operation of the Central Business District Tolling Program plus an amount necessary to fund certain financing costs as described in more detail below. The MTA Finance Department will report to the Board on the proposed debt issuance schedule, planned note and bond issues and the results of each note and bond issue.

DISCUSSION AND BACKGROUND:

In April 2019, legislation was enacted in New York State providing for the establishment of the Central Business District Tolling Program. In furtherance of such legislation, TBTA has entered into a Memorandum of Understanding with The City of New York and awarded a design, build, operate and maintain contract for the infrastructure and tolling collection system. On December 18, 2019, the MTA Bridges and Tunnels Board approved and adopted the CBDTP Second Subordinate Revenue Resolution (Central Business District Tolling Program), including Standard Resolution Provisions, which comprise the fundamental legal documents for the establishment of the TBTA Second Subordinate Revenue Obligations Bond Credit, payable after the payment of debt service on TBTA’s existing senior and subordinate bond resolutions. The financing of Central Business District Tolling Program costs is not authorized under TBTA’s existing senior and subordinate bond resolutions.

MTA Bridges and Tunnels Board approval is sought for the following supplemental resolutions, documentation and activities in connection with the issuance of TBTA CBDTP Second Subordinate Revenue Obligations (Central Business District Tolling Program) in the form of bonds, notes, commercial paper or other form of indebtedness:

- CBDTP Second Subordinate Revenue Bond Supplemental Resolution authorizing CBDTP Second Subordinate Revenue Obligations (Central Business District Tolling Program) (the “CBDTP Second Subordinate Revenue Resolution”) authorizing CBDTP Second Subordinate BANs (BANs) and CBDTP Second Subordinate Bonds (Bonds), including providing for the following:

- The issuance of BANS and Bonds under the CBDTP Second Subordinate Revenue Resolution, in one or more series from time to time, to (1) provide funds in an amount not to exceed \$506 million for CBDTP Congestion Tolling Program infrastructure, tolling systems and allowable implementation expenses or to retire any such BANS when due, plus (2) finance any accrued interest, capitalized interest, applicable issuance costs and any original issue discount,
- Issuance of such BANS or Bonds in competitive or negotiated public sales, by direct placement or in connection with a revolving credit or other loan agreement, and
- Parity Obligations and other Parity Debt in an amount sufficient to secure any Credit Facilities entered into in connection with the issuance of the Bonds.

With respect to the above-referenced financial transactions, MTA Bridges and Tunnels Board approval is sought:

(a) delegating authority to the Chairman, the Chair of the Finance Committee, the Chief Financial Officer or the Director, Finance of MTA to make revisions to the CBDTP Second Subordinate Revenue Resolution as necessary or convenient and to award the obligations either pursuant to competitive bid or to members (or entities related to such firms) of the Board-approved MTA underwriting syndicate and to execute and/or deliver in each case, where appropriate:

- Notices of Sale and bid forms,
- Purchase Agreements with underwriters,
- Direct Purchase Agreements,
- Revolving Credit Agreements or other Loan Agreements,
- Official Statements and other disclosure documents,
- Continuing Disclosure Agreements and related filings,
- Remarketing Agreements and Firm Remarketing Agreements,
- Dealer and Broker/Dealer Agreements,
- Issuing and Paying Agent and Tender Agent Agreements,
- Credit Facilities and related Parity Reimbursement Obligations and Parity Debt,
- Related Subordinated Contract Obligations, and
- Investment Agreements.

Any such documents will be in substantially the form of any document previously entered into by MTA or TBTA for previous issues, with such changes as approved by any one or more of the foregoing officers.

(b) authorizing such officers to terminate, amend, supplement, replace or extend any such documents, including Credit Facilities (and related Parity Reimbursement Obligations and Parity Debt), as they shall deem advisable, and to take such other actions as may be necessary or desirable to effectuate the issuance of bonds, notes, commercial paper or other form of indebtedness and other financial transactions set forth above, on behalf of MTA Bridges and Tunnels.

ALTERNATIVES:

There is no viable alternative financing mechanism to pay for the Central Business District infrastructure, tolling systems and allowable implementation expenses to meet the statutory schedule for implementation.

RECOMMENDATION:

MTA Bridges and Tunnel Board authorization of the above-referenced resolutions and documents and all other actions described above, including the execution and delivery of such other documents, and the taking of all other actions, from time to time deemed necessary or desirable by such officers in connection therewith. The authorization to issue the bonds, notes, commercial paper or other form of indebtedness and take other related actions hereunder shall continue in effect without any further action by the MTA Bridges and Tunnels Board until the adoption by the MTA Bridges and Tunnels Board of subsequent bond supplemental resolutions relating to 2022 note and bond issues (except that 2021 BANS and Bonds may still be issued to refinance 2021 BANS outstanding at any time) unless (a) the MTA Bridges and Tunnels Board shall have confirmed the effectiveness of this authorization for an additional period, or (b) the MTA Bridges and Tunnels Board shall have modified or repealed this authorization.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

**MULTIPLE SERIES 2021 BOND ANTICIPATION NOTES
AND RELATED SUBORDINATED INDEBTEDNESS
CBDTP SECOND SUBORDINATE REVENUE BOND SUPPLEMENTAL RESOLUTION**

Adopted February 18, 2021

**MULTIPLE SERIES 2021 BOND ANTICIPATION NOTES AND
RELATED SUBORDINATED INDEBTEDNESS
CBDTP SECOND SUBORDINATE REVENUE BOND SUPPLEMENTAL RESOLUTION**

BE IT RESOLVED by the Board of Triborough Bridge and Tunnel Authority (the “Issuer”), as follows:

**ARTICLE I
DEFINITIONS AND STATUTORY AUTHORITY**

SECTION 1.01. Supplemental Resolution. This Multiple Series 2021 Bond Anticipation Notes and Related Subordinated Indebtedness CBDTP Second Subordinate Revenue Bond Supplemental Resolution (the “Supplemental Resolution”) is supplemental to, and is adopted in accordance with Article II, Article A-II and Article A-VIII of, a resolution adopted by the Issuer on December 18, 2019, entitled “CBDTP Second Subordinate Revenue Resolution Authorizing CBDTP Second Subordinate Revenue Obligations”, as heretofore supplemented (the “Resolution”).

SECTION 1.02. Definitions.

1. All capitalized terms which are used but not otherwise defined in this Supplemental Resolution shall have the same meanings, respectively, as such terms are given by Section 102 of the Resolution.

2. In this Supplemental Resolution:

“Authorized Officer” shall include the officers designated as such in the Resolution, and the Chairman, the Chair of the Finance Committee, the Chief Financial Officer or the Director, Finance of the MTA, as well as any officer duly designated as “Acting” in said officer’s capacity, except that, for the purposes of any delegation set forth herein that does not expressly include any Assistant Secretary, “Authorized Officer” shall not include any Assistant Secretary of the Issuer.

“Board” shall mean, when used with respect to the Issuer, the board of the Issuer acting as such pursuant to the provisions of the Issuer Act, and when used with respect to the MTA, the members of the MTA acting as such pursuant to the provisions of the MTA Act.

“Bond Counsel” shall mean Nixon Peabody LLP, Orrick, Herrington & Sutcliffe LLP, D. Seaton and Associates, P.A., P.C., Bryant Rabbino LLP or any other attorney or firm of attorneys of nationally recognized standing in the field of law relating to the issuance of obligations by state and municipal entities, selected by the Issuer.

“Code” shall mean the Internal Revenue Code of 1986, as amended, and regulations thereunder.

“Noteholder”, “Holder” or “Holder of Notes”, or any similar term, means any person who shall be the registered owner of any Outstanding Series 2021 Note or Notes.

“Notice of Sale” shall mean the form of Notice of Sale to be distributed with the Preliminary Official Statement, hereinafter defined, and published in the event of a competitive sale of the Series 2021 Notes.

“Series 2021 Bonds” shall mean the CBDTP Second Subordinate Revenue Obligations authorized by Article II of the Resolution and pursuant to a resolution of the Issuer adopted as of the date that this Supplemental Resolution is adopted.

“Series 2021 Notes” shall mean the CBDTP Second Subordinate Revenue Bond Anticipation Notes, Series 2021, authorized to be issued, in accordance with Section A-203 of the Standard Resolution Provisions, pursuant to this Supplemental Resolution, subject to redesignation as hereinafter provided.

SECTION 1.03. Authority for this Supplemental Resolution. This Supplemental Resolution is adopted pursuant to the provisions of the Issuer Act and the Resolution.

ARTICLE II AUTHORIZATION OF SERIES 2021 NOTES

SECTION 2.01. Principal Amount, Designation and Series. In accordance with the Resolution, CBDTP Second Subordinate Revenue Bond Anticipation Notes constituting Obligation Anticipation Notes under the Resolution, which may be issued in one or more Series or subseries and from time to time, entitled to the benefit, protection and security of the Resolution are hereby authorized to be issued in an aggregate principal amount necessary so that, after giving effect to any net original issue discount and underwriters’ discount from the principal amount (but without giving effect to any net original issue premium as determined to be advisable by an Authorized Officer in connection with the marketing of the Series 2021 Notes), the amount to be deposited in the Series 2021 Note Proceeds Account pursuant to, or otherwise applied to effectuate the purposes of, Section 2.02 and Section 3.01 of this Supplemental Resolution (exclusive of any amount deposited therein or otherwise applied pursuant to a Certificate of Determination to pay accrued interest, capitalized interest, or any Costs of Issuance of the Series 2021 Notes), shall not exceed \$506 million at any one time outstanding reduced by the amount of Series 2021 Bonds Outstanding (but, for purposes of clarification, not including any Series 2021 Notes or Series 2021 Bonds issued to refinance Series 2021 Notes). The Series 2021 Notes may be issued in the form of a loan agreement, line of credit, revolving credit agreement or similar facility (each, a “Loan Facility”). For all purposes of this Section such CBDTP Second Subordinate Revenue Bond Anticipation Notes shall be designated as, and shall be distinguished from the CBDTP Second Subordinate Revenue Bond Anticipation Notes of all other Series by the title, “CBDTP Second Subordinate Revenue Bond Anticipation Notes, Series 2021”, with such further or different designations as may be provided in any Certificate of Determination.

The authority to issue CBDTP Second Subordinate Revenue Obligation Anticipation Notes and taking of related actions granted under previous resolutions of the Issuer shall continue in full force and effect. The authorization to issue the Series 2021 Notes shall continue in effect until the adoption by the Issuer’s Board of a subsequent new money note issuance supplemental resolution relating to 2022 new money financings, provided, however, the authorization to issue the Series 2021 Notes for the purposes set forth in clause (ii) of Section 2.02 hereof to the extent permitted by law and to issue Series 2021 Bonds to refinance the Series 2021 Notes authorized hereunder shall continue in effect until all of such Series 2021 Notes have been refinanced by Series 2021 Bonds.

The Issuer hereby covenants and agrees for the benefit of the Noteholders and beneficial owners of the Series 2021 Notes that it will maintain issuance capacity pursuant to the Resolution to issue CBDTP Second Subordinate Revenue Obligations or additional CBDTP Second Subordinate Revenue Bond Anticipation Notes in an amount sufficient to pay the principal of and interest on the Series 2021 Notes when due.

SECTION 2.02. Use of Proceeds. The proceeds of the Series 2021 Notes shall be used only for the purposes set forth in one or more Certificates of Determination and may include (i) the payment of all or any part of the Capital Costs, including Costs of Issuance related to the Series 2021 Notes and (ii) the payment of the principal and interest of Outstanding Series 2021 Notes.

SECTION 2.03. Dates, Maturities, Principal Amounts and Interest; Redemption. The Series 2021 Notes shall be dated the date or dates determined in the related Certificate of Determination. The Series 2021 Notes shall mature on the date or dates and in the year or years and in the principal amount or amounts, and shall bear interest at the rate or rates per annum, if any, specified in or determined in the manner provided in the related Certificate of Determination. Except as otherwise provided in any Certificate of Determination, the Series 2021 Notes shall not be subject to redemption prior to maturity.

SECTION 2.04. Interest Payments. The Series 2021 Notes shall bear interest from their date or dates, and be payable on such date or dates as may be determined pursuant to the related Certificate of Determination. Except as otherwise provided in the related Certificate of Determination, interest on the Series 2021 Notes shall be computed on the basis of twelve (12) 30-day months and a 360-day year.

SECTION 2.05. Denominations, Numbers and Letters. Unless otherwise provided in the related Certificate of Determination, the Series 2021 Notes shall be issued in fully registered form without coupons in the denomination of \$5,000 or any integral multiple thereof. The Series 2021 Notes shall be numbered and lettered as provided in the related Certificate of Determination.

SECTION 2.06. Places of Payment and Paying Agents. Except as otherwise provided in the related Certificate of Determination, principal and Redemption Price of the Series 2021 Notes shall be payable to the registered owner of each Series 2021 Note when due upon presentation of such Series 2021 Note at the principal corporate trust office of the Trustee. Except as otherwise provided in the related Certificate of Determination, interest on the registered Series 2021 Notes will be paid by check or draft mailed on the interest payment date by the Paying Agent, to the registered owner at his address as it appears on the registration books or, at the option of any Holder of at least one million dollars (\$1,000,000) in principal amount of the Series 2021 Notes, by wire transfer in immediately available funds on each interest payment date to such Holder thereof upon written notice from such Holder to the Trustee, at such address as the Trustee may from time to time notify such Holder, containing the wire transfer address (which shall be in the continental United States) to which such Holder wishes to have such wire directed, if such written notice is received not less than twenty (20) days prior to the related interest payment date (such notice may refer to multiple interest payments).

SECTION 2.07. Sources of Payment

The principal of and interest on the Series 2021 Notes may be payable solely from (i) the proceeds of any other Series 2021 Notes, (ii) the proceeds of the Series 2021 Bonds, and (iii) the proceeds of notes or other evidences of indebtedness or any other amounts (which other amounts are not pledged under the Resolution), in each case if and to the extent such amounts may lawfully be used to make such payments. The interest on the Series 2021 Notes may also be payable from amounts available for transfer pursuant to Section 503(1)(c) of the Senior Resolution after the payment of Subordinated Indebtedness as described in the Senior Resolution and the Subordinate Resolution. For purposes of clarification, the Series 2021 Bonds are Subordinate Indebtedness as described in the Subordinate Resolution and the payment of interest on the Series 2021 Notes is subordinate to the payment of principal of and interest on the Series 2021 Bonds.

2. There are hereby pledged to the payment of principal and interest on the Series 2021 Notes (i) the proceeds of other Series 2021 Notes issued to refinance such Series 2021 Notes, and (ii) the proceeds of the Series 2021 Bonds issued to refinance such Series 2021 Notes, and such pledge has priority over any other pledge thereof created by the Resolution, including Section 501. There is also hereby pledged to the payment of interest on the Series 2021 Notes amounts available for transfer pursuant to Section 503(1)(c) of the Senior Resolution for the payment of Subordinated Indebtedness in accordance with and subject to the limitations contained in Section 505 of the Resolution. Proceeds and amounts described in clause (iii) of Section 2.07(1) hereof may be pledged to the payment of principal and interest on the Series 2021 Notes to the extent set forth in a Certificate of Determination.

SECTION 2.08. Delegation to an Authorized Officer.

1. There is hereby delegated to each Authorized Officer, subject to the limitations contained in this Supplemental Resolution, the following powers with respect to the Series 2021 Notes:

(a) to determine whether and when to issue any Series 2021 Notes, the amount of the Series 2021 Notes to be applied to finance Capital Costs or other uses as provided in Section 2.02 of this Supplemental Resolution and the amount of the proceeds of the Series 2021 Notes estimated to be necessary to pay the Costs of Issuance of the Series 2021 Notes;

(b) to determine the purpose or purposes for which the Series 2021 Notes are being issued, which shall be one or more of the purposes set forth in Section 2.02 hereof;

(c) to determine the principal amount of the Series 2021 Notes to be issued, which principal amount shall not exceed the amount described in Section 2.01 of this Supplemental Resolution, and whether such Series 2021 Notes shall be issued in one or more Series or subseries;

(d) to determine the maturity date and principal amount of each maturity of the Series 2021 Notes; provided that the Series 2021 Notes shall mature no later than five years after the date of issuance of such Series 2021 Notes;

(e) to determine the date or dates which the Series 2021 Notes shall be dated and the interest rate or rates of the Series 2021 Notes, provided that the true interest cost (as calculated by the officers of the Issuer executing any Certificate of Determination, which calculation shall be conclusive) on the Series 2021 Notes bearing a fixed rate of interest shall not exceed 5.00% per annum and for Series 2021 notes bearing interest at a variable interest rate shall not exceed 12.00% per annum;

(f) to determine the Redemption Price or Redemption Prices, if any, and the redemption terms, if any, for the Series 2021 Notes; provided, however, that if the Series 2021 Notes are to be redeemable at the election of the Issuer, the Redemption Price (except in the case of Series 2021 Notes issued as Taxable Obligations) shall not be greater than one hundred three percent (103%) of the principal amount of the Series 2021 Notes to be redeemed, plus accrued interest thereon up to but not including the date of redemption and in the case of Series 2021 Notes issued as Taxable Obligations the Redemption Price may be determined pursuant to provisions relating to pro rata redemption and/or make-whole redemption;

(g) to determine the advisability of conducting the sale of all or any portion of the Series 2021 Notes through competitive bidding or through a negotiated sale or a direct purchase transaction, and to determine the purchase price for the Series 2021 Notes to be paid by the

purchasers pursuant to either a competitive bid process or by the purchasers referred to in the Purchase Agreement described in Section 2.09 of this Supplemental Resolution in the event the Series 2021 Notes are sold, in such Authorized Officer's discretion, through a negotiated sale or a direct purchase transaction, which may include such original premium and original issue discount as shall be determined in the related Certificate of Determination, provided, however, that in the case of a negotiated transaction, underwriters' discount reflected in such purchase price shall not exceed \$3.50 for each one thousand dollars (\$1,000) principal amount of the Series 2021 Notes;

(h) to determine the advisability, as compared to an unenhanced transaction, of obtaining municipal bond insurance or any other credit or liquidity facility, to determine and accept the terms and provisions and price thereof, to determine the items to be pledged to the Series 2021 Notes from those permitted by Section A-203 of the Resolution, and to determine such other matters as the officer executing any Certificate of Determination shall consider necessary or appropriate and to effect such determinations by making any changes in or additions to this Supplemental Resolution required by bond insurers or the provider of any other credit or liquidity facility, if any, or required by the bond rating agencies in order to attain or maintain specific ratings on the Series 2021 Notes, or relating to the mechanism for the payment of insurance premium, credit or liquidity facility fees or direct purchase fees, notices, the provision of information, and such other matters of a technical, mechanical, procedural or descriptive nature necessary or appropriate to implement an insurance policy or any other credit or liquidity facility with respect to the Series 2021 Notes, and to make any changes in connection therewith. Such changes may include, but are not limited to, the making of any additional covenants with Holders or other parties deemed necessary or appropriate by the officer executing any Certificate of Determination;

(i) to take all actions required for the Series 2021 Notes to be eligible under the rules and regulations of The Depository Trust Company ("DTC") for investment and trading as uncertificated securities, to execute and deliver a standard form letter of representation with, or other form of document required by, DTC and, notwithstanding any provisions to the contrary contained in this Supplemental Resolution, to include in any Certificate of Determination such terms and provisions as may be appropriate or necessary to provide for uncertificated securities in lieu of Notes issuable in fully registered form; and

(j) to determine whether to issue all or any part of the Series 2021 Notes as Tax-Exempt Obligations or Taxable Obligations;

(k) to make such changes to the form of this Supplemental Resolution as may be required by a Rating Agency in order to attain or maintain specific ratings on the Series 2021 Notes;

(l) to make such changes to the form of this Supplemental Resolution as may be necessary or desirable in order to cure any ambiguities, inconsistencies or other defects; and

(m) to determine any other matters provided for herein, including the matters set forth in Sections 2.11 and 2.12 hereof.

2. Any Authorized Officer shall execute one or more Certificates of Determination evidencing the determinations made pursuant to this Supplemental Resolution and any such Certificate of Determination shall be conclusive evidence of the determinations of such Authorized Officer, as stated therein. More than one Certificate of Determination may be delivered to the extent more than one Series or subseries of Series 2021 Notes are delivered from time to time, or other authority is exercised under

this Supplemental Resolution from time to time and each such Certificate of Determination shall be delivered to the Trustee concurrently with the authentication and delivery of the respective Series or subseries of Series 2021 Notes by the Trustee or other documentation. Determinations set forth in any Certificate of Determination shall have the same effect as if set forth in this Supplemental Resolution.

3. Any such Authorized Officer may exercise any authority delegated under this Supplemental Resolution from time to time following issuance of any Series 2021 Notes, as appropriate for any purposes, including to change interest rate modes or auction periods; to obtain or terminate one or more Credit Facilities, including substitute or additional Credit Facilities; to enter into one or more bank direct purchase agreements or similar instruments; to appoint new or additional agents or other parties deemed appropriate to a particular form or mode of Obligation or manner of sale; to enter into one or more remarketing agreements, firm remarketing agreements, continuing disclosure agreements or other agreements in connection with the remarketing of any Series 2021 Notes; if any Series 2021 Notes shall consist of multiple subseries, to change the principal amounts and number of the individual subseries or to combine one or more subseries into a single Series or subseries; or, if any Series 2021 Notes consist of a single Series or subseries, to divide such Series or subseries into two or more subseries and to determine the principal amount of such subseries. In connection with the remarketing, by negotiated sale, competitive bid or direct or private placement, of any Series 2021 Notes, any such Authorized Officer is hereby authorized to make public and to authorize the use and distribution by remarketing agents or other appropriate parties of a remarketing circular (including a preliminary remarketing circular), or other disclosure document, in substantially the form most recently executed or delivered by the Issuer in connection with the remarketing of other CBDTP Second Subordinate Revenue Obligations, Senior Obligations or Subordinated Obligations, as applicable, of the Issuer, with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable. Any Authorized Officer shall execute one or more amendments to the applicable Certificate or Certificates of Determination evidencing the determinations made pursuant to this paragraph and any such amended Certificate of Determination shall be conclusive evidence of the determinations of such Authorized Officer, as stated therein.

SECTION 2.09. Sale of Series 2021 Notes. Each Authorized Officer is hereby authorized either (i) to sell and award all or any portion of the Series 2021 Notes through a competitive bidding process to purchasers meeting the requirements of one or more Notices of Sale (as hereinafter defined) to be published in order to give notice of the competitive sale of the Series 2021 Notes; (ii) to sell and award all or any portion of the Series 2021 Notes through a negotiated sale to the purchasers who are referred to in the note purchase agreement and who shall be selected from the then current list of approved underwriters or shall be an authorized purchaser under a federal or State program; (iii) to sell and award all or any portion of the Series 2021 Notes through a direct sale to the financial institution or institutions selected by the Authorized Officer who shall be referred to in the continuing covenant, direct purchase or similar agreement; or (iv) to issue all or any portion of the Series 2021 Notes in the form of a Loan Facility to any financial institution or institutions selected by the Authorized Officer. Each Authorized Officer is hereby authorized to sell and award the Series 2021 Notes to the purchasers referred to in the preceding sentence in the case of a note purchase agreement, in substantially the form most recently executed or delivered by the Issuer in connection with the sale of other CBDTP Second Subordinate Revenue Obligations, Senior Obligations or Subordinated Obligations, as applicable, of the Issuer, or, with respect to a sale under a federal or State program, a bond purchase agreement in substantially the form approved by the authorized purchaser under such federal or State program or most recently executed or delivered by the Issuer under such federal or State program, or, with respect to a Loan Facility or a continuing covenant, direct purchase or similar agreement, containing bank facility terms and provisions (including, without limitation, increased costs, term-out, events of default and remedies) in substantially the form set forth in a letter of credit reimbursement agreement most recently executed or delivered by the Issuer, including, if applicable, that the requirement that the Loan Facility issuer or direct purchaser offer to the Issuer a term-out provision of no less than five years, with such

revisions to reflect the terms and provisions of the Series 2021 Notes as may be approved by the Authorized Officer executing the note purchase, Loan Facility, continuing covenant or similar agreement (each, a “Purchase Agreement”). Each Authorized Officer is hereby authorized to agree to the selection of the representative of the underwriters or the other purchasers or facility providers as referred to in the Purchase Agreement or Agreements and to execute and deliver the Purchase Agreement or Agreements for and on behalf and in the name of the Issuer with such changes, omissions, insertions and revisions as may be approved by the Authorized Officer executing the Purchase Agreement or Agreements, said execution being conclusive evidence of such approval and concurrence in the selection of the representative of the underwriters.

If it is determined that any sale of Series 2021 Notes shall be conducted on a competitive bid basis, each Authorized Officer is hereby further authorized to conduct the sale and award of the Series 2021 Notes on the basis of a competitive bid, pursuant to the terms of a notice of sale, including bid form (the “Notice of Sale”), in a form, including any limitations on permitted bidders and a description of the basis for determining the winning bidder or bidders, determined by such Authorized Officer. Each Authorized Officer is hereby authorized to conduct such competitive sale of the Series 2021 Notes in a manner consistent with this Supplemental Resolution and to utilize the services of the Authority’s financial advisor and the services of an electronic bidding service, as such Authorized Officer shall determine, and the execution by such Authorized Officer of a letter of award shall be conclusive evidence of such award.

Each Authorized Officer is hereby authorized, to the extent required, to make public and to authorize the use and distribution by said purchasers of a Preliminary Official Statement (the “Preliminary Official Statement”), in connection with the public offering of the Series 2021 Notes, in substantially the form most recently executed or delivered by the Issuer in connection with the sale of other CBDTP Second Subordinate Revenue Obligations, Senior Obligations or Subordinated Obligations, as applicable, of the Issuer, with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable, said distribution being conclusive evidence of the approval of such changes, omissions, insertions and revisions. The Issuer authorizes any of said officers to deliver a certification to the effect that such Preliminary Official Statement or Official Statement, if deemed necessary or appropriate, together with such other documents, if any, described in such certificate, was deemed final as of its date for purposes of Rule 15c2-12 of the Securities and Exchange Commission as applicable.

Each Authorized Officer is hereby authorized, to the extent required, to make public and to authorize distribution of a final official statement, offering circular or other disclosure document (the “Official Statement”) in substantially the form of the Preliminary Official Statement or the most recently executed and delivered Official Statement, with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable, to sign such Official Statement and to deliver such Official Statement to the purchasers of the Series 2021 Notes, said execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

Notwithstanding the preceding two paragraphs, however, each Authorized Officer may make public and authorize the use and distribution of a final Official Statement in connection with the public offering of the Series 2021 Notes meeting the requirements of the preceding two paragraphs and may deem such Official Statement final as of its date for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Each Authorized Officer is hereby authorized to execute and deliver for and on behalf and in the name of the Issuer, to the extent determined by such Authorized Officer to be necessary or convenient, a Continuing Disclosure Agreement, substantially in the form of the Continuing Disclosure Agreement most recently executed and delivered by the Issuer, with such changes, omissions, insertions and revisions

as such Authorized Officer shall deem advisable (the “Continuing Disclosure Agreement”), said execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

Each Authorized Officer (including any Assistant Secretary of the Issuer) is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts necessary or proper for carrying out the Notice of Sale, the Purchase Agreement, the Continuing Disclosure Agreement, the terms of any municipal bond insurance or any other credit or liquidity facility, and the issuance, sale and delivery of the Series 2021 Notes, and for implementing the terms of the Series 2021 Notes and the transactions contemplated hereby or thereby.

When reference is made in this Supplemental Resolution to the authorization of an Authorized Officer to do any act, such act may be accomplished by any of such Authorized Officers individually.

SECTION 2.10. Forms of Series 2021 Notes and Authentication Certificate. The form of registered Series 2021 Notes, and the certificate of authentication, shall be of substantially the form and tenor provided in any Certificate of Determination.

SECTION 2.11. Appointment of Trustee, Paying Agent and other Agents. There is hereby delegated to any Authorized Officer executing any Certificate of Determination the right and authority to appoint any trustee, paying agent, fiscal agent or other agent with respect to the Series 2021 Notes deemed advisable by such Authorized Officer and to determine the terms and provisions of any arrangements with any such parties.

SECTION 2.12. General Provisions. As and to the extent provided in any Certificate of Determination, the provisions of Articles A-III, IV, A-IV, A-VII, A-IX and A-XI of the Resolution may apply equally to the Series 2021 Notes as though set forth in full herein but with each reference to Bonds being a reference to Series 2021 Notes, except as affected by the terms hereof and the procedures of the Securities Depository; provided that the Authorized Officer executing any Certificate of Determination may, in the alternative, set forth in any Certificate of Determination provisions relating to any such matters as deemed necessary or appropriate by such Authorized Officer.

ARTICLE III

DISPOSITION AND ALLOCATION OF SERIES 2021 NOTE PROCEEDS

SECTION 3.01. Disposition of Series 2021 Note Proceeds. Except as otherwise provided in any Certificate of Determination, the proceeds of the sale of the Series 2021 Notes shall be deposited in the Series 2021 Note Proceeds Account which is hereby established in the Proceeds Fund and applied pursuant to the related Certificate of Determination to the payment of Capital Costs, including any Costs of Issuance and accrued and capitalized interest, and the payment of principal of and interest on Outstanding Series 2021 Notes.

ARTICLE IV

TAX COVENANT PROVISIONS AND DEFEASANCE

SECTION 4.01. Tax Covenants Relating to the Series 2021 Notes. The Issuer covenants that, in order to maintain the exclusion from gross income for Federal income tax purposes of the interest on the Series 2021 Notes issued as Tax-Exempt Obligations, the Issuer will satisfy, or take such actions as are necessary to cause to be satisfied, each provision of the Code necessary to maintain such exclusion. In furtherance of this covenant, the Issuer agrees to comply with such written instructions as may be provided by Bond Counsel. In furtherance of the covenant contained in the preceding

sentence, the Issuer agrees to continually comply with the provisions of any “Arbitrage and Use of Proceeds Certificate” or “Tax Certificate” to be executed by the Issuer in connection with the execution and delivery of any Series 2021 Notes issued as Tax-Exempt Obligations, as amended from time to time.

Notwithstanding any other provision of the Resolution to the contrary, upon the Issuer’s failure to observe, or refusal to comply with, the above covenant (a) the Holders of the Series 2021 Notes, or the Trustee acting on their behalf, shall be entitled to the rights and remedies provided to Bondholders or the Trustee under Section 702 of the Resolution (as though such provisions related to Series 2021 Notes rather than Bonds), other than the right (which is hereby abrogated solely as to the Issuer’s failure to observe, or refusal to comply with the above covenant) to declare the principal of all Notes then Outstanding, and the interest accrued thereon, to be due and payable pursuant to Section 567 of the Issuer Act, and (b) neither the Holders of the Notes of any Series (other than the Holders of the Series 2021 Notes or the Trustee acting on their behalf) nor the Trustee acting on their behalf, shall be entitled to exercise any right or remedy provided to Noteholders under the Resolution based upon the Issuer’s failure to observe, or refusal to comply with, the above covenant.

SECTION 4.02. Defeasance. In the event the Issuer shall seek, prior to the maturity or redemption date thereof, to pay or cause to be paid, within the meaning and with the effect expressed in this Supplemental Resolution, all or less than all Outstanding Series 2021 Notes issued as Tax-Exempt Obligations and the provisions of Section 4.01 hereof shall then be of any force or effect, then, notwithstanding the provisions of this Supplemental Resolution, the Series 2021 Notes issued as Tax-Exempt Obligations which the Issuer then seeks to pay or cause to be paid shall not be deemed to have been paid within the meaning and with the effect expressed in this Supplemental Resolution unless (i) the Issuer has confirmed in writing that the Holders of the Series 2021 Notes issued as Tax-Exempt Obligations which the Issuer then seeks to pay or cause to be paid will continue, after such action, to have the benefit of a covenant to the effect of the covenant of the Issuer contained in Section 4.01 hereof or (ii) there shall have been delivered to the Trustee an opinion of Bond Counsel to the effect that non-compliance thereafter with the applicable provisions of the Code will not affect the then current treatment of interest on the Series 2021 Notes issued as Tax-Exempt Obligations in determining gross income for Federal income tax purposes.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

**MULTIPLE SERIES 2021
CBDTP SECOND SUBORDINATE REVENUE BOND
SUPPLEMENTAL RESOLUTION**

Adopted February 18, 2021

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**MULTIPLE SERIES 2021
CBDTP SECOND SUBORDINATE REVENUE BOND
SUPPLEMENTAL RESOLUTION**

BE IT RESOLVED by the Board of Triborough Bridge and Tunnel Authority (the “Issuer”), as follows:

ARTICLE I

DEFINITIONS AND STATUTORY AUTHORITY

Section 1.01 Supplemental Resolution. This Multiple Series 2021 CBDTP Second Subordinate Revenue Bond Supplemental Resolution (the “Supplemental Resolution”) is supplemental to, and is adopted in accordance with Article II, Article A-II and Article A-VIII of, a resolution adopted by the Issuer on December 18, 2019, entitled “CBDTP Second Subordinate Revenue Resolution Authorizing CBDTP Second Subordinate Revenue Obligations”, as heretofore supplemented (the “Resolution”).

Section 1.02 Definitions.

1. All capitalized terms which are used but not otherwise defined in this Supplemental Resolution shall have the same meanings, respectively, as such terms are given by Section 102 of the Resolution.

2. In this Supplemental Resolution:

“Authorized Officer” shall include the officers designated as such in the Resolution, and the Chairman, the Chair of the Finance Committee, the Chief Financial Officer or the Director, Finance of the MTA, as well as any officer duly designated as “Acting” in said officer’s capacity, except that, for the purposes of any delegation set forth herein that does not expressly include any Assistant Secretary, “Authorized Officer” shall not include any Assistant Secretary of the Issuer.

“Board” shall mean, when used with respect to the Issuer, the board of the Issuer acting as such pursuant to the provisions of the Issuer Act, and when used with respect to the MTA, the members of the MTA acting as such pursuant to the provisions of the MTA Act.

“Bond Counsel” shall mean Nixon Peabody LLP, Orrick, Herrington & Sutcliffe LLP, D. Seaton and Associates, P.A., P.C., Bryant Rabbino LLP or any other attorney or firm of attorneys of nationally recognized standing in the field of law relating to the issuance of obligations by state and municipal entities, selected by the Issuer.

“Code” shall mean the Internal Revenue Code of 1986, as amended, and regulations thereunder.

“Series 2021 Bonds” shall mean the CBDTP Second Subordinate Revenue Obligations authorized by Article II of this Supplemental Resolution, subject to redesignation as provided in this Supplemental Resolution.

“Series 2021 Notes” shall mean the CBDTP Second Subordinate Revenue Bond Anticipation Notes, Series 2021, authorized to be issued, in accordance with Section A-203 of the Standard Resolution Provisions, pursuant to a Supplemental Resolution of the Issuer adopted as of the date that this Supplemental Resolution is adopted.

Section 1.03 Authority for this Supplemental Resolution. This Supplemental Resolution is adopted pursuant to the provisions of the Issuer Act and the Resolution.

ARTICLE II

AUTHORIZATION OF SERIES 2021 BONDS

Section 2.01 Authorized Principal Amount, Designation and Series. Pursuant to the Resolution and in order to finance Capital Costs, CBDTP Second Subordinate Revenue Obligations constituting Capital Cost CBDTP Second Subordinate Revenue Obligations, which may be issued in one or more Series or subseries and from time to time, entitled to the benefit, protection and security of the Resolution are hereby authorized to be issued in an aggregate principal amount not exceeding the principal amount necessary so that, after giving effect to any net original issue discount and underwriters’ discount from the principal amount (but without giving effect to any net original issue premium as determined to be advisable by an Authorized Officer in connection with the marketing of the Series 2021 Bonds), the amount to be deposited in the Proceeds Account pursuant to, or otherwise applied to effectuate the purposes of, Section 2.02 and Section 3.01 of this Supplemental Resolution (exclusive of any amount deposited therein or otherwise applied pursuant to a Certificate of Determination to pay accrued interest, capitalized interest or any Costs of Issuance of the Series 2021 Bonds) shall not exceed the amount or amounts determined in one or more Certificates of Determination to be necessary to effectuate the purposes set forth in Section 2.02 hereof; provided, however, that the Series 2021 Bonds issued to finance Capital Costs shall not exceed \$506 million at any one time Outstanding reduced by the amount of Series 2021 Notes issued to finance Capital Costs (but, for purposes of clarification, not reduced by the amount of any Series 2021 Bonds issued to refinance Series 2021 Notes).

Series 2021 Bonds shall be designated as, and shall be distinguished from the CBDTP Second Subordinate Revenue Obligations of all other Series by the title “CBDTP Second Subordinate Revenue Bonds, Series 2021” or such other title or titles set forth in one or more Certificates of Determination.

The authority to issue the CBDTP Second Subordinate Revenue Obligations and take related actions granted under previous resolutions of the Issuer shall continue in full force and effect. The authorization to issue the Series 2021 Bonds shall continue in effect until the adoption by the Issuer Board of a subsequent new money bond issuance supplemental resolution relating to 2022 new money financings, provided, however, the authorization to issue the Series

2021 Bonds to refinance the Series 2021 Notes shall continue in effect until all of such Series 2021 Notes have been refinanced by Series 2021 Bonds.

Section 2.02 Purposes. The purposes for which the Series 2021 Bonds are issued shall be set forth in one or more Certificates of Determination and shall include (i) the payment of all or any part of the Capital Costs and (ii) the payment of principal of and redemption premium, if any, and interest on Outstanding Series 2021 Notes, all to the extent and in the manner provided in this Supplemental Resolution.

Section 2.03 Dates, Maturities, Principal Amounts and Interest. The Series 2021 Bonds, except as otherwise provided in the Resolution, shall be dated the date or dates determined in the related Certificate of Determination. The Series 2021 Bonds shall mature on the date or dates and in the year or years and principal amount or amounts, and shall bear interest at the rate or rates per annum, if any, specified in or determined in the manner provided in the related Certificate of Determination.

Section 2.04 Interest Payments. The Series 2021 Bonds shall bear interest from their date or dates and be payable on such date or dates as may be determined pursuant to the related Certificate of Determination. Except as otherwise provided in the related Certificate of Determination, interest on the Series 2021 Bonds shall be computed on the basis of twelve (12) 30-day months and a 360-day year.

Section 2.05 Denominations, Numbers and Letters. Unless otherwise provided in the related Certificate of Determination, the Series 2021 Bonds shall be issued in fully registered form without coupons in the denomination of \$5,000 or any integral multiple thereof. The Series 2021 Bonds shall be lettered and numbered as provided in the related Certificate of Determination.

Section 2.06 Places of Payment and Paying Agent. Except as otherwise provided in the related Certificate of Determination, principal and Redemption Price of the Series 2021 Bonds shall be payable to the registered owner of each Series 2021 Bond when due upon presentation of such Series 2021 Bond at the principal corporate trust office of the Trustee. Except as otherwise provided in the related Certificate of Determination, interest on the registered Series 2021 Bonds will be paid by check or draft mailed on the interest payment date by the Paying Agent, to the registered owner at his address as it appears on the registration books or, at the option of any Owner of at least one million dollars (\$1,000,000) in principal amount of the Series 2021 Bonds, by wire transfer in immediately available funds on each interest payment date to such Owner thereof upon written notice from such Owner to the Trustee, at such address as the Trustee may from time to time notify such Owner, containing the wire transfer address (which shall be in the continental United States) to which such Owner wishes to have such wire directed, if such written notice is received not less than twenty (20) days prior to the related interest payment date (such notice may refer to multiple interest payments).

Section 2.07 Sinking Fund Installments. The Series 2021 Bonds, if any, determined in the related Certificate of Determination, shall be subject to redemption (a) in part, by lot, (b) *pro rata* (in the case of Series 2021 Bonds issued as Taxable Obligations), or (c) otherwise as determined in accordance with Section A-404 of the Resolution, on each date in the year or years

determined in the related Certificate of Determination at the principal amount thereof plus accrued interest up to but not including the date of redemption thereof, from mandatory Sinking Fund Installments which are required to be made in amounts sufficient to redeem on each such date the principal amount of such Series 2021 Bonds.

Section 2.08 Redemption Prices and Terms. The Series 2021 Bonds may also be subject to redemption prior to maturity, at the option of the Issuer, upon notice as provided in Article A-IV of the Resolution, at any time as a whole or in part (and by lot within a maturity, or otherwise as determined in accordance with Section A-404 of the Resolution, if less than all of a maturity is to be redeemed), from maturities designated by the Issuer on and after the date and in the years and at the Redemption Prices (expressed as a percentage of principal amount) determined in the related Certificate of Determination, plus accrued interest up to but not including the redemption date. Notwithstanding the foregoing, in the case of Series 2021 Bonds issued as Taxable Obligations, if set forth in the Certificate of Determination, the Series 2021 Bonds issued as Taxable Obligations may be made subject to *pro rata* redemption and/or a make-whole redemption premium.

Section 2.09 Delegation to an Authorized Officer. 1. There is hereby delegated to each Authorized Officer, subject to the limitations contained in this Supplemental Resolution, the following powers with respect to the Series 2021 Bonds:

(a) to determine whether and when to issue any Series 2021 Bonds constituting Capital Cost CBDTP Second Subordinate Revenue Obligations, the amount of the Series 2021 Bonds to be applied to finance Capital Costs or other uses as provided in Section 2.02 hereof, and the amount of the proceeds of the Series 2021 Bonds, estimated to be necessary to pay the Costs of Issuance of the Series 2021 Bonds and capitalized interest, if any;

(b) to determine the purpose or purposes for which the Series 2021 Bonds are being issued, which shall be one or more of the purposes set forth in Section 2.02 of this Supplemental Resolution;

(c) to determine the principal amounts of the Series 2021 Bonds to be issued for the purposes set forth in Section 2.02 of this Supplemental Resolution and whether such principal amounts constitute a separate Series or a subseries of Series 2021 Bonds, which principal amounts (and the aggregate of all such Series and subseries) shall not exceed the principal amounts permitted by Section 2.01 of this Supplemental Resolution, and to determine Accreted Values and Appreciated Values, if applicable;

(d) to determine the maturity date and principal amount of each maturity of the Series 2021 Bonds and the amount and due date of each Sinking Fund Installment, if any;

(e) to determine the date or dates which the Series 2021 Bonds shall be dated and the interest rate or rates of the Series 2021 Bonds or the manner of determining such interest rate or rates; provided, however, that, any Series 2021 Bonds issued as fixed rate Tax-Exempt Obligations shall be subject to a maximum interest rate of not greater than

10% per annum, any Series 2021 Bonds issued as fixed rate Taxable Obligations shall be subject to a maximum interest rate of not greater than 12% per annum, any Variable Interest Rate Obligations issued as Tax-Exempt Obligations shall be subject to a maximum interest rate of not greater than 15% per annum, any Variable Interest Rate Obligations issued as Taxable Obligations shall be subject to a maximum interest rate of not greater than 18% per annum and any Parity Reimbursement Obligations shall be subject to a maximum interest rate of not greater than 25% per annum, or, in each such case, such higher rate or rates as determined by the Issuer's Board;

(f) to determine the Redemption Price or Redemption Prices, if any and the redemption terms, if any, for the Series 2021 Bonds; provided, however, that if the Series 2021 Bonds are to be redeemable at the election of the Issuer, the Redemption Price (except in the case of taxable Series 2021 Bonds) shall not be greater than one hundred three percent (103%) of the principal amount of the Series 2021 Bonds to be redeemed, plus accrued interest thereon up to but not including the date of redemption and in the case of taxable Series 2021 Bonds the Redemption Price may be determined pursuant to provisions relating to pro rata redemption and/or make-whole redemption;

(g) to determine whether the sale of the Series 2021 Bonds shall be conducted on either a negotiated or competitive bid basis and, as applicable, to determine the purchase price for the Series 2021 Bonds to be paid by the purchaser or purchasers referred to in one or more Purchase Agreements or a bank direct purchase agreement or the purchase price for the Series 2021 Bonds to be paid by the winning bidder, if such sale is conducted by competitive bid pursuant to a Notice of Sale (as hereinafter defined), in either case as such document is described in Section 2.10 of this Supplemental Resolution, which may include such original issue discount and original issue premium as shall be determined in the related Certificate of Determination; provided, however, that in the case of Series 2021 Bonds sold on a negotiated basis, the underwriters' discount reflected in such purchase price shall not exceed \$10.00 for each one thousand dollars (\$1,000) principal amount of the Series 2021 Bonds;

(h) to take all actions required for the Series 2021 Bonds to be eligible under the rules and regulations of The Depository Trust Company ("DTC") for investment and trading as uncertificated securities, to execute and deliver a standard form of letter of representation with DTC and, notwithstanding any provisions to the contrary contained in this Supplemental Resolution, to include in the related Certificate of Determination such terms and provisions as may be appropriate or necessary to provide for uncertificated securities in lieu of Series 2021 Bonds issuable in fully registered form;

(i) to determine whether to issue all or any portion of the Series 2021 Bonds as Tax-Exempt Obligations, Taxable Obligations, Put Obligations, Variable Interest Rate Obligations or as any other form of Obligations permitted by the Resolution and any matters related thereto, including (i) the terms and provisions of any such Series 2021 Bonds, (ii) the selection of remarketing agents, tender agents, calculation agents, auction agents, dealers, bidding agents or any other agents or parties to ancillary arrangements and the terms of any such arrangements, and (iii) the methods for determining the accrual of Debt Service;

(j) to determine the advisability, as compared to an unenhanced transaction, of obtaining one or more Credit Facilities, to select a provider or providers thereof and to determine and accept the terms and provisions and price thereof, to determine such other matters related thereto as in the opinion of the officer executing the related Certificate of Determination shall be considered necessary or appropriate and to effect such determinations by making any changes in or additions to this Supplemental Resolution required by Credit Facility providers, if any, or required by a Rating Agency in order to attain or maintain specific ratings on the Series 2021 Bonds, or relating to the mechanisms for the repayment of amounts advanced thereunder or payment of fees, premiums, expenses or any other amounts, notices, the provision of information, and such other matters of a technical, mechanical, procedural or descriptive nature necessary or appropriate to obtain or implement a Credit Facility with respect to the Series 2021 Bonds, and to make any changes in connection therewith;

(k) to make such changes to the form of this Supplemental Resolution as may be required by a Rating Agency in order to attain or maintain specific ratings on the Series 2021 Bonds;

(l) to make such changes to the form of this Supplemental Resolution as may be necessary or desirable in order to cure any ambiguities, inconsistencies or other defects; and

(m) to determine such other matters specified in or permitted by (i) Sections 202, 203, and A-201 of the Resolution or (ii) this Supplemental Resolution, including preparation of any documentation therefor.

2. Any Authorized Officer shall execute one or more Certificates of Determination evidencing the determinations made pursuant to this Supplemental Resolution and any such Certificate of Determination shall be conclusive evidence of the determinations of such Authorized Officer, as stated therein. More than one Certificate of Determination may be delivered to the extent more than one Series or subseries of Series 2021 Bonds are delivered from time to time or other authority is exercised under this Supplemental Resolution from time to time and each such Certificate of Determination shall be delivered to the Trustee concurrently with the authentication and delivery of the respective Series or subseries of Series 2021 Bonds by the Trustee or other documentation. Determinations set forth in any Certificate of Determination shall have the same effect as if set forth in this Supplemental Resolution.

3. Any such Authorized Officer may exercise any authority delegated under this Supplemental Resolution from time to time following issuance of any Series 2021 Bonds, as appropriate for any purposes, including to change interest rate modes or auction periods; to obtain or terminate one or more Credit Facilities, including substitute or additional Credit Facilities; to enter into one or more bank direct purchase agreements or similar instruments; to appoint new or additional agents or other parties deemed appropriate to a particular form or mode of Obligation or manner of sale; to enter into one or more remarketing agreements, firm remarketing agreements, continuing disclosure agreements or other agreements in connection with the remarketing of any Series 2021 Bonds; if any Series 2021 Bonds shall consist of multiple subseries, to change the principal amounts and number of the individual subseries or to

combine one or more subseries into a single Series or subseries; or, if any Series 2021 Bonds consist of a single Series or subseries, to divide such Series or subseries into two or more subseries and to determine the principal amount of such subseries. In connection with the remarketing, by negotiated sale, competitive bid or direct or private placement, of any Series 2021 Bonds, any such Authorized Officer is hereby authorized to make public and to authorize the use and distribution by remarketing agents or other appropriate parties of a remarketing circular (including a preliminary remarketing circular), or other disclosure document, in substantially the form most recently executed or delivered by the Issuer in connection with the remarketing of other Senior Obligations, Subordinated Obligations or CBDTP Second Subordinate Revenue Obligations with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable. Any Authorized Officer shall execute one or more amendments to the applicable Certificate or Certificates of Determination evidencing the determinations made pursuant to this paragraph and any such amended Certificate of Determination shall be conclusive evidence of the determinations of such Authorized Officer, as stated therein.

Section 2.10 Sale of Series 2021 Bonds. Each Authorized Officer is hereby authorized either (i) to sell and award all or any portion of the Series 2021 Bonds through a competitive bidding process to purchasers meeting the requirements of one or more Notices of Sale (as hereinafter defined) to be published in order to give notice of the competitive sale of the Series 2021 Bonds; (ii) to sell and award all or any portion of the Series 2021 Bonds through a negotiated sale to the purchasers who are referred to in the bond purchase agreement and who shall be selected from the then current list of approved underwriters or shall be an authorized purchaser under a federal or State program; or (iii) to sell and award all or any portion of the Series 2021 Bonds through a direct sale to the financial institution or institutions selected by the Authorized Officer who shall be referred to in the continuing covenant, direct purchase or similar agreement. Each Authorized Officer is hereby authorized to sell and award the Series 2021 Bonds to the purchasers referred to in the preceding sentence in the case of a bond purchase agreement, in substantially the form most recently executed or delivered by the Issuer in connection with the sale of other Senior Obligations, Subordinated Obligations or CBDTP Second Subordinate Revenue Obligations, or, with respect to a sale under a federal or State program, a bond purchase agreement in substantially the form approved by the authorized purchaser under such federal or State program or most recently executed or delivered by the Issuer under such federal or State program, or, with respect to a continuing covenant, direct purchase or similar agreement, containing bank facility terms and provisions (including, without limitation, increased costs, term-out, events of default and remedies) in substantially the form set forth in a letter of credit reimbursement agreement most recently executed or delivered by the Issuer, including, if applicable, that the direct purchaser offer to the Issuer a term-out provision of no less than five years, with such revisions to reflect the terms and provisions of the Series 2021 Bonds as may be approved by the Authorized Officer executing the bond purchase, continuing covenant or similar agreement (each, a “Purchase Agreement”). Each Authorized Officer is hereby authorized to agree to the selection of the representative of the underwriters or the other purchasers or facility providers as referred to in the Purchase Agreement or Agreements and to execute and deliver the Purchase Agreement or Agreements for and on behalf and in the name of the Issuer with such changes, omissions, insertions and revisions as may be approved by the Authorized Officer executing the Purchase Agreement or Agreements, said execution being

conclusive evidence of such approval and concurrence in the selection of the representative of the underwriters.

If it is determined that any sale of Series 2021 Bonds shall be conducted on a competitive bid basis, each Authorized Officer is hereby further authorized to conduct the sale and award of the Series 2021 Bonds on the basis of a competitive bid, pursuant to the terms of a notice of sale, including bid form (the “Notice of Sale”), in a form, including any limitations on permitted bidders and a description of the basis for determining the winning bidder or bidders, determined by such Authorized Officer. Each Authorized Officer is hereby authorized to conduct such competitive sale of the Series 2021 Bonds in a manner consistent with this Supplemental Resolution and to utilize the services of the Authority’s financial advisor and the services of an electronic bidding service, as such Authorized Officer shall determine, and the execution by such Authorized Officer of a letter of award shall be conclusive evidence of such award.

Each Authorized Officer is hereby authorized to make public and to authorize the use and distribution by said purchasers or other appropriate parties of a preliminary official statement, offering circular, or other disclosure document (the “Preliminary Official Statement”) in connection with each public offering or any direct or private placement of the Series 2021 Bonds, in substantially the form most recently executed or delivered by the Issuer in connection with the sale of other Senior Obligations, Subordinated Obligations or CBDTP Second Subordinate Revenue Obligations, with such changes, omissions, insertions and revisions as such officer shall deem advisable. The Issuer authorizes any of said officers to deliver a certification to the effect that such Preliminary Official Statement or Official Statement, if deemed necessary or appropriate, together with such other documents, if any, described in such certificate, was deemed final as of its date for purposes of Rule 15c2-12 of the Securities and Exchange Commission as applicable.

Each Authorized Officer is hereby authorized to make public and to authorize distribution of a final official statement, offering circular or other disclosure document (the “Official Statement”) in substantially the form of each Preliminary Official Statement or the most recently executed and delivered Official Statement if there is not a Preliminary Official Statement, with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable, to sign such Official Statement and to deliver such Official Statement to the purchasers of such issue of the Series 2021 Bonds, such execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

Each Authorized Officer is hereby authorized to execute and deliver for and on behalf and in the name of the Issuer, to the extent determined by such Authorized Officer to be necessary or convenient, a Continuing Disclosure Agreement, substantially in the form of the Continuing Disclosure Agreement most recently executed and delivered by the Issuer, with such changes, omissions, insertions and revisions as such Authorized Officer shall deem advisable (the “Continuing Disclosure Agreement”), said execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

The proceeds of each good faith check, if any, received by the Issuer from the purchasers of each issue of the Series 2021 Bonds under the terms of the related Purchase Agreement or Notice of Sale may be invested by the Issuer pending application of the proceeds of such good

faith check for the purposes provided in Section 2.02 of this Supplemental Resolution at the time of the issuance and delivery of such Series 2021 Bonds.

Each Authorized Officer (including any Assistant Secretary of the Issuer) is hereby authorized and directed to execute, deliver, amend, replace or terminate any and all documents and instruments (including any remarketing agreements, dealer agreements, broker-dealer agreements, tender agent agreements, or auction agency agreements, any investment agreements or arrangements, or any reimbursement agreements or documents or instruments relating to a Credit Facility deemed appropriate to a given form or mode of an Obligation) and to do and cause to be done any and all acts necessary or proper for carrying out each Purchase Agreement or Notice of Sale, each Continuing Disclosure Agreement, the terms of any Credit Facility or other such agreement or arrangement, and the issuance, sale and delivery of the Series 2021 Bonds and for implementing the terms of the Series 2021 Bonds and the transactions contemplated hereby or thereby.

When reference is made in this Supplemental Resolution to the authorization of an Authorized Officer to do any act, such act may be accomplished by any of such Authorized Officers individually.

Section 2.11 Forms of Series 2021 Bonds and Trustee's Authentication Certificate. Subject to the provisions of the Resolution, the form of registered Series 2021 Bonds, and the Trustee's certificate of authentication, shall be substantially in the form set forth in Exhibit One to the Resolution including, if necessary, any changes to comply with the requirements of DTC or the provisions of this Supplemental Resolution or the related Certificate of Determination.

Section 2.12 Appointment of Trustee and Paying Agent. The Authorized Officers are hereby authorized to select a qualifying trustee meeting the qualifications under the Resolution to act as the Trustee under the Resolution and the Paying Agent for the Series 2021 Bonds.

ARTICLE III

DISPOSITION OF SERIES 2021 BOND PROCEEDS

Section 3.01 Disposition of Series 2021 Bond Proceeds. Any proceeds of the sale of the Series 2021 Bonds, other than accrued interest and capitalized interest, if any, shall be deposited, simultaneously with the issuance and delivery of a series or subseries of the Series 2021 Bonds, or shall otherwise be applied pursuant to a Certificate of Determination as follows:

1. such proceeds shall be (i) deposited in the Series 2021 Bond Proceeds Account, which is hereby established in the Proceeds Fund for each such series or subseries, and applied to the payment of Capital Costs or the payment of principal of and redemption premium, if any, and interest on the Series 2021 Notes or (ii) otherwise applied to the payment of such amounts; and

2. the balance of such proceeds shall be (i) deposited in the Series 2021 Costs of Issuance Account, which is hereby established in the Proceeds Fund for each

such series or subseries, and applied to the payment of Costs of Issuance, or (ii) otherwise applied to the payment of Costs of Issuance.

Unless otherwise provided in the related Certificate of Determination, accrued interest and capitalized interest, if any, received on the sale of the Series 2021 Bonds shall be deposited in the Debt Service Fund.

ARTICLE IV

TAX COVENANTS AND DEFEASANCE

Section 4.01 Tax Covenants Relating to the Series 2021 Bonds. The Issuer covenants that, in order to maintain the exclusion from gross income for Federal income tax purposes of the interest on the Series 2021 Bonds issued as Tax-Exempt Obligations, the Issuer will satisfy, or take such actions as are necessary to cause to be satisfied, each provision of the Code necessary to maintain such exclusion. In furtherance of this covenant, the Issuer agrees to comply with such written instructions as may be provided by Bond Counsel. In furtherance of the covenant contained in the preceding sentence, the Issuer agrees to continually comply with the provisions of any “Arbitrage and Use of Proceeds Certificate” or “Tax Certificate” to be executed by the Issuer in connection with the execution and delivery of any Series 2021 Bonds issued as Tax-Exempt Obligations, as amended from time to time.

Notwithstanding any other provision of the Resolution to the contrary, upon the Issuer’s failure to observe, or refusal to comply with the above covenant (a) the Owners of the Series 2021 Bonds, or the Trustee acting on their behalf, shall be entitled to the rights and remedies provided to Owners or the Trustee under Section 702 of the Resolution, other than the right (which is hereby abrogated solely as to the Issuer’s failure to observe, or refusal to comply with the above covenant) to declare the principal of all CBDTP Second Subordinate Revenue Obligations then Outstanding, and the interest accrued thereon, to be due and payable pursuant to Section 567 of the Issuer Act, and (b) neither the Owners of the CBDTP Second Subordinate Revenue Obligations of any Series or holders of any Second Subordinate Parity Debt (other than the Owners of the Series 2021 Bonds or the Trustee acting on their behalf), nor the Trustee acting on their behalf, shall be entitled to exercise any right or remedy provided to the Owners, the Second Subordinate Parity Debt holders or the Trustee under the Resolution based upon the Issuer’s failure to observe, or refusal to comply with, the above covenant.

Section 4.02 Defeasance. In the event the Issuer shall seek, prior to the maturity or redemption date thereof, to pay or cause to be paid, within the meaning and with the effect expressed in the Resolution, all or less than all Outstanding Series 2021 Bonds issued as Tax-Exempt Obligations and the provisions of Section 4.01 hereof shall then be of any force or effect, then, notwithstanding the provisions of Article A-XI of the Resolution, the Series 2021 Bonds issued as Tax-Exempt Obligations which the Issuer then seeks to pay or cause to be paid shall not be deemed to have been paid within the meaning and with the effect expressed in Section A-1101 of the Resolution unless (i) the Issuer has confirmed in writing that the Owners of the Series 2021 Bonds issued as Tax-Exempt Obligations which the Issuer then seeks to pay or cause to be paid will continue, after such action, to have the benefit of a covenant to the effect of the covenant of the Issuer contained in Section 4.01 hereof or (ii) there shall have been delivered to

the Trustee an Opinion of Bond Counsel to the effect that non-compliance thereafter with the applicable provisions of the Code will not affect the then current treatment of interest on the Series 2021 Bonds issued as Tax-Exempt Obligations in determining gross income for Federal income tax purposes.

Staff Summary

Subject Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties					
Department Chief Financial Officer / Treasury Department					
Department Head Name Robert E. Foran , Chief Financial Officer					
Department Head Signature					
Division Head Name Josiane P Codio					
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	2/18/2021	X		
2	Board	2/18/2021	X		

Date February 18, 2021			
Vendor Name			
Contract Number			
Contract Manager Name			
Table of Contents Ref #			
Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

I. Purpose

To seek Finance Committee and MTA Board approval to authorize MRT-2 escalator payments to Dutchess, Orange and Rockland counties.

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 2020.

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 2020 MRT receipts is determined as follows:

$$(FY2020 \text{ MRT Receipts} - FY1989 \text{ Base Year MRT Receipts}) / FY1989 \text{ Base Year MRT Receipts} = \text{Escalator Rate}$$

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

The results of the above formulas for each county are:

<u>County</u>	<u>1989 Base Year MRT Receipt</u>	<u>2020 MRT Receipts Adj.¹</u>	<u>Escalator Rate</u>	<u>Escalator Payments</u>
Dutchess Cty	\$3,569,702.51	\$ 8,956,990.83	150.92%	\$2,263,755.16
Orange Cty	\$4,433,935.06	\$12,382,705.56	179.27%	\$2,689,068.65
Rockland Cty	\$4,524,064.27	\$12,173,177.32	169.08%	\$3,381,522.72
			Total	<u>\$8,334,346.53</u>

III. Recommendations

It is recommended that the Board authorizes escalator payments totaling \$8,334,346.53 to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

¹ The actual 2020 gross receipts for each of the counties was:

Dutchess Cty	\$11,258,465.23
Orange Cty	\$15,619,907.17
Rockland Cty	\$15,161,652.60



Bridges and Tunnels

2020 B&T Operating Surplus (Action Item)

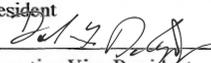


Staff Summary

Subject: 2020 TBTA Operating Surplus
Department: Finance
Department Head Name  David Keller (Acting Department Head)
Department Head Signature
Project Manager Name Lloyd Jairam

Date February 18, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	02/18/21			
2	MTA Finance Committee	02/18/21			
3	MTA Board	02/18/21			

Internal Approvals			
Order	Approval	Order	Approval
2	President 		VP Staff Services
	Executive Vice President		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	Acting 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 \$472,754,532 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 \$763,475 representing 2020 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
- Advance the 2021 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, 2020. The amount of surplus available for transfer to the MTA and NYCTA is \$472,754,532. The amount of investment income that is surplus funds and available to transfer to MTA for fiscal year 2020 is \$763,475.

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, 2020

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

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

We have performed the procedures enumerated in Exhibit B, which were agreed to by the Triborough Bridge and Tunnel Authority (the "Authority"), a component unit of the Metropolitan Transportation Authority ("MTA"), the MTA and the New York City Transit Authority, solely to assist the Authority in agreeing financial information presented in the Schedule of Operating Surplus for the year ended December 31, 2020 (Exhibit A) to the accounting records of the Authority. The Authority's management is responsible for the Authority's accounting records and the preparation of the Schedule of Operating Surplus (Exhibit A) and the Supporting Schedule to the Schedule of Operating Surplus (Exhibit C) for the year ended December 31, 2020. The sufficiency of these procedures is solely the responsibility of the parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures enumerated in Exhibit B either for the purpose for which this report has been requested or for any other purpose.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The agreed-upon procedures do not constitute an audit of the financial statements or any part thereof, the objective of which is the expression of an opinion on the financial statements or a part thereof. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Board of Directors of the Metropolitan Transportation Authority and managements 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 the specified parties.

Deloitte & Touche LLP

February 5, 2021

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2020

OPERATING REVENUES (Procedure 1)	\$ 1,669,334,951
OPERATING EXPENSES (Procedure 2)	<u>(442,212,121)</u>
NET OPERATING REVENUE	1,227,122,830
DECREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Procedure 2)	3,719,738
DEBT SERVICE ON BONDS (Procedure 3)	(675,801,044)
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Procedure 4)	1,134,704
ESTABLISHMENT OF GASB 43 RESERVE ACCOUNT (Procedure 7)	-
PURCHASE OF CAPITAL ASSETS FUNDED FROM OPERATIONS (Procedure 5)	(26,798,696)
CAPITAL CONTRIBUTION - PAYGO (Procedure 8)	(56,623,000)
ESTABLISHMENT OF NECESSARY RECONSTRUCTION RESERVE ACCOUNT (Procedure 6)	<u>-</u>
OPERATING SURPLUS	<u>\$ 472,754,532</u>

See Independent Accountants' Report on Applying
Agreed-Upon Procedures and accompanying notes.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

NOTES TO THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2020 (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 Comprehensive Annual 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 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 to support 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 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, 2020 (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 found them to be in agreement.
- We inquired with management their policy for recording operating revenue and we have been informed that operating revenues were recorded using the accrual basis of accounting and that operating revenues excluded interest income and other non-operating revenue.

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 found 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 found them to be in agreement.

We recalculated the “(Increase) Decrease 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 found them to be in agreement.

We inquired whether the operating expense was 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, 2020 (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 found 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 found them to be in agreement.

We confirmed that in for all debt types, the debt service represents interest paid and/or accrued applicable to calendar year 2020 and the principal payment due January 1, 2021, 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 and found them to be in agreement.
- We inquired whether interest income is excluded from operating revenue 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, 2020 (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) to the general ledger of the TBTA which excludes CBD Tolling activities and found 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 16, 2020, meeting, to set aside and reduce the operating surplus by \$0 and found them to be in agreement. (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, 2020 (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 16, 2020, meeting, to set aside and reduce the operating surplus by \$0 and found 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 July Financial Plan 2021-2024, which was approved by the Finance Committee at the July 22, 2020, meeting, to set aside and reduce the operating surplus by \$56,623,000 and found them to be in agreement.

* * * * *

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SUPPORTING SCHEDULE TO THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2020

TOTAL REVENUES		\$	1,671,153,160
LESS: Interest Income	\$	763,475	
Other Non-Operating Revenue		<u>1,054,734</u>	<u>1,818,209</u>
OPERATING REVENUES (Exhibit A)		\$	<u>1,669,334,951</u>
TOTAL EXPENSES (excluding depreciation)		\$	780,289,993
LESS: Non-Operating Expenses	\$	319,173,667	
Reimbursement of Personnel Costs		<u>18,904,205</u>	<u>338,077,872</u>
OPERATING EXPENSES (Exhibit A)		\$	<u>442,212,121</u>
PREPAID EXPENSES AND OTHER ADJUSTMENTS:			
Balance December 31, 2019	\$	28,954,638	
Balance December 31, 2020		<u>25,234,900</u>	
DECREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Exhibit A)		\$	<u>(3,719,738)</u>
DEBT SERVICE:			
TBTA	\$	317,962,243	
MTA		110,645,499	
NYCTA		<u>246,058,598</u>	
Subtotal		674,666,340	
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Exhibit A)		<u>1,134,704</u>	
TOTAL DEBT SERVICE ON BONDS (Exhibit A)		\$	<u>675,801,044</u>

FEBUARY 2021
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA METRO NORTH RAILROAD

Acquisition of easements in Hartsdale for station improvements, Greenburgh, New York

METROPOLITAN TRANSPORTATION AUTHORITY

Policy to award telecommunications and utility franchise licenses

Staff Summary

Subject ACQUISITION OF EASEMENTS IN HARTSDALE FOR STATION IMPROVEMENTS
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name NEIL MASTROPIETRO

Date FEBRUARY 18, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	2/18/21	X		
2	Board	2/18/21	X		

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

AGENCY: MTA Metro-North Railroad (“Metro-North”)
GRANTOR: Hartsdale Public Parking District (“HPPD”)
LOCATION: Aqueduct Road (Section 8.300 Block 234 Lot 5) and Greenacres Avenue Section (8.360 Block 260 Lot 1) in the hamlet of Hartsdale, Town of Greenburgh, New York.
ACTIVITY: Acquisition of permanent and temporary easements in support of the Hartsdale Station improvements (the “Project”)
ACTION REQUESTED: Authorization to acquire permanent and temporary easements
TERM: Permanent and temporary for the duration of Project expected to be 20 months
SPACE: West / inbound side (Lot 5):
 i. Permanent Easement: 1,186± square feet
 ii. Temporary Easement: 2,610± square feet
 East / outbound side (Lot 1):
 i. Permanent Easement: 1,066± square feet
 ii. Temporary Easement: 3,672± square feet
COMPENSATION: Permanent Easements - \$210,000
 Temporary Easements - \$9,600 per annum or \$800 per month

COMMENTS:

Metro-North is investing in infrastructure improvements at the Hartsdale Station to support ADA accessibility and enhance pedestrian flow for its customers using the station. The Project includes 2 new elevators, mechanical rooms, expanded sidewalks and new curbing, for both the inbound and outbound sides of the station with connections to the existing pedestrian overpass. The permanent easement areas will also accommodate boiler rooms for heated platforms that will be part of a future project to replace the platforms. MTA Real Estate successfully negotiated the compensation for the permanent and temporary easements, which is consistent with the appraised value of the easements as obtained from MTA Real Estate’s independent appraiser.

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF EASEMENTS IN HARTSDALE FOR STATION IMPROVEMENTS (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

Based on the foregoing, MTA Real Estate requests authorization on behalf of Metro-North to acquire the easements from HPPD on the above terms and conditions.

Staff Summary

Subject POLICY TO AWARD TELECOMMUNICATIONS AND UTILITY FRANCHISE LICENSES
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name DAVID FLORIO

Date FEBRUARY 18, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	2/18/21	X		
2	Board	2/18/21	X		

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

AGENCY: All-agencies (“MTA Agencies”)
FRANCHISE LICENSEES: Telecommunications and utility companies constructing and maintaining in-ground or above ground occupancies along MTA Agencies’ rights of way
LOCATION: Any MTA Agency right of way
ACTION REQUESTED: Approval of the new policy

COMMENTS:

As the MTA Agencies seek more comprehensive telecommunications services for our customers, the traditional real estate license or lease models are not the appropriate vehicles. In the case of wireless telecommunications, entities known as “neutral host providers” which build the infrastructure and sub-license to the carriers, have become a means to facilitate telecommunications service. As our upcoming RFPs involve more broader right of way offerings, such neutral host providers will be committing to greater capital investments, in addition to compensation payable to MTA agencies in the form of fixed and percentage-based structures. Given these financial commitments, traditional real estate licenses, which are terminable for convenience within 30 to 60 days, are simply inappropriate and have made marketing our opportunities challenging. As we endeavor to look forward to comprehensive offerings along the rights of way across all agencies, a new mechanism is needed to meet marketplace conditions.

As the proposed mechanism by which this can be accomplished is neither (a) a procurement under the procurement guidelines (since it is not a General Contract for the purchase of materials or services), nor (b) a disposition of real estate under Section 2897 of the Public Authorities Law, MTA Real Estate seeks to adopt a new policy covering such transactions. No current policy of MTA Real Estate expressly permits the same.

Under PAL 1266 (2), the MTA may franchise out to a franchise licensee the non-exclusive right to enter upon, within and/or around MTA Agency property in order to install, operate, maintain, repair and replace a telecommunications infrastructure.

Under this statute, the MTA will facilitate the installation, operation, maintenance, repair and replacement of certain telecommunications and other utility occupancies that run longitudinally along the rights of way, parallel with the rail. This does not apply to right of way crossings which are administered by the railroads themselves.

Staff Summary

FINANCE COMMITTEE MEETING NEW POLICY FOR FRANCHISE LICENSES (Cont'd.)

Page 2 of 2



Each franchise license agreement will be entered into upon the following conditions:

- a. The term of the agreement shall be for no more than thirty (30) years, including all renewal options and extensions.
- b. The agreement shall be competitively offered as an exclusive through MTA Real Estate's RFP process; or non-exclusively, without an RFP, in those instances where multiple franchise licensees are able to occupy by the same right of way
- c. The installation of any such occupancy, as well as all operation and maintenance cost throughout the term, shall be at no cost to the respective MTA Agency except to the extent of any termination fees payable by the MTA for termination for corporate or transportation purposes
- d. The franchise licensee shall provide to the MTA, at no cost, the services and benefits to the MTA Agency and its customers of the telecommunications infrastructure element installed.
- e. The franchise licensee will be required to propose a compensation structure that includes recurring base compensation, percentage rent based upon gross income from permitted sub-licensing, and/or in-kind services for the benefit of the MTA Agencies and their customers.

MTA Real Estate recommends adoption of this addition to its leasing and licensing policies under the terms and conditions set forth above.