



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Senator Hoylman Introduces Legislation to Shine Light on Port Authority Records

BRAD HOYLMAN February 11, 2014

New York, NY— Today, State Senator Brad Hoylman (D – Manhattan), ranking member of the Senate Investigations and Government Operations Committee, announced the introduction of legislation ([S.6593](#)) to subject the Port Authority of New York and New Jersey to the Freedom of Information Law (FOIL). Senator Hoylman's legislation was covered in today's *NY Daily News* [here](#).

The goal of Senator Hoylman's legislation, called the "Port Authority Open Government Act," is to close a gap in state law that exempts the Port Authority from standard freedom of information requests and help restore public confidence in the Port Authority in the aftermath of reports of politically-motivated decisions by some Port Authority officials. The New York State Committee on Open Government urged the passage of legislation similar to Senator Hoylman's in their December 2013 report *Solidifying a Culture of Openness*.

State Senator Brad Hoylman said: "It's time we close the loophole in state law that allows the Port Authority to shield information from the public and the press. The legislation that I'm announcing today enshrines the public's right to know in state law and ensures the Port can no longer ignore, postpone, or deny inconvenient or politically sensitive requests. If sunlight is indeed the best disinfectant then this legislation is just what the Port Authority needs to

come clean.”

Dick Dadey, Executive Director, Citizens Union, said: “This important bill will shed light on an agency that escapes needed public scrutiny even though it affects the lives of everyday New Yorkers far more than most other state agencies. Citizens Union supports Senator Hoylman’s smart effort to close this loophole and make the Port Authority comply with our state laws and make it a more transparent and accountable agency. This measure when enacted by both states would possibly avoid future shenanigans like Bridgegate.”

Donna Lieberman, Executive Director, NYCLU, said: “This bill is a win-win. It will close a loophole in public access to information and increase transparency and accountability which is so essential to our democracy.”

The Port Authority currently operates under an internal agency policy called a Freedom of Information Code (FOI Code), which is unenforceable in court and therefore an insufficient guarantee of public access. Without judicial oversight, the FOI Code leaves citizens without a remedy or appeals process in the case of a denial or inaction by the Port Authority on an FOI Code request.

The Port Authority of New York and New Jersey has a major impact on the daily lives of New Yorkers and New Jersey residents and is responsible for implementing a multi-billion dollar budget to operate, regulate, and expand regional airspace, water, rail, and bridge capacity. At \$8.2 billion, the Port Authority’s budget is the same size as the budget of Rhode Island, and larger than the budgets of 11 other states. Senator Hoylman represents New York’s 27th Senate District which encompasses the Port Authority Bus Terminal, five PATH stations, and the entrances to the Lincoln and Holland Tunnel.

Any laws affecting the Port Authority must be enacted by both New York and New Jersey. This bill will explicitly subject the Port Authority to both New York's FOIL and New Jersey's Open Public Records Act (OPRA), having the same effect as legislation that has already been introduced in the New Jersey State Senate and Assembly.