



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Transportation Committee Approves Nominations for New Leaders of Mta & Thruway Authority

CHARLES J. FUSCHILLO JR. January 9, 2012

| ISSUE: **TRANSPORTATION**

| COMMITTEE: **TRANSPORTATION**

Also Approves Legislation to Make Streets Safer and Raise Penalties for Subway “Fare-Beaters”

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate’s Transportation Committee, today announced that the Committee has approved Governor Andrew Cuomo’s nominations of Joseph Lhota as Chairman & CEO of the Metropolitan Transportation Authority (MTA) and Thomas Madison as Executive Director of the New York State Thruway Authority.

“The MTA and Thruway Authority are two of the state’s largest transportation agencies. Both are facing significant financial challenges and require highly qualified leaders to address them by improving efficiency and operations, not simply raising fares and tolls. That’s exactly the type of experience Mr. Lhota and Mr. Madison would bring to their new positions. I applaud Governor Cuomo for these nominations and am pleased that they have been approved by the Committee,” said Senator Fuschillo.

Mr. Lhota’s background includes serving as Deputy Mayor for Operations under Mayor Rudolph Giuliani, and also serving as Budget Director, where he was responsible for

managing the City's multi-billion dollar operating and capital budgets. He is also a former Commissioner of the New York City Department of Finance. Mr. Lhota, who holds an MBA from Harvard University, also has extensive private sector experience.

Mr. Madison's background includes years of transportation and administrative experience, including serving as Federal Highway Administrator at the U.S. Department of Transportation from 2008 to 2009 and serving as Commissioner of the New York State Department of Transportation from 2005 to 2007. In addition, he was Deputy Secretary for Transportation from 2004 to 2005, and held the positions of Director of State and Local Government Affairs from 2001 to 2003 and Deputy Appointments Director from 1999 to 2000. Mr. Madison is also a former chair of the Metropolitan Transportation Authority's Capital Program Review Board and the New York State Public Transportation Safety Board.

Both nominations will now be moved to the Senate Finance Committee for consideration.

In addition, the Committee also approved legislation which would:

- * Allow prosecutors to charge an intoxicated individual who is acting as a supervisor for an unlicensed driver as if that person were the driver of the car. The "Abigail's Law" legislation was introduced following the tragic death of Abigail Buzard in 2009, who was killed in a car being driven by a 17 year old with only a learner's permit. The adult responsible for supervising the unlicensed, Abigail's father, was intoxicated but could not be charged in her death (S164C, Sen. Maziarz).

- * Clearly define "intoxication" and "impairment" as a state of mind, notwithstanding the intoxicant, to ensure that all intoxicated drivers can be charged with DWI, regardless of the substance they use. Currently, individuals can be charged with a DWI offense only if they are intoxicated or impaired by alcohol or by one of the drugs listed in the public health law.

This legal loophole allows those who ingest substances not listed in the law (such as inhaling an aerosol can) to escape being charged with DWI (S600A, Sen. Fuschillo).

* Create class E felony charges for repeat offenders convicted of street racing on a public road. This legislation, referred to as “Michelle and Jordan’s Law,” is named for two Staten Island teens, one who was killed and the other critically injured in a crash caused by high-speed street racing (S2938A, Sen. Lanza).

* Establish a new class E felony crime of aggravated reckless driving. The crime would apply to drivers who drive the wrong way, against the flow of traffic, either knowingly or because they are intoxicated and drivers who drive more than 30 miles an hour over the speed limit while intoxicated or impaired, racing, pursuing other vehicles, or excessively weaving in and out of traffic. The legislation would also raise the penalty for reckless driving to a class A misdemeanor, punishable by a prison sentence of up to one year. There have been at least 27 wrong way driving crashes and arrests on Long Island alone since November 15, 2010 when off-duty NYPD Officer Andre Menzies was killed by an accused wrong-way drunk driver on the Northern State Parkway (S3452, Sen. Fuschillo).

* Require the MTA to provide passengers with a full refund for unused one-way and roundtrip tickets, without imposing any surcharges. Passengers would also have six months to either seek a refund or use the ticket under the proposed law. Currently, the MTA charges a \$10 surcharge for each ticket return transaction, which in many cases is more than the cost of the ticket itself (S3778B, Sen. Martins).

* Require all bus drivers to submit to a criminal history check as a condition of their employment. Present law only requires school bus drivers to undergo a criminal history check. The legislation aims to improve safety for bus passengers following a string of bus crashes caused by dangerous bus drivers with a history of criminal driving convictions

(S5171B, Sen. Fuschillo).

* Allow the MTA to raise the maximum allowable penalty for fare evasion on New York City subways from \$100 to \$500, as well as raise the penalty for failing to appear at a Transit Adjudication Board hearing or respond to a summons from \$50 to \$100. This will create stronger penalties for “fare-beaters.” An estimated 18.5 million people rode the New York City subway without paying in 2009, costing the MTA an estimated \$31 million in revenue (S5870, Sen. Fuschillo).