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Andrew S. Rein

December 13, 2021

The Honorable Kathy Hochul
Governor of the State of New York
New York State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

The Citizens Budget Commission (CBC) recommends that you sign S199B/A4010B, which would improve capital planning and reporting for transportation infrastructure in New York State.

This bill would require the Commissioner of the New York State Department of Transportation (DOT) to file four annual reports related to transportation capital planning. The required reports are as follows:

- Planned projects report and updates would be filed beginning January 1, 2022, including a list of projects that DOT plans to undertake or release for bids in the coming fiscal year. DOT would then be required to provide quarterly updates to the list of projects, including clarification of any significant changes in cost or timing for certain major projects.
- An accomplishment report would be filed by June 1, 2022 and annually thereafter, detailing the amount and types of funds obligated for capital projects in the most recent fiscal year.
- Pavement and bridge condition reports would be filed on June 1, 2022 and annually thereafter, summarizing the condition of state roads and all bridges, and goals for the condition of state roads and all bridges.
- A public transportation system report would be filed on June 1, 2022, and annually thereafter, to provide details on State capital disbursements to all public transportation agencies other than the Metropolitan Transportation Authority (MTA). DOT also would be required to include a needs assessment for capital asset conditions and needs for all public transportation systems.

The provisions included in this bill would significantly improve the State's transportation capital planning and reporting processes. Currently, capital planning for DOT assets is dictated by misguided strategies such as "[parity](#)" and takes the form of a two-year, politically-negotiated memorandum of understanding for prioritizing capital projects. Reporting on capital asset condition and needs is substandard; pavement and bridge condition reports are generally released on a two-year lag and the State's database of projects lacks critical details.

CBC previously has advocated for a vastly improved transportation capital planning program, detailing a [five-stage process](#) for capital planning to improve goal-setting, needs assessments, resource identification, planning, and implementation. That process included recommendations for goal-setting, planning, and evaluation reports similar to those included in S199B/A4010B. In 2019, CBC also [advocated for enactment](#) of A4880/S1673. That bill – which passed the State Senate unanimously and the Assembly with a single vote against it – shared many common features with the process recommended by CBC. Unfortunately, the governor vetoed that bill on the basis of “technical flaws” and an estimated unfunded cost of \$1 million.¹

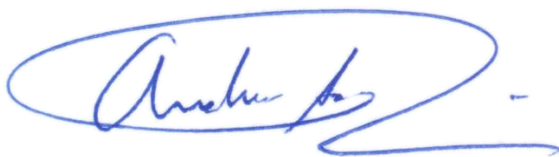
The bill recently delivered to your desk, S199B/A4010B, would make significant improvements to the existing planning processes, and it should be signed and enacted. It improves upon the vetoed bill from 2019 by including clearer goal setting and report filing dates. However, it still lacks long-term, intermodal planning provisions, which should be added by subsequent legislation.

Notwithstanding the clear merits of the bill, CBC fully understands that it may include costs that are not currently included in the State’s financial plan. The existence of unfunded costs often serves as the basis for vetoing bills passed outside of the annual budget negotiation process. If this bill is vetoed on the grounds of having an unfunded cost, its provisions – plus additional provisions for long-term, intermodal planning – should be included in the fiscal year 2023 budget.

Transportation capital asset management is critical for New Yorkers, who require reliable roads, bridges, rails, sidewalks, and runways. These assets are also at the crossroads of multiple intersecting goals in energy, public health, economic development, and public safety. Accordingly, New Yorkers deserve a capital planning process that extends into the long-term and provides the information needed for the public to assess performance metrics and results and for the State to adjust its strategies to achieve its goals.

I encourage you to sign this bill into law and pursue further enhancements to the State’s transportation capital planning process.

Sincerely,



Andrew S. Rein
President

¹ Laws of New York State, A4880/S1673 of 2019, Veto Message No. 140 of 2019