



Metropolitan Transportation Authority

February 2023

MTA Board Action Items



MTA Board Meeting
2 Broadway, 20th Floor Board Room
New York, NY 10004
Thursday, 2/23/2023
10:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

**MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes -
January 30, 2023**

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA Triborough Bridge and Tunnel Authority

MTA Construction & Development

MTA and MTA Agencies Regular Board Meeting Joint Minutes - January 30, 2023 - Page 4

3. PRESENTATIONS

4. COMMITTEE ON CAPITAL PROGRAM

C&D Procurements - Page 14

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

MNR Procurement Report

MNR Procurement - A Yankee Line, Inc. - Page 20

6. COMMITTEE ON NYCT & BUS

NYCT & Bus Action Item

Staff Summary for Station CSC Changes - Page 27

NYCT & Bus Procurement Report

Procurement Staff Summary - Page 33

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

8. COMMITTEE ON FINANCE

Action Items

i. Mortgage Recording Tax

Mortgage Recording Tax - Page 41

ii. 2022 TBTA Operating Surplus

2022 TBTA Operating Surplus - Page 43

MTAHQ Procurements Report

Non Competitive - Cambridge Systematics - Page 54

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 60

9. COMMITTEE ON SAFETY

2022 NYCT Agency Safety Plan Staff Summary - Page 66

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

11. EXECUTIVE SESSION

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction and Development Company, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting
2 Broadway
New York, NY 10004
Monday, January 30, 2023
12:30 p.m.**

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

**Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Frank Borelli, Jr.
Hon. Samuel Chu
Hon. Michael Fleischer
Hon. David Jones
Hon. Blanca Lopez
Hon. David Mack
Hon. Isabel Midori Valdivia Espino
Hon. Haeda B. Mihaltses
Hon Frankie Miranda
Hon. Harold Porr, III
Hon Sherif Soliman
Hon Lisa Sorin
Hon. Elizabeth Velez
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Randolph Glucksman***

The following members were absent:

**Hon. Norman Brown
Hon. John Samuelsen
Hon. Vincent Tessitore, Jr.**

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety and Security Officer, Richard Davey, President, NYCTA, Craig Cipriano, Chief Operating Officer, NYCT, Frank Annicaro, Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad/LIRR Interim President, Daniel DeCrescenzo, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Jaibala Patel, Chief, Office of the CFO, Hugo Pizzaro, Chief People Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, Lucille Songhai, Assistant Director, Government Affairs, also attended the meeting.

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

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

Chair Lieber called to order the January 2023 Board meeting.

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

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

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

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

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

Allan Rosen, private citizen
Charlton D'Souza, President, Passengers United
Rachel Fauss, Reinvent Albany*
Maria Giffen-Castro, private citizen*
David Kupferberg, Passengers United

Lisa Daglian, Executive Director, PCAC
Jason Anthony, Amazon Labor Union
Assemblymember Zohran Mamdani*
Mary Huerster, private citizen*
Yuki Endo, private citizen
Joseph Morales, private citizen
Jean Ryan, President, Disabled In Action (DIA)
Sally Wolf, private citizen*
Aleta Dupree, private citizen*
Jennifer Van Dyck, Elevator Action Group
Christopher Greif, private citizen
Andy Pollack, Passengers United
Debra Greif, private citizen
Murray Bodin, private citizen
Cara Liebowitz, Brooklyn Center for Independence of the Disabled (“BCID”)
Sasha Blair Goldensohn, Rise & Resist/Elevator Action Group*
Dr. Lucky Tran, Columbia University*
Guilherme Gati, private citizen*
Teri Zucker, private citizen*
Jesse Figueroa, private citizen*
Myra Batchelder, private citizen*
Lyric Thompson, private citizen*
Thomas Johnson, private citizen*
Elizabeth Valdez, Brooklyn Center for Independence of the Disabled (BCID)*
Miriam Fischer, Northshore Child Development*

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

2. CHAIR LIEBER’S REMARKS.

Chair Lieber thanked everyone for joining this month’s meeting -- the first gathering in 2023 -- and acknowledged that today’s meeting structure is a throwback to the peak of the COVID era, wherein the monthly committee and board meetings were held on the same day. The Chair noted that the agency will return to its regular two-day schedule next month.

Chair Lieber stated that today he would like to take stock of the progress achieved in the last year. In March, Strategic Initiatives Chief Jon Kaufman laid out the MTA’s 2022 strategic priorities, which are focused on getting customers back to transit and building a stronger MTA for the riders and the public, and in the months since, the agency has seen significant, major progress in delivering on some of these priorities.

Chair Lieber stated that the number one goal was to deliver better service, as discussed earlier by President Richard Davey. December was a tremendously strong month, resulting in part from the agency’s success in hiring over 1,000 new train operators and conductors earlier in the year. Chair Lieber stated that from the second half of 2021 to 2022 the service delivery statistics

increased from 91% to 94%, which is attributed to fewer trains that did not make their runs due to the workforce increase, and January looks like it will be even stronger.

Chair Lieber stated that subway on-time performance (OTP) in January so far is hovering around 85%, the highest it has been in 10 years. Buses are also moving faster systemwide. Despite the resurgence of traffic, the agency has maintained bus speeds at 2% above 2019 levels and is pushing forward with the key ingredients that it always talked about—Automated Bus Lane Enforcement and so much more.

Chair Lieber stated that, under President Catherine Rinaldi's leadership, Metro-North's OTP for the year was 97%, and LIRR's was high as well, at 96%, which is the best performance ever by the commuter railroads, except for the very height of COVID when ridership was at its lowest. Chair Lieber stated that these record highs are historic and that the MTA's core services are delivering, and stated that later in the meeting he would discuss the Access-A-Ride and the Paratransit portions of the system as well.

Chair Lieber, commenting on safety and respect -- something he also places at the top of the list -- stated that the agency has been working on this for a couple of years now, but the Cops, Cameras, and Care initiative unveiled by Governor Hochul and Mayor Adams in October put the agency in overdrive and is already seeing results. As discussed by Chief Kemper this morning, crime for the last three-months is down double-digits compared to the same period a year ago. Chair Lieber stated that when comparing that same span of three months to historical data, the agency is currently at the second-lowest overall crime level since 1995, which is the second lowest for this period that the agency has just come through since this new initiative was announced by the Governor and Mayor—major progress. Chair Lieber stated that this month, in January year-to-date, crime is down 30% versus last year, which is a significant turnaround, and customers are noticing the difference. In the December customer survey, when asked how safe they feel, customers said they feel a lot better. Chair Lieber stated that nearly 20% more respondents said they feel 'safe' or 'very safe', which was up significantly from October. In fact, the portion of customers who said they feel 'safe' or 'very safe' was the highest since the agency started asking the question, and 39% of customers -- 10% more than before -- are saying they feel the agency has the right amount of police officers in the system, which is big progress on the safety front.

Chair Lieber stated that the MTA wants its customers back and is doing everything it can to make transit easy and convenient. The Chair stated that not only did the MTA create new flexible fare options and dramatically surge the usage of OMNY by pushing the new OMNY-oriented discounts out, which has really allowed a lot of people to move onto the OMNY system, but the agency is also completing capital projects, which will make the system more attractive to riders.

Chair Lieber noted the accomplishment made on the Third Track project at the new Elmont-UBS Arena station and the Penn Station Concourse, saying that a quarter of Penn Station now looks like a modern transportation facility, which is a change, and he further stated that just last week the agency unveiled four newly modernized elevators that will serve the concourse and the incredibly busy adjacent IRT station—the 1,2, and 3 lines.

Chair Lieber, commenting on the new Grand Central Madison station, stated that it has not even been a week, and riders are loving the new service to the East Side. Chair Lieber stated that NY1 News spent an entire day on the site after it opened and spoke to happy customers who willingly said that the new station will save them a lot of time and be much more convenient—more time with family, more time for the good things in life. Chair Lieber stated that the fact that the agency delivered this project is a significant improvement to the idea of civic space in New York, and creating a major new civic space expands, what the Chair described as the temple of mass transit in New York and maybe the United States. Chair Lieber stated that to know that a whole new community of riders from Queens and Long Island will benefit from this new project is a shot in the arm for the agency’s belief that it can change New York and change people’s lives, and do it with mass transit.

Chair Lieber showed a video that was taken over the weekend showing people looking around and getting to know the space before the roll-out of the Grand Central Madison new schedules, which he stated will expand beyond the shuttle service now offered. Chair Lieber stated that what remains to happen is the agency plans to move to a 40% increase systemwide in LIRR service—more service not just to the Island, but also to those communities in Queens, which the MTA hopes will really benefit from the service. Chair Lieber stated that there is some room on the trains already, but more room will be created by running additional service—allowing some of that space go to New Yorkers who can shorten their commute by taking the railroad instead of having to take a bus to a train, which is part of the MTA’s vision.

Chair Lieber stated that it is not only about megaprojects, but another key element of the goal of increasing customer appeal is expanding accessibility, which is a top priority and something that the leadership of the MTA is passionate about. In June the agency announced a historic agreement to continue advancing ADA projects at the current pace until it achieves 95% system accessibility. Chair Lieber stated that the MTA awarded contracts for 13 new ADA stations in 2022, with another 16 expected this year, and there are over 70 stations in progress right now. Chair Lieber stated that the agency is doing everything it can to move even faster and is pushing for funding from the federal government. The Chair stated that there is a new program for accessibility that the agency applied for and pushed for very aggressively, and this month the MTA was awarded a competitive \$254 million grant as part of the Biden Infrastructure Law for additional ADA upgrades in Brooklyn and the Bronx. Chair Lieber stated that whenever we talk about federal funding, he cannot let the moment pass without acknowledging the MTA’s Guardian Angel in Washington, Senator Chuck Schumer, who has helped the MTA respond effectively to the Biden Infrastructure Law and use it to get incremental money for this huge priority of accessibility.

Chair Lieber stated that we heard a lot this morning and today from our partners and customers in the Paratransit community, and the agency is working hard to improve Paratransit; however, Chair Lieber stated that he wants to emphasize that the Department of Justice’s letter that our friends talked about was based on pre-COVID, more than three-year-old, statistics.

Chair Lieber, talking about where that agency is today, stated that since the beginning of 2022, OTP for primary Paratransit service has increased to 96%, with broker service -- the for-hire

vehicles that now represent roughly 70% of Paratransit rides -- up eight points from a year ago to 92%, and that as a signifier of the agency's optimism and passion about improving OTP the agency is actually in the process of tightening how it measures its own OTP from a 30-minute window to a 20-minute window; but right now, the agency is carrying both statistics, which can be seen in the reports. The Chair stated that over time the agency will move to a 20-minute window because we do think that we must deliver something that is even more attractive for Paratransit customers.

Chair Lieber stated that the MTA's rate of Paratransit no-shows is down to just 0.07% for primary service and .44% for brokers, and all these improvements together drove a huge increase in customer satisfaction. The Paratransit customers are telling the agency that they like what it is doing—38-point increase in customer satisfaction, moving from 44% in the fall of 2021 to 72% in the fall of 2022. Chair Lieber stated that Chris Pangilinan, who leads Paratransit for New York City Transit, and who has been in and out of this Board room today, has accomplished an amazing amount in a short time. Chair Lieber stated that he will always honor Chris Pangilinan's efforts, and his quiet, substantive way of really moving the dial on this issue.

Not forgetting about buses, Chair Lieber stated that buses deserve a special focus because they are the engines of transit equity, serving many transit-deprived areas and historically disadvantaged populations, especially racial minorities and seniors, and the Chair stated that the bus network needs to be brought into the 21st century.

Chair Lieber stated that the priority must be increasing speeds so that taking the bus is faster than walking, and the agency is using every tool in the toolbox—bus lanes and bus ways, Transit Signal Prioritization, and Automated Bus Lane Enforcement, and all the cameras on top of the buses that the city is using to help enforce bus lanes. Chair Lieber stated that in the last year the agency installed 300 ABLE cameras in routes across the five boroughs and plan to install another 600 this year, getting to the point where a huge portion of the buses that operate in bus lanes have cameras, and the Chair stated that the agency will do it quickly.

Chair Lieber, commenting on the Bus Network Redesigns, stated that the agency is six months into the Bronx rollout, and it is going great. The Chair stated that a couple months ago, the Board saw a video of customers expressing appreciation for how the Bronx bus redesign had saved them 10-20 minutes on their bus routes, and the agency is pressing forward with the redesigns in the two most populous boroughs. The proposed Queens Final Plan is on the way after two drafts and a ton of community outreach, and workshops are underway in Brooklyn to get feedback on the borough's draft plan. Chair Lieber stated that the agency will make sure it has a lot of dialogue with the communities and the users and gets the word out, and will make sure that it is a very inclusive process. Chair Lieber stated that, as President Richard Davey said not too long ago, the one thing we know about the Brooklyn Bus Redesign is the map is going to be a little different in the end than what was proposed, and that is because the agency is committed to the dialogue with the community.

Chair Lieber stated that on the zero-emissions front the agency just committed to ordering enough electric buses to get north of 10% of its fleet as it works towards its 2040 goal to go all zero-emissions. The Chair stated that a lot has been heard about the Jamaica Bus Terminal, and there

are two different facilities that are sometimes confused—the Jamaica Bus Depot and the Principal Bus Depot, that are being outfitted and being prioritized for electric bus charging facilities at the front end of the initiative because of the environmental justice history in that community, and the dependence of southeast Queens on buses.

Chair Lieber acknowledged Lisa Daglian, Executive Director, PCAC, for very effectively carrying the torch on the number one priority right now, which must be achieving fiscal stability and dealing with the roughly \$2 billion structural deficit coming out of COVID.

The Chair stated that in March there were discussions about the need to attack the agencies' inefficiencies, which the agency is doing, and the budget that the Board approved in December is proof—\$400 million in savings, and a basis for kickstarting discussions with Albany. Chair Lieber stated that the MTA has done its part to get the discussion going, and he has shouted from every roof top in the city about the need for a new funding model for transit—less dependent on the farebox, and less burden on the riders in keeping with national standards for major systems. Chair Lieber stated that we cannot be underprioritizing transit in the most transit-dependent region of the United States.

Chair Lieber stated that we are just a few days away from the Governor's historic executive budget that means so much to the MTA, and he is optimistic that the executive budget will reflect the Governor's commitment to the MTA, which is not only the way the Governor has comported herself in relation to mass transit since the day she took office, but what she said in the State of the State and again and again about transit being the lifeblood of the region and also the priority she places on a stable fiscal situation for the MTA.

Chair Lieber thanked the Board members for all that they have done to help the agency get to this point—being passionate advocates for the transportation system and for the riders, listening to the staff as it laid out the agency's priorities, providing meaningful feedback, and backing up the agency in the public sphere that is used to push out the agency's message. Chair Lieber stated that the agency could not have gotten to the point where it is delivering on service, on safety and on major capital investments without the Board Members' support.

Chair Lieber acknowledged the retirement of Craig Cipriano, Chief Operating Officer, NYCT, and thanked him for his services. Chair Lieber announced that Frank Annicaro, Acting President, MTA Bus Company, will serve as acting Chief Operating Officer.

Chair Lieber also acknowledged Michael Garner, MTA Chief Diversity Officer, who is leaving the MTA to work with the City on its MWBE Program, and the Chair praised Michael Garner for his work and for achieving high MWBE goals for the MTA.

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

3. SUFFOLK COUNTY EXECUTIVE STEVE BELLONE’S REMARKS.

Board Member Samuel Chu introduced Suffolk County Executive Steve Bellone.

County Executive Steve Bellone, who delivered remarks via video conference, thanked Board member Chu for doing a good job representing Suffolk County and the region, he acknowledged contributions made by Board Members David Mack and Gerard Bringmann, and he acknowledged the public service of Chief Operating Officer Craig Cipriano and Chief Diversity Officer Michael Garner.

County Executive Steve Bellone delivered remarks relating to the historical opening of Grand Central Madison.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Board Member Samuel Chu’s introduction and for County Executive Steve Bellone’s remarks.

4. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on December 21, 2022, as corrected.

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

5. MTA BRIDGES AND TUNNELS COMMITTEE.

Chair Lieber advised that there are no items to report for Board approval for MTA Bridges and Tunnels committee.

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

Chair Lieber advised that there are no items to report for Board approval for the Joint Long Island Rail Road and Metro-North Railroad committee.

7. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

Chair Lieber advised that there are no items to report for Board approval for the New York City Transit and Bus committee.

8. MTA COMMITTEE ON FINANCE.

A. Real Estate Items.

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

New York City Transit

1. Lease agreement with City University of New York (CUNY) for the temporary relocation of NYCT buses in Jamaica, Queens, N.Y.
2. Lease agreement with Greater Jamaica Development Corporation (GJDC) and a sublease with Nassau County and a sublease with the New York City Police Department (NYPD) for separate portions of the leased premises (Block 9800, Lot 1) for the relocated Jamaica Bus Terminal in Jamaica, Queens, N.Y.

Long Island Rail Road

3. License agreement with VPCT Realty LLC for LIRR row property adjacent to 465 Johnson Avenue, Brooklyn, N.Y.

Metro-North Railroad

4. Permit with the City of New York at Concrete Plant Park (Edgewater Road Right-of-way) for Penn Station Access Project, Bronx, N.Y.

Chair Lieber stated that considering the feedback from public speakers today, the staff will put together a special briefing for the MTA's friends and partners in the advocacy community on the Jamaica Lease project.

9. CAPITAL PROGRAM COMMITTEE.

A. Procurement Items:

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

1. Ratification of a modification to the contract with Tully Construction Co., Inc. (Contract No. C-34836.138), in connection with the Coney Island Yard Complex Long Term Flood Mitigation in the Borough of Brooklyn, in the amount of \$1,309,700, to replace the functionality of 11 damaged signal cables utilizing the new Programmable Logic Controller System. In addition, this modification will include an excusable delay of 104 calendar days, extending the substantial completion date of the contract to April 14, 2023.

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

10. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 2:03 p.m.

Respectfully submitted,

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

Stephen N. Papandon
Acting Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCT

David K. Cannon
Assistant Secretary
MTA C&D

Paul Friman
Acting General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Contracts Department
Steve Plochochi, Senior Vice President

PROCUREMENT PACKAGE
February 2023

PROCUREMENTS

The Procurement Agenda this month includes one action for a proposed expenditure of \$8.7M.

Subject Request Authorization to Award a Procurement Action					
Contract Department Steve Plochochi, Senior Vice President					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	2/21/23	X		
2	Board	2/23/23	X		

Date: February 15, 2023			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award a procurement action and to inform the Capital Program Committee of this procurement action.

Discussion

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
I. Modifications to Purchase and Public Work Contracts	1	\$ 8,675,786.35
	TOTAL	\$ 8,675,786.35

Budget Impact

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

Recommendation

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

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

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

NOW, the Board resolves as follows:

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

February 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule I. Modifications to Purchase and Public Work Contracts
(Staff Summaries required for all items greater than \$1M)

- | | | | |
|-----------|---------------------------------|------------------------|--------------------------------------|
| 1. | Judlau Contracting, Inc. | \$ 8,675,786.35 | <u>Staff Summary Attached</u> |
| | Contract No. A-35301.228 | | |

MTA Construction & Development requests that the Board approve a modification to the Contract to resolve claims for time extension, impacts costs and other issues.

Schedule I: Modifications to Purchase and Public Work Contracts

Item No. 1

Vendor Name (& Location) Judlau Contracting, Inc. (Queens, NY)	Contract Number A-35301	Modification No. 228
Description Cortlandt Street #1 Line Station Rehabilitation	Original Amount:	\$ 101,150,000
Contract Term (including Options, if any) Thirty-Four (34) Months	Prior Modifications:	\$ 8,390,601
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Prior Budgetary Increases:	\$ -0-
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$ 109,540,601
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request	\$ 8,675,786.35
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	8%
Requesting Dept/Div & Dept/Div Head Name: Delivery/Mark Roche	% of Modifications (including This Request) to Original Amount:	17%

Discussion

This contract (the “Contract”) is for the rehabilitation of the Cortlandt Street #1 Line Station located within the World Trade Center complex. MTA Construction and Development (“C&D”) requests that the Board approve a modification to the Contract to resolve claims for time extension, impacts costs and other issues in the total amount of \$8,675,786.35.

The Contract was awarded to Judlau Contracting, Inc. (“Contractor”) on April 20, 2015, in the amount of \$101,150,000 with a duration of thirty-four months, resulting in a contractual substantial completion date of February 20, 2018. The Station was opened for revenue service on September 8, 2018, and substantial completion was declared on July 31, 2019.

The Contract was originally let by the Port Authority of New York and New Jersey (PANYNJ) and after approximately 20% of the initial construction contract work had been performed, the Contract was assigned to the MTA. Prior to the commencement of the initial construction contract work, New York City Transit (“NYCT”) had reviewed the drawings and specifications for conformance of the design to NYCT standards and had submitted comments to PANYNJ, however, PANYNJ did not incorporate those comments into the Contract. When MTA assumed the Contract from PANYNJ, NYCT User Groups reviewed and updated their comments and issued them in a document referred to as Bulletin 2, requiring changes to the Contract including a redesign of the project’s electrical and communication systems.

Following the issuance of Bulletin 2, the Contractor submitted a time extension request and delay claim seeking 410 days of excusable and compensable delay and impact costs in the amount of \$21,679,090. C&D’s Engineer, and subsequently, Chief Engineer determined that the Contractor was entitled to 315 days of excusable delay of which 71 days are compensable. The Contractor disagreed with the determination and gave notice that it intended to challenge the Chief Engineer’s determination in court. In addition, the Contractor asserted claims for differing site conditions, extra work and acceleration totaling \$9,482,402. Thereafter, C&D and the Contractor entered into a tolling agreement with respect to the Contractor’s notice of a potential court proceeding in order to attempt to resolve all of the open issues, claims and disputes.

C&D reviewed and analyzed the Contractor’s delay claims and prepared an independent time impact analysis. MTA’s Audit Department audited the Contractor’s claimed impact costs. In addition, for each of the other claims that C&D determined had merit, C&D prepared an independent cost estimate. C&D then met with the Contractor to negotiate each of the claims.

With regard to the delay claim, the parties agreed to 193 days of compensable delay, and impact costs totaling \$5,704,642.35. With regard to the remaining claims and extra work, the parties agreed to an amount totaling \$2,971,144. C&D has determined this result to be fair and reasonable.

This is C&D’s most advantageous alternative considering the timing of the design changes. The alternative would be to allow litigation to proceed to judgment on the time extension request and impact cost claim dispute, which would be time consuming and could result in a less favorable result.

Metro-North Railroad Procurements

Anthony Gardner, MTA Assistant Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$7.5M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Kuvershen Ayer <i>Maudhwa for KA</i>				
Department Head Signature	<i>Maudhwa for KA</i>				
Project Manager Name	Anthony Gardner				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	2/21/23			
2	Board	2/23/23			

February 17, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President	<i>JL</i>	<i>For CRINALDI</i>
	VP & General Counsel	<i>DD</i>	

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

PURPOSE
 To obtain approval of the Board to award one noncompetitive contract and to inform the Metro-North Committee of this procurement action.

DISCUSSION
 Metro-North Railroad proposes to award Noncompetitive procurements in the following categories: None

Metro-North Railroad proposes to award one Competitive procurement in the following category:
Procurements Requiring Majority Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 7.5 M
SUBTOTAL	1	\$ 7.5 M

Metro-North Railroad proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 7.5 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

FEBRUARY 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

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

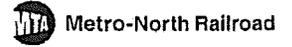
- | | | | |
|----|---|-------------|-------------------------------|
| 1. | A Yankee Line, Inc.
Community Coach, Inc.
Greater Bridgeport Transit Authority
Leprechaun Lines, Inc.
Peter Pan Bus Lines, Inc. | \$7,500,000 | <i>Staff Summary Attached</i> |
|----|---|-------------|-------------------------------|

60 months

Contract# 96417 Mod. 4

Contract modification to add funding for the continuation of as-needed emergency and scheduled bus services throughout Metro-North Railroad's operating territory.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 1

Vendor Names (Locations) A Yankee Line, Inc. Community Coach, Inc. Greater Bridgeport Transit Authority Leprechaun Lines, Inc. Peter Pan Bus Lines, Inc.	<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Contract Number</td> <td style="width: 30%;">AWO/Modification #</td> </tr> <tr> <td>96417</td> <td>4</td> </tr> <tr> <td colspan="2">Original Amount: \$6,000,000</td> </tr> <tr> <td colspan="2">Prior Modifications: \$9,780,000</td> </tr> <tr> <td colspan="2">Prior Budgetary Increases: \$0</td> </tr> <tr> <td colspan="2">Current Amount: \$15,780,000</td> </tr> <tr> <td colspan="2">This Request: \$7,500,000</td> </tr> <tr> <td colspan="2">% of This Request to Current Amount: 47.53%</td> </tr> <tr> <td colspan="2">% of Modifications (including This Request) to Original Amount: 288%</td> </tr> </table>	Contract Number	AWO/Modification #	96417	4	Original Amount: \$6,000,000		Prior Modifications: \$9,780,000		Prior Budgetary Increases: \$0		Current Amount: \$15,780,000		This Request: \$7,500,000		% of This Request to Current Amount: 47.53%		% of Modifications (including This Request) to Original Amount: 288%	
Contract Number	AWO/Modification #																		
96417	4																		
Original Amount: \$6,000,000																			
Prior Modifications: \$9,780,000																			
Prior Budgetary Increases: \$0																			
Current Amount: \$15,780,000																			
This Request: \$7,500,000																			
% of This Request to Current Amount: 47.53%																			
% of Modifications (including This Request) to Original Amount: 288%																			
Description Emergency and Scheduled Bus Services																			
Contract Term (including Options, if any) 60 Months																			
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive																			
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:																			
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: State of CT																			
Requesting Department Station Operations, Phil Diaz																			

Discussion:

Metro-North Railroad (“MNR”) is seeking MTA Board approval to modify the competitively negotiated miscellaneous service contracts for the continuation of as-needed Emergency and Scheduled Bus Services awarded to (1) A Yankee Line, Inc.; (2) Community Coach, Inc. (“Community Coach”); (3) Greater Bridgeport Transit Authority; (4) Leprechaun Lines, Inc.; and (5) Peter Pan Bus Lines, Inc. (collectively, the “Bus Companies”); and add funding in the not-to-exceed amount of \$7.5 million.

The original 60-month contract was approved by the MTA Board and awarded in October 2018, for an estimated not-to-exceed amount of \$6 million and will expire on September 30, 2023. MNR busing needs are distributed among the Bus Companies based upon geographical zone, operational requirements, contractor capacity and proposed cost with the goal of meeting service requirements. Under the existing contract, modifications were issued for additional funding due to an increase in the use of emergency and scheduled bus services (a) to support capital improvement projects on the (1) New Canaan, Danbury, and Waterbury branches (New Haven line); (2) Port Jervis line (west of Hudson); and (3) Upper Harlem Line between Southeast and Wassaic Stations; and (b) for disruptions of service due to major weather events and other unforeseen emergencies. At the time of award, MNR capital projects to replace critical infrastructure along the right-of-way were performed primarily during weekends, which led to extended project durations. MNR has since reevaluated this process and determined that longer continuous track outages provide a more efficient way of completing capital projects in a shorter duration. Accordingly, these outages have resulted in the increased use of scheduled bus services to provide transportation for MNR’s ridership and employees during weekdays and weekends in support of these capital projects.

Under this request, additional funding is needed for the continuation of (1) the extended and temporary emergency replacement bus service needs in year 2023; (2) scheduled bus services to support capital projects, such as the New Canaan Branch cyclical trackwork and Moodna Viaduct timber replacement and inspection projects; and (3) the supplemental Bridgeport/Waterbury Shuttle bus services put in place in October 2020 due to an increase in ridership, which is expected to continue through the remainder of the contract term. All other terms, conditions, and pricing will remain in full effect for the remainder of the term of the contract.

For services beyond September 2023, MNR will solicit proposals for as-needed Emergency and Scheduled Bus Services, which will also include Long Island Rail Road’s requirements in a joint Request for Proposal. The solicitation will commence with an industry review of available service providers prior to selection and award recommendation to the Board.

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

All Bus Companies participating in this contract have certified pursuant to EO 16 that they are not doing business in Russia.

In connection with a previous contract awarded to Community Coach, it 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 MNR Acting President in consultation with the MNR General Counsel in January 2018. No new SAI has been found relating to Community Coach and Community Coach has been found to be responsible.

Impact on Funding

The total not-to-exceed amount of \$7.5 million will be funded by MNR’s Operating and Capital Budgets, and by the Connecticut Department of Transportation (“CDOT”). CDOT will reimburse MNR 100 percent for the costs of bus service on the New Canaan, Danbury, and Waterbury branches.



RECORD OF CONCURRENCE AND APPROVAL

PRESIDENT'S STAFF

SUBJECT: Reduction or Elimination of Station Booth Service Throughout the Subway System, including Elimination of Station Booth Lunch Relief	DUE DATE February 9, 2023	PRESIDENTIAL LOG NUMBER
DATE ROUTED February 6, 2023	ORIGINATOR OF DOCUMENT James Compton (646) 252-5120	CONTACT PERSON/TELEPHONE NUMBER Demetrius Crichlow (646) 252-5860

EXPLANATION:

This is a request for Board approval of the reduction or elimination of station booth service, including the elimination of station booth lunch relief.

ROUTING SEQUENCE	APPROVING AUTHORITY/SIGNATURE	DATE	COMMENTS
8	PRESIDENT		
7	CHIEF OPERATING OFFICER		
6	SVP SUBWAYS		
	SVP BUSES		
	SVP CAPITAL PROG. MGMT		
5	CHIEF CUSTOMER OFFICER		
4	VP GENERAL COUNSEL		
	ASSISTANT AUDITOR GENERAL		
	VP LABOR RELATIONS		
	ACTING VP SYSTEM SAFETY		
	DEPUTY AUDITOR GENERAL		
	CHIEF/TRANSIT BUREAU		
	CONTROLLER		
2	DIRECTOR, GOVERNMENT & COMMUNITY REL.		
	VP HUMAN RESOURCES		
	VP MATERIEL		
3	DIRECTOR, OMB		
1	CHIEF, OPERATIONS PLANNING		
	CHIEF, REVENUE		
	VP SUPPLY LOGISTICS		
	VP TECHNOLOGY & INFORMATION SERVICES		

Reduction or Elimination of Station Booth Service, including Elimination of Station Booth Lunch Relief



James Compton, EVP, Customer Environment & Facilities

Service Issue

Currently, each subway station or station complex (also referred to herein as a station) has at least one booth that is staffed 24 hours per day, 7 days per week.¹ Certain stations have one or more additional booths that are staffed full or part-time.

Historically, services provided from station booths included the sale or replenishment of fare media, but that service was discontinued during the COVID pandemic and will not be resumed. As a result, services currently provided from booths by station agents are limited to providing customer information, such as about how to use the transit system, and to provide assistance to customers who are not able to use the turnstiles or the AutoGate. Presently, Station Agents are limited in the services they can provide, because they can only provide services from booths.

Board authorization is sought for the reduction or elimination of station booth service throughout the subway system, including the elimination of station booth lunch relief. The services that are currently provided from station booths would instead be provided by station agents working in the station but outside of the booths. Further, moving station agents outside of the booths would enable them to provide a broader range of customer service functions throughout the station, such as providing assistance at turnstiles, at MetroCard and OMNY vending machines, and on platforms. Station agents would return to the fare array area as necessary to provide assistance to customers who are not able to use the turnstiles or the AutoGate.

Each station in which booth service is reduced or eliminated shall continue to be staffed by a minimum of one station agent per day 24 hours per day, 7 days per week (1), except during the period of the station agent's lunch break. The reduction or elimination of station booth service would include the elimination of the practice of providing a "lunch relief" station agent. Information would be provided in stations about obtaining assistance during that period, such as by using a Help Point intercom.

Pursuant to New York Public Authorities Law Section 1205(5)(a), a public hearing was held on Wednesday, February 1, 2023, to gather public input on this proposal. A transcript of the speakers' comments as well as the written comments received on or before the hearing date have been provided to all Board members. A summary of the comments and NYC Transit responses is attached to this staff summary.

Recommendation

Authorize the reduction or elimination of station booth service, including the elimination of station booth lunch relief.

Budget Impact

The elimination of lunch relief is expected to reduce costs by \$10.5 million annually, partially offset by a cost increase of \$5.1 million from changes to Station Agent pay rates.

Proposed Implementation Date

Early 2023.

¹ Five stations on the 5 Line in the Bronx (Eastchester-Dyre Av, Baychester Av, Gun Hill Rd, Pelham Pkwy, and Morris Park) are currently staffed 16 hours per day, and will continue to be staffed on that schedule.

Staff Summary



Subject:	Reduction or Elimination of Station Booth Service Throughout the Subway System, including Elimination of Station Booth Lunch Relief.
Department	Subways
Department Head Name	Demetrius Crichlow
Department Head Signature	
Project Manager Name	James Compton

Date:	February 6, 2023
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	President		X		
2	Chairman		X		
3	NYCT Comm		X		
4	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President	4	VP, General Counsel
7	Chief Operating Officer	3	Director OMB
6	SVP, Subways	2	Director, GCR
5	Chief, St & Cust Exp	1	Chief, OP

Purpose

To obtain Board authorization for the reduction or elimination of station booth service throughout the subway system, including the elimination of station booth lunch relief.

Currently, each subway station or station complex (also referred to herein as a station) has at least one booth that is staffed 24 hours per day, 7 days per week.¹ Certain stations have one or more additional booths that are staffed full or part-time.

Historically, services provided from station booths included the sale or replenishment of fare media, but that service was discontinued during the COVID pandemic and will not be resumed. As a result, services currently provided from booths by station agents are limited to providing customer information, such as about how to use the transit system, and to provide assistance to customers who are not able to use the turnstiles or the AutoGate. Presently, Station Agents are limited in the services they can provide, because they can only provide services from booths.

Board authorization is sought for the reduction or elimination of station booth service throughout the subway system, including the elimination of station booth lunch relief. The services that are currently provided from station booths would instead be provided by station agents working in the station but outside of the booths. Further, moving station agents outside of the booths would enable them to provide a broader range of customer service functions throughout the station, such as providing assistance at turnstiles, at MetroCard and OMNY vending machines, and on platforms. Station agents would return to the fare array area as necessary to provide assistance to customers who are not able to use the turnstiles or the AutoGate.

¹ Five stations on the 5 Line in the Bronx (Eastchester-Dyre Av, Baychester Av, Gun Hill Rd, Pelham Pkwy, and Morris Park) are currently staffed 16 hours per day, and will continue to be staffed on that schedule.

Staff Summary



Each station in which booth service is reduced or eliminated shall continue to be staffed by a minimum of one station agent per day 24 hours per day, 7 days per week, except during the period of the station agent's lunch break. The proposal to reduce or eliminate of station booth service includes the elimination of the practice of providing a "lunch relief" station agent. Information would be provided in stations about obtaining assistance during that period, such as by using a Help Point intercom.

Pursuant to New York Public Authorities Law Section 1205(5)(a), a public hearing was held on Wednesday, February 1, 2023, to gather public input on this proposal. A transcript of the speakers' comments as well as the written comments received on or before the hearing date have been provided to all Board members. A summary of the comments and NYC Transit responses is attached to this staff summary.

Recommendation

Authorize the reduction or elimination of station booth service, including the elimination of station booth lunch relief.

Alternatives

1. No change. Not approving the proposal will prevent station agents from providing a comprehensive range of customer services that can only be delivered outside of the booths.
2. Maintain 24/7 station agent booth service throughout the system and add another station agent at each station to provide service outside of the booths. This would approximately double the station agent staffing costs with little customer benefit.
3. Reduce or eliminate station booth service throughout the subway system, but without a commitment to provide a minimum of one station agent at each station outside of the booths on a 24/7 (except lunch relief) basis. This would be less costly than the proposal being advanced but would not provide customer service at all stations on a full-time basis.

Budget Impact

The elimination of lunch relief is expected to reduce costs by \$10.5 million annually, partially offset by a cost increase of \$5.1 million from changes to Station Agent pay rates.

Implementation Date

Early 2023.

Approved:


for Richard Davey
President

Summary of Public Comments and Staff Responses

This document provides a summary of comments provided by speakers at the public hearing on Wednesday, February 1, 2023 and written comments received on or before that date relevant to the proposal for a change to customer booth service and coverage during agent meal breaks with booth service to be replaced with more effective and enhanced customer service outside of the booths. Where multiple speakers made the same or similar comments, those comments are collectively summarized. Comments made by speakers not relevant to the subject proposals are not addressed in this document but were forwarded as appropriate to NYC Transit staff for follow-up.

The safety of Stations Agents will be put at risk by working outside the booth.

The safety of employees and customers is NYC Transit's top priority. Station Agents will be provided with multiple tools to enhance their safety, including mobile devices that will allow them to contact the Rail Control Center for immediate help, panic alarms to use if necessary, and de-escalation training. Station Agents will also be able to return to the booth as needed. In addition, NYC Transit management and the Transport Workers Union have convened a joint task force to address the issue of assaults across all employee groups, including Station Agents.

The safety of customers will be put at risk if Station Agents work outside the booth or are not available during a lunch relief.

Station Agents are currently limited in their ability to respond to emergencies since they are generally not permitted to leave the booth. By working throughout the station, Station Agents will be able to identify issues faster and report them immediately using their mobile devices. One commenter referred to Station Agents as the eyes and ears of the system, and this proposal will give them even greater visibility into what is happening throughout stations, rather than just what they can see from the booth. In addition, Help Points located throughout stations are available to report any issues directly to the Rail Control Center or emergency personnel.

Stations Agents will not know if someone in the control area needs assistance.

As stated above, Station Agents will be provided with mobile devices that can be used to notify them when customer assistance is needed. In addition, Help Points located throughout stations can be used to reach NYC Transit personnel immediately.

Station Agents need a place to sit and to access heat and air conditioning.

Although Station Agents will primarily work outside the booth, the booth will still be available for station agents to use as needed.

Help Points and MVMs are unreliable

Nearly every station has multiple MetroCard Vending Machines available to sell fares. It is very rare for all to be out simultaneously, and there are automatic notifications when this happens to expedite repairs. These machines are scheduled for replacement with new vending machines as part of the rollout of OMNY over the next two years, which will increase reliability.

Help Points are highly reliable and are routinely tested during station inspections. There are multiple Help Points in every station, so there are alternatives in the unlikely event one isn't working properly.

Staff Summary

We need booths on every platform and agents in every booth

Since 2010, most stations and station complexes have had only one staffed booth, which has been sufficient to meet customer needs as most transactions moved to MetroCard Vending Machines. With OMNY and additional online tools, the number of transactions has decreased further. In addition, Station Agents are limited in the service they can provide from inside the booth. Adding additional booths to the system would be an inefficient use of resources providing little or no customer benefit.

Senior and disabled customers need assistance in stations and with converting to OMNY.

One of the goals of this proposal is to improve the customer service provided to seniors and disabled customers. Station Agents outside of the booths will be able to better assist these customers at vending machines and with wayfinding throughout the stations.

Moving Station Agents outside of the booth is a good idea that will improve interaction with customers and is consistent with other large transit systems in the United States.

We agree.

NYC Transit should establish Customer Service Centers in every borough in addition to 2 Stone Street.

Although not part of the proposal that was the subject of the public hearing, NYC Transit plans to open 15 Customer Service Centers across all five boroughs in 2023. These Centers will provide comprehensive services that go far beyond those previously provided at station booths, including the ability for eligible customers to enroll in reduced-fare, request delay verifications, and report commendations and concerns. Currently, these services are only available at 2 Stone Street in Manhattan.

Pregnant women cannot work outside the booth.

Employees may apply for reasonable accommodations for pregnancy-related conditions as well as other disabilities.

Fare evasion will increase if Station Agents work outside the booth.

Station Agents are extremely limited in their ability to address fare payment from the booth. By policy, Station Agents should not directly confront fare evaders and this will not change. Station Agents should continue to report fare evaders and call for police assistance as needed.

NYCT Committee
ACTIONS and PRESENTATIONS
SUMMARY for FEBRUARY 2023

Responsible Department	Vendor Name	Total Amount	Summary of action
NYCT/MTA Bus	Seon Design	\$7,234,190	Modify existing contract to extend the term an additional 11 months to allow for ongoing maintenance of Bus Camera Security Systems



New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$7.2M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature <i>Kuvershen Ayer</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	2/21/23			
2	Board	2/23/23			

February 13, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
<i>DA</i>	President NYCT		
X	Law		
<i>JA</i>	Pres. MTA Bus/SVP DOB		
<i>CP</i>	Deputy CFO		

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 Majority Vote:	# of Actions	\$ Amount
Schedule I: Modification to Purchase and Public Work Contracts	1	\$ 7.2 M
SUBTOTAL	1	\$ 7.2 M

NYC Transit proposes to award Competitive procurements in the following categories: None

NYC Transit proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 7.2 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

FEBRUARY 2023

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

I. Modifications to Purchase and Public Work Contracts

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

1. **Seon Design (USA) Corp** \$7,234,190 **Staff Summary Attached**

12 years

Contract # C-52097A AWO 18

Modification to extend maintenance services for buses and depots equipped with Bus Camera Security Systems for an additional 11 months.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 1

Vendor Name (Location) Seon Design (USA) Corp (Bellingham, Washington)
Description Bus Camera Security System
Contract Term (including Options, if any) February 15, 2011–February 28, 2023
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: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: Department of Buses, Frank Annicaro 

Contract Number	AWO/Mod. #
C-52097A	20
Original Amount:	\$ 9,748,256
Option Amount:	\$ 22,642,618
Total Amount:	\$ 32,390,873
Prior Modifications:	\$ 15,736,662
Prior Budgetary Increases:	\$ 678,475
Current Amount:	\$ 48,806,011
This Request:	\$ 7,234,190
% of This Request to Current Amount:	14.82%
% of Modifications (including This Request) to Total Amount:	70.92%

Discussion:

This modification is for the extension of maintenance services for buses and depots equipped with Bus Camera Security Systems (“BCSS”) for an additional 11 months in the estimated total amount of \$7,234,190. The BCSS allows video images to be captured on buses and then wirelessly uploaded along with a system health report from the buses to depot servers during the refueling process for use in managing data and ensuring proper operation of the onboard equipment.

Contract C52097 was awarded to UTC Fire & Security (“UTCF&S”) under an Immediate Operating Need (“ION”) for the provision and installation of its MobileView BCSS, consisting of cameras and mobile digital video recorders, on an estimated quantity of 426 buses as well as software and hardware for nine depots, with an option for an additional 1,150 buses and corresponding depots. A total of 1,612 buses and 28 depots have been retrofit with BCSS through this contract. As of January 2023, NYC Transit and MTA Bus Company have a total of 5,103 buses equipped with BCSS (5,050 from Seon Design [USA] Corp. [“Seon”] and 53 from Apollo Video Technology [“Apollo”]). Approximately 3,500 buses have been delivered with BCSS preinstalled at the factory. During new bus procurements, original equipment manufacturers have the option of offering preapproved BCSS systems from Seon and Apollo. The Department of Buses (“DOB”) reviews each proposal and chooses the option that provides the best value while meeting all current requirements.

The base contract was awarded using an informal competitive method under an ION, and three companies participated in tests to determine performance acceptability: NICE Systems, Inc. (“NICE”); UTCF&S; and March Networks (“March”). Negotiations with each commenced while the tests were underway. Technical ratings on the performance of the respective systems showed that UTCF&S’s performance far exceeded that of March and NICE. This process allowed the Authority to ultimately select a superior product at a competitive price from UTCF&S.

This contract was assigned to Seon after it officially acquired MobileView from UTCF&S on November 30, 2017; Contract C52097 was renamed C52097A as a result.

This modification will extend the contract through January 31, 2024; this extension will allow for the continued provision of maintenance services for all buses and depots currently equipped with MobileView BCSS as well as diagnostic and video data management services. The MTA will use this time to solicit a new replacement BCSS maintenance contract for these services through a competitive Request for Proposals. This modification will also provide for the replacement and/or upgrade of bus and depot-related BCSS components on an as-needed basis. Additional funding in the amount of \$7,234,190 will be added to the contract in order to cover the expenditures expected to be incurred over the 11-month period. These include \$3.67 million for maintenance services, \$2.85 million for video data managers and replacement of end of life and or damaged equipment, and \$715,000 for other requirements.

Seon’s initial proposal for this 11-month period was in the amount of \$12,636,456. Through negotiations, Procurement, DOB, and Seon were able to modify the Scope of Work and identify efficiencies resulting in a final price of \$7,234,190, which was 42.75 percent below Seon’s initial proposal. The final proposal was reviewed by NYC Transit’s Cost Price Analysis Unit and was determined to be fair and reasonable. Procurement and DOB concur with this determination.

Seon has certified pursuant to EO 16 that it does not do business in Russia.

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

Schedule I: Modifications to Purchase and Public Work Contracts



Seon's initial proposal for this 11-month period was in the amount of \$12,636,456. Through negotiations, Procurement, DOB, and Seon were able to modify the Scope of Work and identify efficiencies resulting in a final price of \$7,234,190 which was 42.75 percent below Seon's initial proposal. The final proposal was reviewed by NYC Transit's Cost Price Analysis Unit and was determined to be fair and reasonable. Procurement and DOB concur with this determination.

Seon has certified pursuant to EO 16 that it does not do business in Russia.

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

Impact on Funding

Total funding for this modification in the amount of \$7,234,190 is available in the Operating Budget.

Staff Summary

Subject Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties					
Department Chief Financial Officer / Treasury Department					
Department Head Name Kevin Willens , Chief Financial Officer					
Department Head Signature					
Division Head Name Josiane P Codio					
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	2/21/2023	X		
2	Board	2/23/2023	X		

Date February 21, 2023			
Vendor Name			
Contract Number			
Contract Manager Name			
Table of Contents Ref #			
Internal Approvals			
Order	Approval	Order	Approval
1	Legal	2	Chief of Staff

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 2022.

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 2022 MRT receipts is determined as follows:

$$(\text{FY2022 MRT Receipts} - \text{FY1989 Base Year MRT Receipts}) / \text{FY1989 Base Year MRT Receipts} = \text{Escalator Rate}$$

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

The results of the above formulas for each county are:

<u>County</u>	<u>1989 Base Year MRT Receipt</u>	<u>2022 MRT Receipts Adj.¹</u>	<u>Escalator Rate</u>	<u>Escalator Payments</u>
Dutchess Cty	\$3,569,702.51	\$11,083,073.08	210.48%	\$3,157,141.48
Orange Cty	\$4,433,935.06	\$18,772,193.79	323.38%	\$4,850,632.18
Rockland Cty	\$4,524,064.27	\$15,799,827.71	249.24%	\$4,984,793.66
			Total	<u>\$12,992,567.32</u>

III. Recommendations

It is recommended that the Board authorizes escalator payments totaling \$12,992,567.32 to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

¹ The actual 2022 gross receipts for each of the counties was:

Dutchess Cty	\$12,445,964.03
Orange Cty	\$21,067,608.09
Rockland Cty	\$17,645,779.08



Bridges and Tunnels

2022 B&T Operating Surplus (Action Item)



Staff Summary



Subject:	2022 TBTA Operating Surplus
Department:	Finance
Department Head Name	James McGovern (Controller's Department)
Department Head Signature	<i>James McGovern</i>
Project Manager Name	Lloyd Jairam

Date	February 21, 2023
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	02/21/23			
2	MTA Finance Committee	02/21/23			
3	MTA Board	02/23/23			

Internal Approvals			
Order	Approval	Order	Approval
2	President <i>DD</i>		VP Staff Services
3	Chief Financial Officer <i>RW</i>		VP Procurement & Materials
	General Counsel		VP Labor Relations
	VP Operations		VP & Chief Engineer

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

PURPOSE:

To obtain MTA Board approval of resolutions which will:

- Certify and transfer \$1,184,711,455 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 \$3,717,603 representing 2022 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
- Advance the 2023 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, 2022. The amount of surplus available for transfer to the MTA and NYCTA is \$1,184,711,455. The amount of investment income that is surplus funds and available to transfer to MTA for fiscal year 2022 is \$3,717,603.

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, 2022

INDEPENDENT ACCOUNTANT'S AGREED-UPON PROCEDURES REPORT

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

We have performed the procedures enumerated in the accompanying Exhibit B on the Triborough Bridge and Tunnel Authority's (the "Authority") calculation of the operating surplus ("Operating Surplus") presented in the Schedule of Operating Surplus ("the Schedule") for the year ended December 31, 2022 ("the subject matter") (Exhibit A), in accordance with Chapter 717 Section 1219-a (2)(e) of the New York Public Authorities Law and various bond resolutions. The Authority is responsible for the subject matter.

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

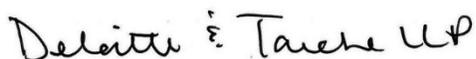
We make no representation regarding the appropriateness of the procedures either for the purpose for which our report has been requested or for any other purpose. Accordingly, this report may not be suitable for either the purpose of which this report has been requested or for any other purpose. The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

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

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

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

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



February 8, 2023

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2022

OPERATING REVENUES (Procedure 1)	\$ 2,362,197,511
OPERATING EXPENSES (Procedure 2)	<u>(476,341,302)</u>
NET OPERATING REVENUE	1,885,856,209
DECREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Procedure 2)	1,626,685
DEBT SERVICE ON BONDS (Procedure 3)	(693,452,134)
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Procedure 4)	3,781,152
ESTABLISHMENT OF GASB 43 RESERVE ACCOUNT (Procedure 7)	-
PURCHASE OF CAPITAL ASSETS FUNDED FROM OPERATIONS (Procedure 5)	(13,100,457)
CAPITAL CONTRIBUTION - PAYGO (Procedure 8)	-
ESTABLISHMENT OF NECESSARY RECONSTRUCTION RESERVE ACCOUNT (Procedure 6)	<u>-</u>
OPERATING SURPLUS	<u>\$ 1,184,711,455</u>

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

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

NOTES TO THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2022 (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 Chapter 717 Section 1219-a (2)(e) of the New York Public Authorities Law (“PAL”) and various bond resolutions. This surplus is transferred to the MTA and the MTA New York City Transit Authority (“Transit”). The initial \$24 million in operating surplus is provided to Transit and the balance is divided equally between Transit and the MTA. The Supporting Schedule to the Schedule of Operating Surplus (Exhibit C) is included as additional information providing further detail for the amounts recorded in the Schedule of Operating Surplus (Exhibit A) (the “Schedule”).

3. BASIS OF ACCOUNTING

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

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2022 (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 revenues 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 expenses 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, 2022 (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 for all debt types, the debt service represents interest paid and/or accrued applicable to calendar year 2022 and the principal payment due January 1, 2023, on all bond indebtedness and certificates.

4. INTEREST INCOME

- We compared the aggregated amounts of “Interest Income on Unexpended Bond Proceeds and Debt Service Funds” appearing on the Schedule of Operating Surplus (Exhibit A) to the debt service schedules (General Revenue Bonds and Subordinate Revenue Bonds) and found them to be in agreement.
- We inquired whether interest income is excluded from operating revenues on the Schedule of Operating Surplus (Exhibit A) and we have been informed that interest income is excluded from “Operating Revenues” on the Schedule of Operating Surplus (Exhibit A).
- We inquired whether interest income on the debt service fund consists of income from (1) the debt service funds established in connection with the 2 Broadway Certificates of Participation to the extent attributable to the TBTA’s portion of debt service thereon, and (2) the debt service funds established in connection with the TBTA Bonds from their respective dates of issuance and we have been informed that interest income on the debt service fund investments consists of income from (1) the debt service funds established in connection with the 2 Broadway Certificates of Participation to the extent attributable to the TBTA’s portion of debt service thereon, and (2) the debt service funds established in connection with the TBTA bonds from their respective dates of issuance. We inquired whether this amount was included in the computation of operating surplus as a reduction of debt service cost (therefore increasing

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS FOR THE YEAR ENDED DECEMBER 31, 2022 (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 a difference of \$180,096 due to the fact that vehicles and other fixed assets funded from operations were recorded and tracked in a different general ledger account.

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 21, 2022, 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, 2022 (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 21, 2022, 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 Financial Plan which was approved by the Finance Committee at the December 21, 2022, meeting, to set aside and reduce the operating surplus by \$0 and found them to be in agreement.

* * * * *

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SUPPORTING SCHEDULE TO THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2022

TOTAL REVENUES		\$	2,365,915,114
LESS: Interest Income	\$	3,717,603	
Other Non-Operating Revenue		<u> -</u>	<u> 3,717,603</u>
OPERATING REVENUES (Exhibit A)		\$	<u>2,362,197,511</u>
TOTAL EXPENSES (excluding depreciation)		\$	821,255,111
LESS: Non-Operating Expenses	\$	331,382,022	
Reimbursement of Personnel Costs		<u>13,531,787</u>	<u>\$344,913,809</u>
OPERATING EXPENSES (Exhibit A)		\$	<u>476,341,302</u>
PREPAID EXPENSES AND OTHER ADJUSTMENTS:			
Balance December 31, 2021	\$	24,625,936	
Balance December 31, 2022		<u>22,999,251</u>	
DECREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Exhibit A)		\$	<u>(1,626,685)</u>
DEBT SERVICE:			
TBTA	\$	374,320,265	
MTA		100,224,325	
NYCTA		<u>215,126,392</u>	
Subtotal		689,670,982	
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Exhibit A)		<u>3,781,152</u>	
TOTAL DEBT SERVICE ON BONDS (Exhibit A)		\$	<u>693,452,134</u>



MTA Headquarters Procurements

Kuvershen Ayer, Chief Procurement Officer – Office of the Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$4.2M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Kuvershen Ayer				
Department Head Signature	<i>Kuvershen Ayer</i>				
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	02/21/23			
2	Board	02/23/23			

February 17, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	CAO		
	Legal		
	CFO		

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 MTA Headquarters Committee of these procurement actions.

DISCUSSION
MTA Headquarters proposes to award Noncompetitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule J: Modification to Miscellaneous Procurement Contracts	1	\$ 4.2 M
	SUBTOTAL	1 \$ 4.2 M

MTA Headquarters proposes to award Competitive procurements in the following categories: None

MTA Headquarters proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 4.2 M
-------	---	----------

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

FEBRUARY 2023

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

J. Modification to Miscellaneous Procurement Contracts

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

- | | | |
|---|--------------------|--------------------------------------|
| 1. Cambridge Systematics, Inc. | \$4,188,666 | <i>Staff Summary Attached</i> |
| Six years | | |
| Contract# 90000000002960 AWO 10 | | |
| A three-year extension of a service agreement for continued hosting, maintenance, and support of the Open Trip Planner application. | | |

FEBRUARY 2023

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Item Number: 1

Vendor Name (Location) Cambridge Systematics, Inc. (Medford, Massachusetts)	
Description Open Trip Planner (OTP) Hosting, Maintenance, and Support	
Contract Term (including Options, if any) March 1, 2019–December 31, 2025	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: MTA IT, Rafail Portnoy	

Contract Number 900000000002960	AWO/Mod. # 10
Original Amount:	\$ 2,500,000
Prior Modifications:	\$ 3,853,563
Prior Budgetary Increases:	\$
Current Amount:	\$ 6,353,563
This Request:	\$ 4,188,666
% of This Request to Current Amount:	66%
% of Modifications (including This Request) to Original Amount:	322%

Discussion:

MTA Board approval is sought to extend a miscellaneous service agreement with Cambridge Systematics Inc. (“Cambridge”) for continued hosting, maintenance, and support of the Open Trip Planner (“OTP”) application for a period of three years, beginning in February 2023, in the total estimated amount of \$4,188,666.

In March 2019, the Board approved a noncompetitive 15-month miscellaneous service agreement with Cambridge to develop, host, and maintain the MTA’s OTP application. OTP is used by nearly 1.1 million customers daily, including the Paratransit population, to schedule trips based on live updates via MyMTA and other MTA Application Programming Interfaces (“APIs”). The OTP is hosted through Amazon Web Services Cloud and Google maps to achieve the high level of availability required for customer-facing applications. MTA IT has benefited from the high reliability of the OTP to provide interface with other internal and external applications for an improved customer experience. There were nine prior modifications to this contract, extending it through January 31, 2023, and adding \$3,853,563 for additional development tasks related to accessibility features for the paratransit population and Google maps integration with the OMNY project.

During this extension period, Cambridge will provide (1) continued hosting, maintenance, and support; (2) an upgrade to OTP 2.0 for better performance; (3) an expansion to the mobility data hub; (4) improved monitoring and validation of incoming data; (5) automation of API testing; and (6) continued integration with other MTA applications that support customer service.

Cambridge has a unique institutional understanding and knowledge of various MTA Systems such as MyMTA, BusTime, Automatic Vehicle location, and OTP. For this extension, all previously negotiated pricing remains the same for the next three years. Therefore, MTAHQ Procurement finds Cambridge’s price to be fair and reasonable.

Prior to the expiration of this three-year extension, a competitive RFP will be conducted to explore possible system replacement.

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

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

Impact on Funding

Funding is provided by the MTA IT Operating Budget.

FEBRUARY 2023
MTA REAL ESTATE
ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

METROPOLITAN TRANSPORTATION AUTHORITY

Amendment to the temporary policy for a uniform process for re-negotiating existing leases and licenses.

MTA METRO-NORTH RAILROAD

Conveyance of property interests to Webster Development, LLC at 2760 Webster Ave in the Bronx, NY for the development of a 500-unit affordable housing project.

MTA NEW YORK CITY TRANSIT

Acquisition of 106-04 Merrick Boulevard, and 166-15 Merrick Boulevard needed in support of Jamaica Bus Depot reconstruction, Jamaica, NY

Staff Summary

Subject AMENDMENT TO THE TEMPORARY POLICY FOR A UNIFORM PROCESS FOR RE-NEGOTIATING EXISTING LEASES AND LICENSES
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name KIM TREVISAN AND NEIL MASTROPIETRO

Date FEBRUARY 23, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/21/2023	X		
2	Board	02/23/2023	X		

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

AGENCY: All agencies

LESSEE/LICENSEE: All retail and commuter parking lessees and licensees with in-term lease or license agreements who previously executed a temporary rent adjustment agreement, excepting nationally owned and operated chain retail stores and national banks

LOCATION: Any leased or licensed commuter parking lot and tenanted retail space wholly-situated within a MTA station facility, excluding Fulton Street Transit Center

ACTION REQUESTED: Approval of a modification to the previously approved temporary change to MTA Real Estate’s leasing and licensing policies

COMMENTS:

By Staff Summary dated October 28, 2020 (attached for reference), the MTA Board approved a temporary policy to abate and reduce rent for qualified tenants with existing, in-term leases and licenses. This strategic Covid-19 policy was aimed at retaining lessees and licensees (collectively, “tenants”) who provide amenities to MTA customers and to reduce the cost of maintaining and re-marketing vacant spaces. This policy was implemented from late 2020 into 2021. With a few exceptions, the policy has been successful in re-opening, or keeping open, many retail units that closed due to Covid-19. A total of 80 tenants received the abatement and adjusted rent structure.

Each such tenant executed an amendment to their agreement defining the length of time the reduced rent would be in effect (“Modification Adjustment Period”). The Modification Adjustment Period is currently set to expire the earlier of April 30, 2023 or the date a railroad publishes ridership figures reaching 75% of pre-Covid-19 levels. At that time, tenant rent obligations – currently at the greater of 20% of base rent or 10% of gross sales - revert to 100% of rent due pursuant to their respective agreement.

The updated McKinsey & Company Ridership and Revenue Impact Assessment of July 2022 presented to the Board in July, 2022, showed ridership trends reaching 75% of pre-Covid-19 levels in Q4 2022 rather than February 2023. In addition, a retail sales analysis of existing tenants across all three railroads conducted by MTA Real Estate indicates a lagging relationship between the return of ridership levels and the recovery of tenant sales figures. This is particularly prevalent in MTA New York City Transit retail locations where nearly all station retail units are in the fare zone and,

Staff Summary

**FINANCE COMMITTEE MEETING
MODIFICATION TO THE TEMPORARY POLICY FOR A UNIFORM PROCESS FOR RE-NEGOTIATING
EXISTING LEASES AND LICENSES (Cont'd)**

therefore, are wholly dependent upon ridership. Consequently, subway retail has been the slowest to re-open despite the policy.

Recent, transactions completed by MTA Real Estate have shown that newly negotiated rents are relatively consistent with rents as adjusted under the temporary rent adjustments agreements executed pursuant to the Board policy. Even with the rent adjustments, in many cases it has been difficult or impossible to re-open or even re-let vacant space. MTA Real Estate's assessment of these market rents and sales data, as validated by its third-party retail consultants, Greystone Management, CBRE and JLL, is that once the policy expires many tenants will remain unable to pay the unadjusted lease rent. Jumping from 20% to 100% will likely result in increased tenant defaults and arrears, placing the MTA in the position of defaulting and terminating tenancies and incurring untold legal expenses – all of which is the exact opposite of the policy's intention.

MTA Real Estate proposes to amend the temporary policy by extending the Modification Adjustment Period through December 31, 2023. Tenant sales and MTA ridership will be monitored during the year to provide the Board with ample information with which to revisit the policy once again by the fourth Quarter.

Based on the foregoing, MTA Real Estate recommends adoption of the modified policy as described above.

Staff Summary

Subject CONVEYANCE OF PROPERTY INTERESTS ASSOCIATED WITH BLOCK 3272, LOT 101, THE BRONX, NEW YORK
Department TRANSIT ORIENTED DEVELOPMENT
Department Head Name ROBERT PALEY
Department Head Signature
Project Manager Name NICK ROBERTS

Date FEBRUARY 23, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/21/2023	X		
2	Board	02/23/2023	X		

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

AGENCY: Metropolitan Transportation Authority (“MTA”) and Metro-North Railroad (“MNR”)

GRANTEE: Webster Development, LLC (“Longhouse Properties”)

LOCATION: Webster Avenue and East 197th Street, The Bronx, New York - Block 3273, Lot 101 (the “Subject Property”)

ACTIVITY: Sale or disposition of (i) ± 2,300 square feet of the Subject Property, (ii) ± 95,000 square feet of surplus transferrable development rights appurtenant to the Subject Property, (ii) ± 50,000 square feet of additional surplus development rights appurtenant to the Subject Property, (iii) a light and air easement covering ± 32,341 square feet of the Subject Property, and (vi) a passive use area easement covering ± 4,500 square feet of the Subject Property (collectively, the “MTA Property Interests”)

ACTION REQUESTED: Authorization to (i) enter into a land development and disposition agreement (“LDDA”) with Longhouse Properties providing for (a) the subdivision of the Subject Property, (b) the zoning lot merger of a portion of the Subject Property with adjacent properties owned by Longhouse Properties, (c) the release of certain restrictive covenants affecting portions of the Subject Property, and (d) the relocation of access to the Subject Property, to which the agreed-upon forms of the deed, zoning lot development agreement, release of restrictive covenants, passive use and access easements and other material transaction documents will be appended as exhibits (collectively, the “Transaction Documents”) and (ii) execute and deliver the Transaction Documents and such other appropriate agreements, documents or instruments necessary to consummate the sale or transfer of the MTA Property Interests to Longhouse Properties.

COMPENSATION: \$3,969,056, subject to adjustment as noted below if Longhouse Properties elects to purchase the Additional TDR’s

COMMENTS:

The Subject Property is a single tax lot owned by the MTA located in the Fordham section of The Bronx that is bounded by Webster Avenue, East Fordham Road, Bedford Park Boulevard, and the right of way of MNR’s Harlem Line (the “MNR ROW”). The MTA Property Interests are concentrated in an area of the Subject Property that is located in the immediate vicinity of the intersection of Webster Avenue and East 197th Street

Staff Summary

FINANCE COMMITTEE MEETING

Conveyance of Property Interests Associated with Block 3272 Lot 101, The Bronx, NY (Cont'd.)

Page 2 of 2

Longhouse Properties is in contract to acquire two properties that are adjacent to the Subject Property, 2740 Webster Avenue and 2768 Webster Avenue (collectively, the "Development Site"). Longhouse Properties intends to improve the Development Site with a multi-family housing project that will be comprised of approximately 550 low-income housing units (the "Proposed Project") and developed on an "as-of right" basis under applicable zoning law. Longhouse Properties initially approached MTA with a request for MTA to relocate an access easement and terminate certain restrictive covenants affecting the Developer Site to facilitate the Proposed Project. Longhouse Properties subsequently expressed an interest in acquiring: (1) a $\pm 2,300$ square foot portion of the Subject Property fronting Webster Avenue (the "Fee Interest"); (2) not less than 75,000 zoning square feet of unused/excess development rights (the "TDR Interests") appurtenant to the Subject Property; (3) an option to purchase an additional 50,000 square feet of excess development rights (the "Additional TDR's") appurtenant to the Subject Property; (4) a light and air easement for legal bedroom windows encumbering a $\pm 32,341$ square foot portion of the Subject Property (the "L&A Easement"); and (5) a non-exclusive easement for the limited, surface use of a $\pm 4,500$ square foot portion of the Subject Property in a manner so as not to interfere with MNR's continued access to subsurface facilities and equipment located at the Subject Property.

To facilitate the disposition of the MTA Property Interests, Longhouse Properties has proposed to subdivide the Subject Property at its own expense, creating separate tax lots for the Fee Interest to be conveyed to Longhouse Properties and the portion of Subject Property to be retained by MTA adjacent to MNR ROW. Longhouse Properties has also proposed to grant to MTA, for its own benefit and the benefit of MNR, a fee interest or permanent, exclusive access easement over a portion of the Development Site that will be graded and paved at Longhouse Properties' expense and made available for MNR's use on a 24/7 basis (the "MNR Access Easement"). The MNR Access Easement would provide MNR with roughly the same access to the Subject Property as it now has.

Upon receipt of the proposal from Longhouse Properties, MTA Transit Oriented Development ("TOD") submitted the proposed disposition of the MTA Property Interests to MNR for its review and approval. MNR determined that the proposed disposition of the MTA Property Interests would not materially impact its use of the Subject Property, prevent MNR from replacing existing facilities at a future date, or negatively impact MNR's ability to operate the Harlem Line. Based on the foregoing, TOD issued a request for proposals ("RFP") for the disposition of the MTA Property Interests in accordance with the requirements of the Public Authorities Law. Longhouse Properties was the only proposer to respond to the RFP. In its response to the RFP, Longhouse Properties agreed to MNR's development constraints and offered to pay a total of \$3,365,050 for the MTA Property Interests, as follows: \$50 per square foot for the Fee Interest, and \$30 per square foot for a $\pm 95,000$ square foot TDR Interest. After extensive negotiations with Longhouse Properties regarding appraisal methodology and assumptions, TOD and Longhouse Properties conditionally agreed to a "Total Purchase Price" of \$3,969,056 for the MTA Property Interests, as follows: \$65 per square foot for the Fee Interest, \$32 per square foot for the $\pm 95,000$ square foot TDR Interests, and \$3.20 per square feet for the $\pm 32,341$ square foot L&A Easement. The Total Purchase Price is supported by an independent appraisal of the MTA Property Interests obtained by TOD.

If Longhouse Properties exercises the option to purchase the Additional TDR's within twelve months of its designation as the successful proposer under the RFP, the Total Purchase Price will be increased by \$32 per square foot for each square foot of Additional TDR's purchased by Longhouse Properties. If Longhouse Properties exercises the option to purchase the Additional TDR's after such date, the purchase price for the Additional TDR's will be the greater of \$32 per square foot and the fair market value as determined by an independent appraisal obtained by TOD.

Based on the foregoing, TOD requests Board authorization for (i) MTA to negotiate and enter into the LDDA with Longhouse Properties for the sale of the MTA Property Interests, upon the terms and conditions set forth above and such other terms or conditions as the Chairman and Chief Executive Officer of the MTA or his designee deems necessary or appropriate, (ii) to execute and deliver the other Transaction Documents upon such terms and conditions and any and all other necessary or appropriate agreements, documents, writings and other instruments, including modifications and supplements, and to take all such actions as shall be necessary or desirable consistent with the Transaction Documents in order to consummate the sale or transfer of the MTA Property Interests on such terms and conditions.

Staff Summary

Subject ACQUISITION OF TWO COMMERCIAL PROPERTIES NEEDED IN CONNECTION WITH THE JAMAICA BUS DEPOT RECONSTRUCTION PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date FEBRUARY 23, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	02/21/2023	X		
2	Board	02/23/2023	X		

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

AGENCY: New York City Transit (“NYCT”) & MTA Bus Company (“MTA Bus”)
SELLER: Bauerschmidt Realty Holding Corp.
LOCATION: 106-04 Merrick Boulevard & 166-15 107th Avenue, Queens, NY (Block 10164, Lots 90 & 95)
ACTIVITY: Acquisition in fee of two (2) commercial properties through negotiated agreement
ACTION REQUESTED: Authorization to enter into contracts of sale for the purchase of two (2) commercial properties
COMPENSATION: 106-04 Merrick Boulevard (Lot 90): \$2,900,000.00
 166-15 107th Avenue (Lot 95): \$430,000.00

COMMENTS:

In connection with the expansion and reconstruction of Jamaica Bus Depot, a total of six (6) commercial properties adjacent to the depot must be acquired in fee. In July 2021, the MTA Board authorized MTA Real Estate to proceed with these acquisitions by negotiated agreement or condemnation, with the terms of any negotiated agreement subject to further Board approval.

In June 2022, after completion of independent appraisals of each of the six (6) properties, MTA Real Estate issued formal offer letters to each property owner based on the appraised values. Bauerschmidt Realty Holding Corp., the owner of two (2) of the six (6) properties (Lots 90 & 95), accepted the MTA’s offer in lieu of condemnation.

Based on the foregoing, MTA Real Estate is requesting authorization to enter into contracts of sale with Bauerschmidt Realty Holding Corp. for the purchase of the two (2) aforementioned commercial properties valued at \$2,900,000 (Lot 90) and \$430,000 (Lot 95).

Subject NYCT Agency Safety Plans
Department MTA - Safety and Security
Department Head Name Pat Warren
Department Head Signature
Project Manager Name Timothy Doddo

Date February 2023

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

Internal Approvals			
Order	Approval	Order	Approval
1	SVP Safety & Security		x
2	Deputy Chief Development Officer, C&D		x
3	SVP Subways		X
4	SVP Buses		x
5	President, NYCT		x

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

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

The Office of System Safety (“OSS”) generated the 2022 DOS and DOB PTASPs for NYCT in conjunction with representatives from the various departments.

The final PTASPs were approved by departmental staff, signed by agency senior leadership and the NYCT Joint Safety Committee. As per 49 CFR Part 673, the 2022 PTASP also requires MTA board approval and is due to the NYS Public Transportation Safety Board (“PTSB”).

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

Recommendation

Approve the 2022 PTASPs for Department of Subways and Department of Buses