

# 2023 MTA Annual Report Appendices

In keeping with New York State PAL §2800 (1) (a) (1), (6), (11), (13), and (17), the following sources provide supplementary details on the MTA’s 2023 accomplishments; operations; projects; the MTA Board structure, members, and 2023 meetings; and the authority’s material pending litigation. All appended sources are publicly available under the Transparency section of the MTA website at [new.mta.info](https://new.mta.info).

## Appendix A. Key Performance Metrics by Agency

The following tables summarize annual performance data by MTA agency, including 2023 ridership, operations, safety, and workforce indicators. Detailed, open-source data are updated regularly and can be accessed at MTA’s performance metrics site [metrics.mta.info](https://metrics.mta.info) and the New York State Open Data Portal at [data.ny.gov](https://data.ny.gov). Additional 2023 operational, administrative, and financial information can be found in the MTA [2024 Adopted Budget—February Financial Plan 2024-2027](#).

### MTA New York City Transit

Performance Indicators	2023 Actual
<b>Subways</b>	
Weekday Major Incidents – Subways (monthly average)	40
Customer Journey Time Perf. (% within 5 min of scheduled)	84.80%
Additional Platform Time (average beyond scheduled)	1:18
Additional Train Time (average beyond scheduled)	0:30
Weekday Service Delivered – Subways	94.40%
Weekday Terminal On-Time Performance – Subways	82.90%
Weekday Terminal Delays – Subways (monthly average)	29,560
Mean Distance Between Failures – Subways (miles)	214,991
Weekday Wait Assessment – Subways	71%
Elevator Availability – Subways	96.40%
Escalator Availability – Subways	94.20%
Total Ridership – Subways	1,150,217,108
Weekday On-Time Performance – Staten Island Railway	95.80%

<b>Performance Indicators</b>	<b>2023 Actual</b>
Mean Distance Between Failures – Staten Island Railway (miles)	63,458
<b>NYC Transit Bus &amp; MTA Bus Company</b>	
Customer Journey Time – NYCT & MTA Bus (% within 5 min of scheduled)	72.80%
Additional Bus Stop Time – NYCT & MTA Bus (average beyond scheduled)	1:57
Additional Travel Time – NYCT & MTA Bus (average beyond scheduled)	0:29
Bus Customer Wheelchair Lift Usage – NYCT Bus	34,902
Service Delivered – NYCT & MTA Bus (% scheduled buses, peak hrs.)	95.40%
Bus Speeds – NYCT & MTA Bus (average route speed, end-to-end)	8.03
Total Ridership – MTA Bus Company	8,619,591
Total Ridership – NYCT Bus	340,728,185
Mean Distance Between Failures – NYCT & MTA Bus (miles)	8,966
Wait Assessment – NYCT & MTA Bus	75.90%
<b>Paratransit</b>	
Total Paratransit Ridership	11,303,506
Access-A-Ride On-Time Performance Pick up within (30 min) / (15 min)	95.3% / 84.6%
AAR Appointment OTP Trips (30 min early to 1 min late)	50%
AAR Actual Ride Time at or Better than Planned Ride Time	90.50%
AAR Customer Experience – Frequent Rider Experience	86%
AAR Call Center (% of calls answered)	95.60%
AAR Passenger Complaints (per 1000 completed trips)	6.3
AAR Registrants	176,183
<b>Safety</b>	
Customer Injury Rate – Subways (per million customers)	2.59
Customer Accident Injury Rate – NYCT Bus (per million customers)	2.28
Collisions with Injury Rate – NYCT Bus (per million vehicle miles)	7.9
Employee Lost Time and Restricted-Duty Rate – NYCT Subways (per 100 employees)	4.05

<b>Performance Indicators</b>	<b>2023 Actual</b>
Employee Lost Time and Restricted-Duty Rate – NYCT Bus (per 100 employees)	5.31
<b>Workforce</b>	
Female Representatives in NYCT Workforce	19%
Minority Representatives in NYCT Workforce	83%
<b>Finance</b>	
Farebox Operating Ratio	35%
Operating Cost per Passenger	\$6.42

## MTA Long Island Rail Road

<b>Performance Indicators</b>	<b>2023 Actual</b>
<b>Service</b>	
On-Time Performance	93.90%
Elevator Availability	99.10%
Escalator Availability	96.00%
Total Ridership	64,882,573
Mean Distance Between Failures (miles)	166,378
<b>Safety</b>	
FRA-Reportable Customer Injury Rate (per million customers)	2.56
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	4.46
<b>Workforce</b>	
Female Representatives in LIRR Workforce	13%
Minority Representatives in LIRR Workforce	41%
<b>Finance</b>	
Farebox Operating Ratio	28%
Operating Cost per Passenger	\$29.73

## MTA Metro-North Railroad

Performance Indicators	2023 Actual
<b>Service</b>	
On-Time Performance (West / East of Hudson)	93.3% / 97.4%
Elevator Availability	99.50%
Escalator Availability	100%
Total Ridership	58,041,829
Mean Distance Between Failures (miles)	392,345
<b>Safety</b>	
FRA-Reportable Customer Injury Rate (per million customers)	2.00
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	1.93
<b>Workforce</b>	
Female Representatives in Metro-North Workforce	11%
Minority Representatives in Metro-North Workforce	42%
<b>Finance</b>	
Farebox Operating Ratio	36%
Operating Cost per Passenger	\$26.02

## MTA Bridges and Tunnels

Performance Indicators	2023 Actual
<b>Service</b>	
Paid Traffic	336,027,965
<b>Safety</b>	
Collisions with Injury Rate (per million vehicles)	0.81
Employee Lost Time Injury Rate (per 200,000 work hours)	4.6
<b>Workforce</b>	
Female Representatives in Bridges and Tunnels Workforce	20%
Minority Representatives in Bridges and Tunnels Workforce	60%

<b>Performance Indicators</b>	<b>2023 Actual</b>
<b>Finance</b>	
E-ZPass Market Share	93.6%
Total Support to Transit (\$ millions)	\$1.6B

**MTA Construction & Development**

<b>Performance Indicators</b>	<b>2023 Actual</b>
<b>Workforce</b>	
Female Representatives in C&D Workforce	32%
Minority Representatives in C&D Workforce	65%

## Appendix B. MTA 2023 Capital Projects

Appendix B outlines the MTA’s capital project commitments and completions for 2023. A detailed listing of project costs, status, locations, and other information for the MTA 2020-2024 Capital Plan can be found at the [MTA Capital Program Dashboard](#) on the MTA public website. For an overview of 2020 – 2024 Capital Program execution and achievements in 2023, review MTA Construction & Development’s [2023 Year in Review & 2024 Strategic Plan](#).

### 2023 MTA Capital Program Project Highlights: Commitments

Project	Current Month Forecast	Actual Value (\$ in millions)
<b>New York City Transit</b>		
ADA: Package 5 - 13 Locations	12/29/2023	\$834.44
ADA: Broadway Junction	12/30/2023	\$373.87
Flushing: Contract 2	1/3/2023	\$284.97
Sandy Repairs: Culver Yard	12/30/2023	\$111.34
Rail Car Acceptance and Testing Facility, Brooklyn	1/3/2023	\$116.19
Structure Painting: Myrtle Line Outstanding Work	12/21/2023	\$130.24
<b>Long Island Rail Road</b>		
ADA Forest Hills & Hollis / Platform Replacement at Babylon	12/28/2023	\$238.88
2023 Annual Track Program	4/13/2023	\$60.73
Webster Ave Bridge Replacement	12/27/2023	\$10.85
Systemwide Bridge Assessment	3/27/2023	\$13.20
<b>Metro-North Railroad</b>		
Brewster Yard Improvements-SE Parking	12/30/2023	\$180.17
Fulton / South Street Bridges Design-Build	1/3/2023	\$48.61
NHL Pelham Substation Replacement	12/28/2023	\$44.97
<b>MTA Bus Company</b>		
Generator replacement: Spring Creek & College Point	12/30/2023	\$17.55
HVAC Phase 2/Fire Control and CNG Ph. 2 -	12/31/2023	\$12.04

<b>Project</b>	<b>Current Month Forecast</b>	<b>Actual Value (\$ in millions)</b>
Spring Creek		
HVAC Phase 2: College Point	12/31/2023	\$22.39
<b>MTA Construction &amp; Development</b>		
SAS Phase 2 Prelim Const/Utilities: Pkg1 - Early Utilities	12/29/2023	\$138.00
SAS Phase 2 Real Estate: Purchase of Extell Property	4/26/2023	\$82.50
Penn Reconstruction: Architectural & Engineering Design	6/22/2023	\$60.82
<b>MTA Bridges and Tunnels</b>		
Verrazano-Narrows Bridge Tower Lighting, Electrical Upgrades & Painting	12/29/2023	\$132.08
Verrazano-Narrows Bridge Lower-Level Deck Rehabilitation, Painting & Weigh-In-Motion Installation	4/17/2023	\$104.87
Overhaul and Replace Facility Monitoring and Safety Systems	12/29/2023	\$42.53
Throgs Neck Bridge Anchorage/Tower Protection, Lighting, Structures, Cable, and Suspender Rope (Project Management Consultant)	12/29/2023	\$13.45

## 2023 MTA Capital Program Project Highlights: Completions

Project	Completion	Actual Value (\$ in millions)
<b>New York City Transit</b>		
Coney Island Yard Power Recovery and Perimeter Protection	12/31/2023	\$514.33
Staten Island Railway Clifton Yard Recovery and Mitigation	12/29/2023	\$202.51
200 - 207 St Track, Switch and Signal Recovery	8/2/2023	\$150.05
Line Structure Component Repairs on the Eastern Parkway Line	10/18/2023	\$82.67
Private Branch Exchange (PBX) System Upgrade	9/30/2023	\$54.31
Station Capacity Enhancements at Main St on the Flushing Line	10/31/2023	\$54.57
NYCT Bus Purchase: 165 Standard Hybrid Buses (Nova)	1/30/2023	\$146.11
Mainline Track Replacement on the Staten Island Railway	6/1/2023	\$50.69
Negative Cable Replacement on the 4th Avenue Line, Phase 3	11/1/2023	\$48.54
NYCT Bus Purchase: 209 Standard Diesel Buses (Nova)	10/31/2023	\$141.21
NYCT Bus Purchase: 139 Standard Diesel Buses (New Flyer)	1/31/2023	\$98.81
NYCT Bus Purchase 126 Standard Hybrid-Electric Buses (Nova)	4/30/2023	\$107.95
Single Chip Ultra-Wideband Interoperability Proof of Concept	4/1/2023	\$35.09
Subway Action Plan: Signal Quality Enhancements	4/30/2023	\$24.24
<b>Long Island Rail Road</b>		
Penn Station NY-33rd Corridor Construction (Phase 2)	3/1/2023	\$435.37
Jamaica Capacity Improvements - Phase One	1/7/2023	\$301.65
Cherry Valley Road Bridge Replacement	4/1/2023	\$30.90
2023 Annual Track Program	12/31/2023	\$64.56
Substation Replacement Ocean Ave Babylon	4/1/2023	\$24.24



<b>Project</b>	<b>Completion</b>	<b>Actual Value (\$ in millions)</b>
Branch		
Mainline Substation Component Replacements	6/23/2023	\$24.16
<b>Metro-North Railroad</b>		
Harmon Shop Replacement - Phase V	12/31/2023	\$432.02
Harmon to Poughkeepsie Signal System	12/11/2023	\$141.57
2020 Cyclical Track Program	7/21/2023	\$19.26
North White Plains Platform Repair	7/1/2023	\$12.36
Croton Falls Parking	4/28/2023	\$16.47
<b>MTA Bus Company</b>		
MTA Bus Purchase: 257 Express Buses	2/1/2023	\$166.67
<b>MTA Construction &amp; Development</b>		
LIRR Expansion Project: D-B Base Construction Contract	4/1/2023	\$2,050.00
East Side Access: Grand Central Concourse and Facilities Fit-Out	1/1/2023	\$105.29
East Side Access: Harold Catenary Work	10/1/2023	\$23.41
<b>MTA Bridges and Tunnels</b>		
Superstructure Repairs on the Throgs Neck Bridge Approach Viaducts	11/1/2023	\$224.41
R.F.K. Bridge Connector: Harlem River Lift Span to Harlem River Drive	12/1/2023	\$100.87
Miscellaneous Painting at RFK Bridge	12/31/2023	\$40.54
Rehabilitation of Lift Span Fender System at RFK Bridge	12/31/2023	\$32.83
Tower Elevator Replacement at the Marine Parkway Bridge	12/31/2023	\$25.14

## Appendix C. MTA 2023 Board, Structure, and Governance

### Description of the MTA

The MTA, a public benefit corporation of the State of New York (the State), has the responsibility for developing and implementing a unified mass transportation policy for New York City (NYC) and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester counties (collectively with NYC, the MTA Commuter Transportation District).

MTA carries out these responsibilities directly and through its subsidiaries and affiliates, which are also public benefit corporations. MTA and its subsidiaries, are listed by their legal names and estimated number of 2023 employees as indicated in the [MTA 2024 Adopted Budget February Financial Plan 2024 – 2027 \(February 2024\)](#):

Legal Name	Number of Employees
MTA Headquarters	3,451
The Long Island Rail Road Company	7,905
Metro-North Commuter Railroad Company	6,488
Staten Island Rapid Transit Operating Authority	422
MTA Bus Company	3,906
MTA Construction and Development	255

The following entities, listed by their legal names, are affiliates of MTA:

Legal Name	Number of Employees
Triborough Bridge and Tunnel Authority	1,216
New York City Transit Authority, and its subsidiary, the Manhattan and Bronx Surface Transit Operating Authority	50,465

MTA and the foregoing subsidiaries and affiliates are collectively referred to herein, from time to time, as the “Related Entities.” Throughout this document, the Related Entities are referred to by their popular names, as indicated below. Certain insurance coverage for the Related Entities is provided by a New York State-licensed captive insurance public benefit corporation subsidiary of MTA, First Mutual Transportation Assurance Company (FMTAC).

MTA and its subsidiaries are generally governed by the Metropolitan Transportation Authority Act (Title 11 of Article 5 of the New York Public Authorities Law), as from time to time amended (the MTA Act). Triborough Bridge and Tunnel Authority is generally governed by the Triborough Bridge and Tunnel Authority Act, being Title 3 of Article 3 of the New York Public Authorities Law, as from time to time amended (the MTA Bridges and Tunnels

Act). The New York City Transit Authority and its subsidiary are generally governed by the New York City Transit Authority Act, being Title 9 of Article 5 of the New York Public Authorities Law, as from time to time amended (the MTA New York City Transit Act). Due to the continuing business interrelationship of the Related Entities and their common governance and funding, there are provisions of each of these three acts (the MTA Act, the MTA Bridges and Tunnels Act, and the MTA New York City Transit Act) that affect some or all of the other Related Entities in various ways.

## **Basic Organizational Structure of MTA Operations**

### MTA Headquarters (including the Business Service Center)

MTA Headquarters includes the executive staff of MTA, as well as several departments that perform all-agency functions, including information technology, security, audit, budget and financial management, capital programs management, finance, governmental relations, insurance and risk management, legal, planning, procurement, real estate, corporate compliance and ethics, and treasury. In addition, MTA maintains its own Police Department with non-exclusive jurisdiction over all facilities of the Related Entities.

### Transit System

MTA New York City Transit and its subsidiary MaBSTOA operate all subway transportation and most of the public bus transportation provided within New York City (the Transit System).

### MTA Staten Island Railway

MTA Staten Island Railway operates a single rapid transit line extending from the Staten Island ferry terminal at St. George to the southern tip of Staten Island.

### Commuter System

MTA Long Island Rail Road and MTA Metro-North Railroad operate commuter rail services in the MTA Commuter Transportation District (the Commuter System). MTA Long Island Rail Road operates commuter rail service between NYC and Long Island and within Long Island. MTA Metro-North Railroad operates commuter rail service between NYC and the northern suburban counties of Westchester, Putnam, and Dutchess; from NYC through the southern portion of the State of Connecticut; through an arrangement with New Jersey Transit, the Port Jervis and Pascack Valley commuter rail services to Orange and Rockland Counties; and within such counties and the State of Connecticut.

### MTA Bus

MTA Bus operates certain bus routes in NYC formerly served by seven private bus operators pursuant to franchises granted by NYC (MTA Bus System).

### MTA Long Island Bus

Pursuant to a lease and operating agreement with the County of Nassau (the County), MTA Long Island Bus formerly operated bus service in the County. MTA Long Island Bus operations ceased as of December 31, 2011, the date the lease and operating agreement terminated.

### MTA Bridges and Tunnels

MTA Bridges and Tunnels operates all nine of the intra-State toll bridges and tunnels in NYC.

### MTA Construction and Development

MTA Construction and Development is responsible for the planning, design, and construction of current and future major MTA system expansion projects for the other Related Entities, including Grand Central Madison, system-wide capital security projects, and Second Avenue Subway.

The legal and popular names of the Related Entities are as follows:

<b>Legal Name</b>	<b>Popular Name</b>
Metropolitan Transportation Authority	MTA
New York City Transit Authority	MTA New York City Transit
Manhattan and Bronx Surface Transit Operating Authority	MaBSTOA
Staten Island Rapid Transit Operating Authority	MTA Staten Island Railway
MTA Bus Company	MTA Bus
Metropolitan Suburban Bus Authority	MTA Long Island Bus
The Long Island Rail Road Company	MTA Long Island Rail Road
Metro-North Commuter Railroad Company	MTA Metro-North Railroad
MTA Construction and Development	MTA Construction & Development
Triborough Bridge and Tunnel Authority	MTA Bridges and Tunnels

Pursuant to statute, the MTA Board consists of a Chair and 16 other voting Members, two non-voting Members and four alternate non-voting Members, all of whom are appointed by the Governor with the advice and consent of the State Senate. The four voting Members required to be residents of the counties of Dutchess, Orange, Putnam, and Rockland, respectively, cast only one collective vote. The other voting Members, including the Chair cast one vote each (except that in the event of a tie vote, the Chair shall cast one additional vote). Members of MTA are, *ex officio*, the Members or Directors of the other Related Entities and FMTAC.

In accordance with legislative amendments enacted in 2009, the MTA Board Chair (Chair) is also the Chief Executive Officer (CEO) of the MTA and is responsible for the discharge of the executive and administrative functions and powers of the Related Entities. The CEO of MTA is, *ex officio*, the Chair and CEO of the other Related Entities. The MTA Office of the Chairman is composed of a Chief Operations Officer and Chief Administrative Officer who are charged with the day-to-day administrative, as well as managerial and executive functions allocated to the CEO. On January 20, 2022, the New York State Senate confirmed Janno Lieber as MTA Chair and CEO. Lisette Camillo serves as Chief Administrative Officer. The position of Chief Operating Officer remains vacant.

The following Committees of the Board assist the Chair and the Board in discharging their responsibilities: (1) the Audit Committee; (2) the Finance Committee; (3) the Committee on Operations of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, and the MTA Bus Company; (4) the Committee on Operations of the Metro-North Commuter Railroad; (5) the Committee on Operations of the Long Island Rail Road and the Metropolitan Suburban Bus Authority; (6) the Committee on Operations of the Triborough Bridge and Tunnel Authority; (7) the Capital Program Committee; (8) the Diversity Committee; (9) the Corporate Governance Committee; and (10) the Safety Committee. As of April 2019, the Committee on Operations of the Metro-North Commuter Railroad and the Committee on Operations of the Long Island Rail Road and the Metropolitan Suburban Bus Authority meet jointly. Board Members are assigned by the Chair to serve as chairperson or as a member of several committees. The following chart sets forth the Chair and Committee Assignments for each MTA Board Member as of December 31, 2023.

<b>BOARD MEMBERS</b>	<b>Audit Committee</b>	<b>Corporate Governance</b>	<b>Diversity Committee</b>	<b>Finance Committee</b>	<b>Capital Program Committee</b>	<b>B &amp; T Committee</b>	<b>LIRR Committee*</b>	<b>MNR Committee*<sup>1</sup></b>	<b>NYC Transit/MTA Bus Committee</b>	<b>Safety Committee</b>
John “Janno” Lieber (Chair & CEO)		☑ C			☑ C					☑ C
Andrew Albert*				☑	☑	☑			☑	☑
Jamey Barbas	☑ C	☑		☑	☑ C <sup>2</sup>	☑			☑	
Frank Borelli Jr. <sup>3</sup>	☑	☑					☑	☑		
Gerard Bringmann					☑		☑	☑		☑
Norman E. Brown*				☑	☑	☑	☑	☑		☑
Samuel Chu		☑		☑	☑		☑ C	☑		☑
Michael Fleischer	☑				☑		☑	☑		☑
Randy Glucksman*					☑	☑	☑	☑	☑	
David R. Jones	☑	☑		☑	☑				☑	
Blanca P. Lopez <sup>4</sup>		☑	☑ C	☑	☑		☑	☑ C		☑
David S. Mack		☑			☑	☑ C	☑	☑		☑
Haeda Mihaltses		☑		☑	☑				☑ C	☑
Frankie Miranda			☑			☑			☑	☑
Robert J. Mujica, Jr. <sup>5</sup>	☑			☑					☑	
Harold Porr, III <sup>6</sup>				☑	☑					
Dr. John Ross Rizzo <sup>7</sup>			☑		☑					
John Samuelsen*				☑	☑	☑			☑	☑
Sherif Soliman <sup>8</sup>	☑			☑	☑				☑	
Lisa Sorin	☑			☑		☑			☑	☑
Vincent Tessitore, Jr.*				☑	☑	☑	☑			☑
Midori Valdivia			☑			☑	☑	☑	☑	
Elizabeth Velez <sup>9</sup>			☑ C	☑						
Neal Zuckerman		☑	☑	☑	☑		☑	☑		☑

☑ Indicates committee membership. C Indicates committee Chair. \* Indicates Non-Voting Member

<sup>1</sup> The LIRR Committee and MNR Committee meet jointly.

<sup>2</sup> Jamey Barbas serves as Capital Program Committee vice chair.

<sup>3</sup> Frank Borelli Jr. resigned on June 1, 2023

<sup>4</sup> Blanca P. Lopez serves as the Diversity Chair

<sup>5</sup> Robert J. Mujica, Jr. resigned on January 1, 2023

<sup>6</sup> Harold Porr, II resigned on March 6, 2023

<sup>7</sup> Dr. John Ross Rizzo was appointed on June 9, 2023.

<sup>8</sup> Sherif Soliman resigned on September 22, 2023.

<sup>9</sup> Elizabeth Velez no longer serves on the Board.

The MTA Board held eleven meetings in 2023. The following chart sets forth the meetings of the MTA Board and the attendance of each Board Member at those meetings.

<b>Board Meeting Date</b>	<b>Number of Board Members in Attendance<sup>10</sup></b>
January 30, 2023	19
February 23, 2023	16
March 29, 2023	16
April 26, 2023	18
May 24, 2023	15
June 27, 2023	10
July 19, 2023	13
September 20, 2023	18
October 25, 2023	16
December 6, 2023	19
December 2, 2023	16

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<sup>10</sup> Board meetings were held both in person and remotely. Attendance indicates in-person and remote participation.

## Appendix D. MTA 2023 Material Pending Litigation

### General

The MTA and its affiliates and subsidiaries maintain extensive property, liability, station liability, force account, construction, and other insurance, which is described in the Annual Disclosure Statement for the MTA's Combined Continuing Disclosure Filings. Monetary claims described below may be covered in whole or in part by insurance, subject to the individual retentions associated with such insurance.

The Related Entities also provide accruals in their financial statements for their estimated liability for claims by third parties for personal injury arising from, among other things, bodily injury (including death), false arrest, malicious prosecution, and libel and slander, for property damage for which they may be liable as a result of their operations, and advertising offense, including defamation, invasion of right of privacy, piracy, unfair competition, and idea misappropriation. The estimated liabilities are based upon independent actuarial advice obtained by the Related Entities. However, except in special circumstances and except for the annual judgments and claims budgeted amounts, additional cash reserves are not generally established in an amount equal to the full amount of the accrual.

### MTA

*Lockheed Martin Transportation Security Solutions v. MTA Capital Construction*<sup>11</sup> and MTA. In April 2009, Plaintiff Lockheed Martin Transportation Security Solutions ("Lockheed") filed a lawsuit for breach of contract against the MTA and MTA Capital Construction (now MTA C&D) arising out of a contract for Lockheed to furnish and install an electronic security system. Lockheed seeks damages of approximately \$149 million and MTA asserted counterclaims for approximately \$205 million. MTA obtained partial summary judgment that reduced Lockheed's potential damages to approximately \$94 million. A trial was held in November 2014, followed by post-trial motions in December 2014. The Court has not rendered any decision. The outcome of this litigation cannot be determined at this time.

*Actions for Personal Injuries/Property Damage/Workers' Compensation.* As of December 31, 2023, there were approximately 6 actions and claims pending against the MTA based on the Federal Employers' Liability Act, no-fault claims, and other torts, which would be paid from the MTA's operating budget in the event of any liability. Also, as of that date, there were approximately 28 pending Workers' Compensation cases.

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<sup>11</sup> Now MTA Construction & Development



## Transit System

*Actions for Personal Injuries/Property Damage.* As of December 31, 2023, MTA New York City Transit and MaBSTOA had an active inventory of 11,527 personal injury claims and lawsuits and 1,507 property damage matters arising out of the operation and administration of the Transit System. In addition, with respect to the Access-A-Ride (Paratransit) program, as of December 31, 2023, there was an active inventory of approximately 688 personal injury cases and approximately 84 property damage cases arising out of the operation of vehicles leased to outside vendors that provide Access-A-Ride service. Such Access-A-Ride claims are covered by a commercial automobile policy which as of March 1, 2023 had policy limits of \$3 million per occurrence to fund self-insured losses.

As of December 31, 2023, MTA Staten Island Railway had a pending inventory of 12 claims and lawsuits relating to personal injury and property damage arising from the operations of MTA Staten Island Railway.

Beauchamp v. MTA New York City Transit Authority. On March 6, 2017, plaintiff, then 62 years old, was crossing southbound in the crosswalk on Houston Street when she was struck by an M14D Bus turning left from Avenue D. Plaintiff sustained multiple injuries, requiring future care. On February 22, 2024, a New York County Supreme Court jury found NYCT 100% liable and awarded plaintiff \$72.5 million in damages. Post-trial motions were denied. NYCT will appeal once judgment has been entered. This matter has been reported to the Excess Loss Fund, which would be responsible for payments up to the remaining available limits. The outcome of this litigation cannot be determined at this time.

*Workers' Compensation and No-Fault.* As of December 31, 2023, MTA New York City Transit and MaBSTOA had an active inventory of approximately 11,751 Workers' Compensation cases and approximately 1,543 no-fault cases. As of December 31, 2023, there were 42 Workers' Compensation cases for MTA Staten Island Railway.

*Actions Relating to the Transit Capital Program.* MTA New York City Transit has received claims from various contractors engaged in work on various Transit Capital Program projects. The aggregate amount demanded by all such claimants, if recovered in full, could result in an increase in the cost of the capital projects that are the subject of such disputes. The capital program contemplates the payment of such claims from project-specific and general program contingency funds, as well as other available monies pledged for capital purposes.

In addition, as previously reported, a lawsuit was commenced in 2016 relating to a specific capital project, captioned Bronx Independent Living Services, et al. v. MTA, et al., challenging the lack of elevator accessibility at Middletown Road Station. MTA and NYCT were sued by two disabled rights advocacy organizations and two individuals who allege violations of the Americans with Disabilities Act and other legislation, for proceeding with certain construction work at the station without including, in the scope of such work, the installation of elevators or ramps. The complaint seeks declaratory and injunctive relief; no claim for monetary relief is asserted. MTA and NYCT answered

the complaint in September 2016 and denied any asserted violation of applicable law. In March of 2018, the federal government was granted leave to join the action, and filed an intervenor-complaint, which defendants answered in April of 2018. Fact discovery was conducted and Plaintiffs' motion for partial summary judgment was granted by the court in March of 2019. The court held that the alterations made at the Middletown Road station affected the "usability" of the station, thereby triggering the application of the federal DOT regulation set forth in 49 C.F.R. Section 37.43(a)(1). Following expert discovery relating to the defendants' principal defense—that installing an elevator or ramp at the Middletown Road Station as part of a larger renewal project was "technically infeasible" within the meaning of the federal DOT regulations and hence not legally required—the parties filed cross-motions for summary judgment, which were both denied on March 29, 2021. On September 29, 2023, the Parties reached an agreement for the settlement of this matter, except with respect to the amount of attorneys' fees and costs to be paid by Defendants. The settlement is subject to a class-action fair hearing and Court approval.

In late April 2017, two purported class actions relating to subway system accessibility were filed against NYCT and the MTA by several individuals and advocacy organizations on behalf of persons with disabilities that prevent them from using the stairs in the subway system. The plaintiffs in both cases seek declaratory and injunctive relief, not money damages. The City of New York was also named as a defendant in both cases but was voluntarily dismissed, with a tolling agreement, from the federal class action. In Center for Independence of the Disabled, New York ("CIDNY"), et al. v. MTA, et al. (Southern District of New York), plaintiffs allege, among other things, that defendants inadequately maintain the existing elevators in the subway system, provide insufficient notice to elevator users about outages, and provide insufficient alternative transportation during elevator outages. These alleged deficiencies are claimed to constitute discrimination in violation of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the City Human Rights Law. Defendants' motion for summary judgment was granted in March 2020. In that decision, the District Court noted that the NYCT had shown that system-wide, elevators are in working order an average of 96.5 to 98.7 percent of the time and that the plaintiffs had not identified any legally required elevator maintenance that NYCT had failed to undertake. In August 2021 the Second Circuit vacated the judgment and remanded the case to the District Court, but solely for further consideration of whether NYCT provides sufficient notice of elevator outages as a reasonable accommodations to those subway riders impacted by elevator outages by way of notification and alternative modes of transportation such as paratransit and buses. MTA/NYCT (together "MTA") filed a renewed summary judgment motion on March 17, 2023, and briefing was completed on May 5, 2023. Both parties filed expert preclusion motions, which Judge Daniels referred to Magistrate Judge Figueredo and which were fully briefed as of July 14, 2023. Magistrate Judge Figueredo denied both parties' motions to preclude as well as plaintiffs' motion to strike MTA's reply declarations in support of summary judgment, although she allowed plaintiffs additional document discovery and depositions limited to certain new matters raised in the declarations, all of which must be completed on or before February 29, 2024. In CIDNY v. MTA (Supreme Court, New York County), the same plaintiffs asserted that defendants, by not having installed elevators in all subway stations in the system, discriminated against plaintiffs on the basis of their disabilities in violation of the New York

City Human Rights Law.. The Settlement Agreement between the Plaintiffs and Transit Defendants, resolving all substantive issues raised by this lawsuit on a class-wide basis (“the Elevator Settlement”), was approved by the Court at the Fair Hearing held on April 24, 2023.

In May of 2019, *De La Rosa v. MTA, et al.* (formerly *Forsee, et al. v. MTA, et al*) was commenced in federal court (Southern District of New York) against MTA, NYCT and the City of New York challenging the lack of elevator accessibility at all NYC subway stations. This action was brought by three individuals and various advocacy organizations on behalf of people whose disabilities make the use of stairs “difficult, dangerous or impossible.” The complaint alleged that defendants violated the Americans with Disabilities Act and other state and local laws by proceeding with renovation work at subway stations over the years without installing elevators or ramps. Plaintiffs sought declaratory and injunctive relief. The above-referenced Elevator Settlement Agreement also resolved all substantive issues raised by this lawsuit on a class-wide basis and was approved by the Court at the Fair Hearing held on April 7, 2023.

### **Commuter System**

*Actions for Personal Injuries/Property Damage.* As of December 31, 2023, Metro-North Railroad had an active inventory of approximately 419 personal injury claims and lawsuits arising out of the operation and administration of Metro-North Railroad, of which 191 were the result of claims filed by employees pursuant to FELA, and approximately 228 were claims filed by third parties. Also, as of that date, there were 0 pending property damage cases.

*Valhalla Law Suits.* An incident occurring on February 3, 2015, when a Metro-North Railroad Harlem Line train struck an automobile in a highway-rail grade crossing between the Valhalla and Hawthorne stations, has resulted in assertion of personal injury claims against the railroad. The driver of the automobile and five passengers on the train were killed. A number of passengers, and the train engineer, were injured. The National Transportation Safety Board (NTSB) adopted its report on the causes of the accident on July 25, 2017, finding that the probable cause of the accident was the driver of the automobile, for undetermined reasons, moving the vehicle on to the tracks while the Commerce Street highway-railroad grade crossing warning system was activated, into the path of the Metro-North Railroad train. Contributing to the severity of the accident was the third rail penetrating the passenger compartment of the lead passenger railcar and the post-accident fire. While there is no indication from the NTSB’s findings that Metro-North Railroad was at fault in connection with this incident, 37 lawsuits have been filed to date against Metro-North, many of which name other defendants as well. Notwithstanding Metro-North’s position that it has no responsibility for this incident, if plaintiffs are successful in their claims against Metro-North, damages could exceed the self-insured retention and impact the FMTAC and excess layers of insurance.

The motions for summary judgment have been decided. Judge Lubell of Westchester County Supreme Court issued three separate decisions. The Court denied the motion of defendant Mount

Pleasant and Engineer Smalls individually. Defendants MTA and Metro-North’s motion was partially granted and denied, allowing certain claims pertaining to the operation of the train, the design of the crossing and the training of the engineer to proceed. The Court has scheduled a trial date for June 4, 2024.

As of December 31, 2023, LIRR had an active inventory of approximately 1,250 personal injury claims and lawsuits arising out of the operation and administration of the LIRR, of which approximately 620 were the result of claims filed by employees pursuant to FELA, and approximately 628 were claims filed by third parties. Also, there were approximately 177 pending property damage matters.

1. New Hyde Park Collision

On October 8, 2016, while LIRR was conducting track work east of the New Hyde Park Station on a track placed out of service, a piece of track equipment derailed fouling live track and was struck by a train carrying passengers, causing the passenger train to derail. Numerous passengers and several employees were injured due to this accident. The Federal Railroad Administration (“FRA”) along with MTA/LIRR conducted investigations into this matter. There has been a total of 72 claims related to this accident; 57 passenger injuries, 8 employee injuries and the remaining are the property damage claims. The derailment caused damage to three passenger cars, the track area and the track equipment involved. At this time, 33 lawsuits have been filed against MTA/LIRR. LIRR has paid out the entire \$11 million FMTAC Force Account retention limit in expenses and settlements and \$8.6 million has impacted the excess layer of insurance. The current outstanding reserves are \$3.3 million and there are 8 open lawsuits.

2. Atlantic Terminal Bumper Block Strike

An incident occurred on January 4, 2017, when an LIRR Far Rockaway Line train struck a bumper block in the Atlantic Terminal-Brooklyn Station. This incident resulted in 173 injury claims, including 11 employee FELA claims. To date, 122 claims have been put into suit. LIRR has paid out the entire \$11 million FMTAC Station Maintenance retention limit in expenses and settlements and \$19.57 million has impacted the excess layer of insurance. There are 6 open lawsuits.

*Actions Relating to the Commuter Capital Program.* From time to time, LIRR and MTA Metro-North Railroad receive claims relating to various Commuter Capital Program projects. In general, the aggregate amount demanded by all such claimants, if recovered in full, could result in a material increase in the cost of the capital projects that are the subject of such disputes. The capital program contemplates the payment of such claims from project-specific and general program contingency funds, as well as other available moneys pledged for capital purposes.

1. Amtrak v. LIRR – Amtrak claims that the railroads operating in Penn Station (PSNY) are responsible for the cleanup of PCBs and other hazardous substances that were deposited on the tracks, which may have migrated to other areas of the station including but not limited

to, lighting, drains and other equipment. LIRR operated commuter rail lines in PSNY during a 50-year period when PCBs were used in train transformers. Amtrak alleges that these transformers leaked and contaminated the tracks in PSNY. Amtrak presented to LIRR a model which claims, based on the number of trains and usage, that LIRR is responsible for 20% of cleanup costs which are approximately \$30 million to date. LIRR has entered into a tolling agreement with Amtrak while further investigation is being conducted.

2. Newtown Creek – Newtown Creek is a federally-listed Superfund site. A group of private parties known as the Newtown Creek Group (NCG) are working together on the investigation and eventual remediation of Newtown Creek. In 2017, NCG sent a Notice of Potential Liability Pursuant to CERCLA to LIRR concerning the Creek. In addition, the NCG has asserted that LIRR may be a potential responsible party due to its historical operations along Newtown Creek. Additional parties were sent similar notices, who are acting cooperatively along with LIRR as the “small parties group”. The NCG has approached the small parties group, requesting that the group agree to contribute to the cost of an “early action” remedy of the first two miles of the 3.5-mile creek. The members of the small parties group made an initial settlement offer for remediation costs relative to the first 0-2 miles of contamination at the Superfund site and investigation costs to date relative to the entire Superfund site which was rejected. The next phase of the small party group joint expert work is to review the existing material and develop a conceptual site mode for the small party group, essentially to argue that the small party group would not have any impact on the primary creek given the location of the facilities along Dutch Kills. This is meant to precede a request to the EPA to let our group out of any claim for liability for the east branch of the creek or seek a *de minimus* settlement with contribution protection.

## **MTA Bridges and Tunnels**

*Actions for Personal Injuries/Property Damage.* As of December 31, 2023, MTA Bridges and Tunnels had an active inventory of approximately 142 personal injury claims and lawsuits (including intentional torts such as false arrest) and approximately 19 property damage matters arising out of the operation and administration of the MTA Bridges and Tunnels facilities (including construction).

*Workers’ Compensation and No-Fault.* As of December 31, 2023, MTA Bridges and Tunnels had an active inventory of approximately 699 Workers’ Compensation cases and 1 no-fault case.

*Actions Relating to MTA Bridges and Tunnels’ Capital Program.* From time to time, MTA Bridges and Tunnels receives claims relating to various MTA Bridges and Tunnels’ Capital Program projects. In general, the aggregate amount demanded by all such claimants, if recovered in full, could result in a material increase in the cost of the capital projects that are the subject of such disputes. The Capital Program contemplates the payment of such claims from project-specific and general program contingency funds, as well as other available moneys pledged for capital purposes. Therefore, such claims are not listed here.

### *Other Litigation.*

*Farina, et al. v. MTA, TBTA, et al.* – A putative class action lawsuit (*Farina v. MTA, TBTA, Transworld Systems, Inc., and Conduent, Inc.*) was filed in the U.S. District Court for the Southern District of New York on February 16, 2018 and assigned to U.S. District Judge Naomi Reice Buchwald. TBTA and MTA were served on February 21, 2018. The representative plaintiff in the *Farina* case alleged that the \$100 violation fee allegedly imposed for each toll violation at TBTA bridges and tunnels is excessive and that the fee policies, practices, and collection methods are illegal and unconstitutional. Putative class action lawsuits were also filed by the same plaintiffs’ counsel in the same federal court on February 20, 2018 (*Gardner v. MTA, TBTA, The Port Authority of New York and New Jersey, AllianceOne Receivables Management, Inc. and Conduent, Inc.*) and on March 5, 2018 (*Troiano v. MTA, TBTA, The Port Authority of New York and New Jersey, New York State Thruway Authority, Transworld Systems, Inc., AllianceOne Receivables Management, Inc. and Conduent, Inc.*). TBTA and MTA were served in *Gardner* on March 6, 2018, and in *Troiano* on April 6, 2018. The allegations regarding TBTA and MTA were substantially the same in all three actions, except that *Gardner* and *Troiano* also alleged that \$50 violation fees are excessive and improper. On April 16, 2018, the Court consolidated the three cases into one case and on April 30, 2018, plaintiffs filed one consolidated complaint (*Farina, Gardner, Troiano, Ritchie, and Rojas v. MTA, TBTA, The Port Authority of New York and New Jersey, New York State Thruway Authority, Transworld Systems, Inc., AllianceOne Receivables Management, Inc., Linebarger Goggan Blair & Sampson, LLP and Conduent, Inc.*). The consolidated complaint included plaintiffs Farina, Gardner, and Troiano as well as two additional plaintiffs, Ritchie and Rojas, whose alleged claims also arose from the assessment of \$50 and \$100 violation fees. After several motions and stipulations, which resulted in amendments to the complaint, and dismissal of some defendants and claims, on March 10, 2022, the District Court issued its Opinion and Order granting TBTA’s Motion for Summary Judgment as to the remaining claims (Excessive Fines and Unjust Enrichment) against TBTA. The District Court entered its judgment on March 11, 2022. Plaintiffs appealed to the Second Circuit, which heard oral argument on June 27, 2023 and on January 26, 2024 affirmed the judgment of the District Court. This case will no longer be reported.

*Conte, et al. v. MTA and TBTA* – This putative collective action lawsuit was filed in the U.S. District Court for the Southern District of New York on March 23, 2021 and assigned to U.S. District Judge Valerie E. Caproni. Plaintiffs, Bridge and Tunnel Maintainers and Custodians, alleged that they regularly perform pre-shift work without compensation; that there is a time-shaving policy that automatically rounds check-in times up to their scheduled tour; that supplemental pay, including differentials and bonuses, is not included in the regular rate of pay when calculating overtime; that the payment of overtime is delayed; and that, for Maintainers, overtime is only paid for time in excess of 80 hours in a workweek, rather than 40. On April 21, 2023, the parties informed the court of an agreement in principle to resolve the matter and on September 14, 2023, the court approved the settlement with an effective date of October 19, 2023. The settlement was paid in the amount of \$3,010,376 on October 13, 2023. This case will no longer be reported.

*Mercado, et al. v. MTA and TBTA* – This putative collective action lawsuit was filed in the U.S. District Court for the Southern District of New York on August 17, 2020. Plaintiffs, Bridge and Tunnel Officers, alleged that they regularly perform pre-shift and post-shift work without compensation; that there is a time-shaving policy that automatically rounds check-in times up to their scheduled tour; that supplemental pay, including differentials and bonuses, is not included in the regular rate of pay when calculating overtime; and that the payment of overtime and other wages is delayed. The parties agreed to a proposed settlement and executed a settlement agreement on July 28, 2022. The settlement papers were ultimately submitted for court approval on December 9, 2022, a revised settlement agreement was approved by the court on July 5, 2023, and the settlement was paid in the amount of \$7,544,707 on September 18, 2023. This case will no longer be reported.

### **MTA Bus**

As of December 31, 2023, MTA Bus had an active inventory of approximately 1,468 personal injury claims and lawsuits, approximately 1,579 property damage matters, approximately 840 no-fault cases arising out of the operation and administration of the MTA Bus System, and approximately 2,395 Workers' Compensation cases.

### **Metropolitan Suburban Bus Company** <sup>(12)</sup>

*Actions for Personal Injuries/Property Damage.* As of December 31, 2023, MSBA had an active inventory of 9 personal injury claims and lawsuits, and no property damage matters arising out of the operation and administration of MSBA.

*Workers' Compensation and No-Fault.* As of December 31, 2023, MSBA had approximately 28 Workers' Compensation cases and 1 open no-fault claims.

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<sup>12</sup> The MTA subsidiary Metropolitan Suburban Bus Authority discontinued its provision of transportation services at the end of 2011. Its activities are limited to the winding up of its affairs.