



**Department of
Transportation**

Government Transparency Initiative

EXECUTIVE SUMMARY

The New York State Department of Transportation (NYSDOT) has conducted a review of our agency's existing policies and practices to promote the transparency and accountability of our agency's work to fulfill our mission. NYSDOT has also conducted an evaluation of these policies and practices to assess ways our agency can be more transparent to the people of the state of New York.

Based on this evaluation, we believe that NYSDOT is a leader in sharing information and will strive to continue to share data with the people of the state of New York.

Existing Policies:

- **Information on Agency Website & Social Media**

Website: The NYSDOT website contains significant amounts of information related to the Department's mission, work, and services. A resource for both the public and professional associates and organizations who may conduct business with the Department, the site provides access to general information, data regarding our infrastructure, professional and engineering standards and specifications, and numerous other resources.

In 2019, the Department began working with the Governor's Digital Team and OITS's WebNY division to redesign and update the entirety of the NYSDOT external website. The intent of the project is to create a more modern, updated design and organization to improve user-friendliness for site visitors. It would also result in a more reliable and straightforward content management system for NYSDOT staff responsible for the website.

With more than 6000 web pages, and tens of thousands of documents, the exhaustive effort of a full review, redesign, and launch, was expected to take approximately two years. Unfortunately, though a significant amount of work has been accomplished toward the development of the new NYSDOT website, the pandemic and more pressing priorities pulled the WebNY division and Digital Team from the project and, without the assistance and support of both, the project was placed on hold.

The current NYSDOT website continues to be updated with information and resources in the meantime until such time as the Digital Team and WebNY are available to work on the project again. Ongoing updates include those related to language access to ensure the Department complies those requirements.

Social Media: NYSDOT uses its social media accounts, including Twitter, Facebook, Instagram and LinkedIn daily, providing its followers with updates regarding various topics including anticipated road work, project updates, employment opportunities, and educational information regarding our work and mission.

- **Program Reporting**

The Department provides a series of reports to the Legislature pursuant to a Memorandum of Understanding, statutes and there is pending legislation codifying some of the MOU reports.

Capital Program Letting and Implementation Report: This report details the planned projects receiving New York Works funding which are expected to be advertised/bid during fiscal year. As required by the transportation capital program MOU, the report includes information on projects by MOU area, DOT region, fund source and category of work. This report is submitted to the Governor, temporary president of the Senate and Assembly speaker annually on June 1, in accordance with the MOU.

Capital Program Accomplishments Report: This report details the prior fiscal years funding obligated in major categories of activity by transportation capital program MOU area, DOT region, and funding source. This report is submitted to the Governor, temporary president of the Senate and Assembly speaker annually on July 15, in accordance with the MOU.

Highway Pavement and Bridge Condition Reports: This report summarizes statewide and regional pavement and bridge conditions in the form specified in the transportation capital program MOU. This report is submitted to the Chamber annually on July 15, in accordance with the MOU.

Bridge Management/Inspection Report (Graber Report): This report includes the status and condition of all bridges in the state and details the Department's bridge safety assurance program. This report is submitted to the Governor, temporary president of the Senate and Assembly speaker annually on January 1, in accordance with Section 231.6 of State Highway Law. The report is also released publicly on the NYSDOT website.

Multi-Modal Program Report: This report details the status of the Multi-Modal program of projects under NSYDOT oversight. This report is submitted to the Governor, temporary president of the Senate and Assembly speaker annually on March 1, pursuant to the Multi-Modal Program MOU.

Multi-Modal Program Quarterly Report: This report details the status of the Multi-Modal program of projects under NSYDOT oversight. This report is submitted to the Senate/Assembly Fiscal Committees quarterly on April 1, July 1, October, and January 1, pursuant to the Multi-Modal Program MOU.

Adirondack Road Salt Reduction Pilot Report: Chapter 67 of the laws of 2021, established the Adirondack Road Salt Reduction Task Force with the purpose of conducting a comprehensive review of road salt contamination and roadway, parking lot, driveway and sidewalk management best practices within the Adirondack Park. This legislation establishes a fourteen-member task force including the Department of Transportation, Department of Environmental Conservation and the Department of Health among others, with the specific expertise to review and assess the best available science and policies to assess impacts of salt while also giving due consideration to public safety. The task force assessment is due on December 1, 2021. NYSDOT and DEC shall review the assessment and shall incorporate those recommendations that it believes do not jeopardize public safety. DOT and DEC shall submit a report of the findings of a 3-year pilot program on August 30, 2024, to the Governor, temporary president and Majority leader of the Senate and Assembly speaker.

Departmental Activities: In accordance with Executive Law 164, each department, including NYSDOT, shall make an annual report to the governor and legislature on or before May 15, for the preceding calendar year. It shall contain such information concerning the department and its several divisions, bureaus, offices, agencies and institutions, and their activities and affairs, and such recommendations, as the head of the department shall deem necessary or proper, and any matters required by express provision of law to be included in such report. NYSDOT's report of departmental activities is submitted to the Governor and the legislature in accordance with this law.

- **Project Sunlight**

The Department's Manual of Administrative Procedures (MAP) provides guidance on Project Sunlight that is posted internally and readily accessible to all NYSDOT employees. This guidance indicates which NYSDOT functions involve reportable appearances under Project Sunlight, and which are exempt due to the ministerial and/or public nature of the contacts. NYSDOT has designated the following employees as covered individuals: The Commissioner and any employee who directly reports to the Commissioner; Executive Assistants; all Assistant Commissioners; all Office and Program Directors; and all Regional Directors. If any position held

by a covered individual is vacant, the employee who would otherwise directly report to the covered individual is designated as a covered individual.

The Project Sunlight policy requires that reportable contacts be entered into the OGS database within five (5) business days from the date of the contact. To facilitate reporting, the designated Project Sunlight covered individual at NYSDOT is required to submit to the Ethics Officer all reportable contacts using an “Appearance Reporting Form” designed by the Department and available online. The Ethics Officer reviews the contact submission for completeness and enters all covered appearances into the OGS database. The Ethics Officer retains copies of all Appearance Reporting Forms.

All covered individuals are required to annually complete the Project Sunlight Substantive Training available on the Statewide Learning Management System. In addition, all covered individuals and Legal Affairs employees are required to annually attend a NYSDOT-specific Project Sunlight training conducted by the Ethics Officer.

- **Freedom of Information Law**

In 2021, NYSDOT is expected to receive and respond to approximately 6,000 FOIL requests. NYSDOT has FOIL staff in our Main Office and 11 Regional Offices who send out responses to the majority of those requests in less than a month. Even in the instance of large and complex FOIL requests, which can require the collection of documents from multiple locations and program areas followed by close review of thousands of pages of documents to address personal privacy and other concerns, NYSDOT focuses on getting complete responses to FOIL requesters in a timely manner.

To monitor FOIL customer service, NYSDOT tracks request volume on a daily, weekly, biweekly, monthly, and yearly basis. NYSDOT also maintains a database of all in-process and completed requests, and carefully coordinates on complex FOIL requests and those needing NYSDOT Legal review. Improving tracking and reporting capability – and ultimately FOIL response times – may be possible with the acquisition of FOIL-focused software and the addition of FOIL staff.

NYSDOT has long made extensive amounts of information available on its website. For instance, the Business Center portal (<https://www.dot.ny.gov/business>) and the “Doing Business with NY” portal (<https://www.dot.ny.gov/doing-business>) provides access to information for consultants and contractors working with NYSDOT including: consultant and construction contracting information, audit requirements, engineering requirements, purchasing information, and DOTs Equitable Business Opportunities program, a web-based civil rights reporting system. Additionally, construction contracts documents are readily available at <https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/const-notice>, and letting (construction contract bid opening) results are available at <https://www.dot.ny.gov/doing-business/opportunities/const-results>. It is easy to obtain information on any NYSDOT project using the “Projects in Your Neighborhood” site (<https://www.dot.ny.gov/projects>), which enables a search of past, current, or future projects by location, metropolitan planning organization or state or federal legislator/legislative district. Most recently, NYSDOT has created a portal by which the public may access NYSDOT record plans, which is a commonly requested item from consultants, engineers, and other industry professional (<https://www.dot.ny.gov/main/recordplans>)

Moving forward, NYSDOT is reviewing additional categories of documents to post on our website for frequently-FOIL-ed information of interest to the public, including additional contract records (including the executed and OSC approved contracts themselves, final scores for best value awards, or vendor proposals from successful bidders), aggregate crash data, permits and licenses issued by NYSDOT, Project Labor Agreement determinations and the Agreements themselves, and final adjudications in NYSDOT administrative hearings.

In addition to making frequently requested documents available online, the FOIL team has worked to expand its utilization of additional Department employee resources, including the use of overtime-eligible employees, to assist in review and redaction of records for FOIL requests. NYSDOT has also identified certain FOIL functions that may be more efficiently handled by NYSDOT Regional offices, thus improving customer service.

- **Executive Order 8.95 - Open Data NY**

NYSDOT shares a variety of data via the Open Data NY portal including highway record plans, traffic counts, bridge conditions, vehicle miles traveled estimates, traffic control device inventory, summaries of annual bus passenger vehicle operator's safety inspections conducted by NYSDOT, and highway mileage data, to name a few. NYSDOT ensures the data sets available on the Open Data NY site are updated as required. As part of this effort, NYSDOT is investigating ways to improve the accuracy and availability of our data sets including whether those that are generated through digital means and made available in other web-based locations can be automatically updated in Open Data NY by a direct feed from its original data source. This capability would replace "manual" uploads and ensure NYSDOT data accessible via the Open Data NY site is updated in a timely and accurate manner.

In addition to providing data to the Open Data NY website, the Department maintains an automated data feed from our 511NY system that is available to software developers as well as the general public. This feed includes all the information that is displayed on the 511NY system including: real-time construction, incident, and special event information on all State maintained highways. Current subscribers to our 511NY data feed include Google, Tom Tom, and Apple. In addition, the 511NY website is utilized to broadcast and display emergency notifications on events such as widespread flooding and highway closures due to weather and other unique emergencies that impact the traveling public. 511NY is also utilized to broadcast critical information related to active AMBER Alerts.

- **Documents Required for Public Meetings**

Public involvement is an integral part of the NYSDOT project development process. Obtaining input from a full range of stakeholders affected by a project, and using that input is essential to making transportation decisions that benefit the public. NYSDOT's Public Involvement Manual provides guidelines for planning, announcing and conducting public outreach throughout project development. Using the Public Involvement Plan tool allows NYSDOT staff to identify the appropriate level and methods for conducting public outreach and serves both to plan and document public outreach actions.

In accordance with NYSDOT's Project Development Manual, all public meetings are announced, and announcements include a description of the proposed project's purpose, the project limits, municipal and county location and the meeting place, date and time. Announcements include contact information for the NYSDOT project liaison to request services for language interpretation, assistive listening system or any other accommodation required to facilitate participation in the public meeting or to allow the public to request further information or to provide written comment. For projects with sufficient community interest, a dedicated project web site can be created to facilitate information exchange. However, any material on a project web site is made available for public review by alternate means - at public meetings or via publicly available printed material for example.

Projects requiring formal public hearings follow prescribed requirements for: notification, content, comment opportunity and transcripts. Draft project environmental documents are circulated for public comment before all public hearings, and hearings are conducted before finalizing the environmental process and selecting a preferred project design alternative.

NYSDOT is also responsible for the development of several overarching plans and programs including the Long-Range Transportation Plan (LRTP) and the Statewide Transportation Improvement Program (STIP). NYSDOT is committed to - and actively encourages - public outreach and communication in the development of these and other transportation plans and studies. NYSDOT develops the LRTP in cooperation and consultation with multiple agencies and transportation stakeholders and partners and informs and engages the public throughout the process. The development of a new draft LRTP is announced via press release and social media announcements; public meetings and other stakeholder outreach is undertaken to gather and disseminate information; and NYSDOT develops a website to share information and solicit feedback. The draft LRTP is made available for public comment for at least 30 days. When finalized, the LRTP is presented to the Governor and the Legislature as well as government officials, business groups, advocacy groups and the public.

For the STIP, NYSDOT distributes announcements and summary information on the draft STIP to the public. The STIP undergoes a 30-day comment period during which copies of the draft STIP are available for public review on NYSDOT's website and at the Department's 11 Regional Offices and at the offices of the 14 NYS Metropolitan Planning Organizations (MPOs). NYSDOT Regional Offices make staff available to reply to comments about the Region's component in the draft STIP. NYSDOT provides citizens prior notice to any public meeting along with the Americans with Disabilities Act accessibility and purpose of the meeting. A synopsis of comments and responses on the draft STIP is developed prior to completing the final STIP and changes incorporated as appropriate.

NYSDOT has both a Public Involvement Manual for Transportation Planning and Procedures for Consultation with Public Officials in Rural Areas that further define these processes.

- **Reducing/Eliminating Costs associated with providing public records**

In the vast majority of FOIL responses, there is no charge to the requester. Whenever possible, records are provided electronically, either via email or other transfer method, at no cost. NYSDOT does charge appropriate fees under the Public Officers Law for physical copies, including for the actual cost of reproduction in situations where a third-party vendor must be engaged to copy or scan a high volume of paper records.

NYSDOT previously promulgated FOIL regulations, which include a fee schedule. Those regulations are under review and no charges are being made based on that schedule. NYSDOT's review of the fee schedule will acknowledge the need to limit the costs of providing records whenever possible.

- **Record Retention**

As of April of 2019, the Department of Transportation created a full-time position for an Agency Records Management Officer within the Office of Legal Services. The role of this position is to oversee NYSDOT's Record Management Program in our Main Office and the Regional offices, including but not limited to updating all Department Record Disposition Authorizations, and ensuring consistent use of best practices and compliance with all relevant NYS regulations and DOT policies.

In the regular course of business, employees throughout NYSDOT create records of significant administrative, legal, and historical value. These records, all of which are subject to specific retention schedules, provide essential information for planning and decision making, and are the cornerstone of government accountability. No one may destroy or otherwise dispose of any record unless the disposition is authorized by the State Archives and Records Administration through an approved Record Disposition Authorization (RDA). When the disposition of a record is authorized, however, it should be routine for the relevant program area or Region to properly

dispose of the record on or near the authorized disposition date, or have records transferred to State Archives.

- **Community Engagement by Agency staff**

NYS DOT's Request to Assist Local Jurisdiction Policy outlines the Department's role in preparing for, responding to and recovering from natural, human-caused and technological situations that impact the Department's transportation network. The Department's first priority is to maintain and operate the transportation network under its jurisdiction, as described in Highway Law Section 12. Periodically, the Department will be requested to assist a local jurisdiction when the Governor has issued a State declaration of disaster emergency according to Executive Law Article 2-B, Section 28 State Declaration of Disaster Emergency and Section 29 Direction of State Agency Assistance in a Disaster Emergency. In these situations, the Department may provide such assistance within its capabilities and the Executive Order. Without a State declaration of disaster emergency according to Executive Law Article 2-B, the Department does not have the authority to provide such assistance when the assistance is beyond assistance routinely provided to a local jurisdiction. In order to overcome this limitation, the Department has developed the "Emergency Recovery Services Agreement." When properly executed with the requesting jurisdiction, the Department can provide assistance as described in the Agreement.

NYS DOT Regional staff including Transportation Maintenance Resident Engineers represent the department at municipal meetings upon request. NYSDOT staff also routinely represent the department with displays at annual events such as local county fairs and at the NYS Fair. NYSDOT also routinely responds to requests for traffic control and other transportation assistance in response to New York Responds requests from local municipalities for emergency events as well as annual events such as the Jones Beach Airshow and the Utica Boilermaker Race.

NYS DOT's "Projects in Your Neighborhood" website (<https://www.dot.ny.gov/projects>), enables the public to search for past, current, or future NYSDOT projects by location, metropolitan planning organization or state or federal legislator/legislative district. This user-friendly search tool provides access to project information including project description, cost and schedule.