



Department of Transportation

POLLY TROTTEBERG, Commissioner

July 30, 2019

Via Regular Mail and Electronic Mail

NYC Conflicts of Interest Board
2 Lafayette Street, 10th Floor
New York, New York 10007

Received by

AUG 22 2019

Conflicts of Interest Board

Attn: Ms. Carolyn Miller, Executive Director
Attn: Mr. Ethan Carrier, General Counsel

Re: COIB Rule Section 1-13(e)(1) Disclosure for Ms. Susan McSherry, Director of Alternative Fuels, Regional & Strategic Planning

Dear Ms. Miller and Mr. Carrier:

THIS LETTER SUPERCEDES THE LETTER PREVIOUSLY TRANSMITTED ON APRIL 10, 2019.

I write to you today on behalf of Commissioner Trottenberg regarding Ms. Susan McSherry, the New York City Department of Transportation's ("DOT") Director of Alternative Fuels of the Regional and Strategic Planning Unit of the Transportation Planning and Management Division, and her volunteer role with Empire Clean Cities ("ECC"). ECC is a non-profit environmental organization with a mission to ensure clean air for future generations. As the designated local US Department of Energy supported Clean Cities coalition, ECC is part of a national network of nearly 100 coalitions dedicated to advancing the nation's economic, environmental, and energy security by reducing petroleum consumption in the transportation sector. ECC has been tasked with providing support and management skills necessary to advance the region's economic, environmental, and energy security by building local public-private partnerships towards promoting the use of technologies and practices that reduce petroleum consumption throughout New York City and Lower Hudson Valley (Westchester, Rockland, and Putnam counties). ECC was previously known as New York City and Lower Hudson Valley Clean Communities, Inc. (NYCLHVCC) until 2012.

ECC unanimously elected to nominate Ms. McSherry to become the new President of the ECC Executive Board. Ms. McSherry has been involved with the US Department of Energy ("DOE") Clean Cities Program since its inception in 1993, partnering to advance the mission of both the Clean Cities and the Alternative Fuels Program. DOT carried the function of unofficial Coordinator for the NYC chapter of the Program from 1997 to formal designation as the DOE

NYC Clean Cities Coalition (now ECC) on Earth Day, April 22, 2003. Ms. McSherry continued to serve and support the effort under Assistant Deputy Commissioner Louis Calcagno who served as the first President of the Board and has served uninterrupted as an advisor to the Board and support for interns and staff. The Clean Cities organization and the DOT Alternative Fuel Program work hand in hand to advance clean vehicle and fuel technologies, helping to reduce the environmental and health impacts of transportation on air quality and climate change, consistent with the City's goal to reduce greenhouse gas (GHG) emissions by at least 80 percent by 2050 (80 x 50).

It is noted as described further below that for one particular project DOT will have a business relationship with ECC. In July 2018, DOT and the Seattle Department of Transportation (SDOT) entered into a sub-recipient Agreement, where DOT, as sub-recipient, received a US Dept. of Energy grant of \$500,000 via SDOT to support the acceleration of the adoption of plug-in electric vehicles and to establish best practices for NYC a project ("the Project") that is very much supported by DOT and the Mayor. Initially, the Mayor's Office of Sustainability ("MOS") was to be the sub-recipient and manage all facets of the project. However, it was subsequently decided that MOS did not have the resources required to manage this type of grant nor does MOS have an Agency Chief Contracting Office required to complete the procurements. It was then determined that DOT would be the signatory of the sub-recipient agreement and would manage the relationship with SDOT. A requirement of the USDOT grant for this project was that MOCS, which as described above, was replaced by DOT as sub-recipients enter into agreements with Maven division of General Motors, EVGo LLC, and ECC. The total value of the ECC agreement with DOT was set at \$50,000 and the agreement between DOT and EVGo is \$ 450,000. DOT will enter into a Memorandum of Agreement ("MOA") with Maven to memorialize its commitment to deploy 150 Chevrolet Bolts on its own car sharing platform to cover the required cost share for the grant. EVGo LLC will install and operate fast charging stations. ECC will provide education and conduct outreach to for-hire vehicle drivers and promote the use of electric vehicle chargers to be deployed by EVGo LLC.

Despite DOT being the signatory of the sub-recipient Agreement, DOT is primarily a money pass through with MOCS still acting as the lead on the City side. DOT will pay EVGo and ECC for the work they perform on the Project and, in turn, will be reimbursed by SDOT for its payments to these two entities. As a condition for COIB 's approval of this request Ms. McSherry will take no part in ECC's responsibilities under its agreements with DOT including but not limited to either requesting payments from the City or approving invoices submitted to DOT. These responsibilities will be undertaken by Joy Gardner, Program & Communications Manager at ECC who will not report to Ms. McSherry on this project. On DOT's side of the agreement with ECC, Ms. McSherry will, of course, have no role in reviewing the work of ECC on the Project or processing payments from DOT to ECC which will instead be handled by program staff that will report directly to Charles Ukegbu, DOT's Assistant Commissioner of Regional and Strategic Planning who also supervises Ms. McSherry's work and has no relationship with ECC.

As stated earlier, DOT has been involved with Clean Cities from its inception more than a decade ago in New York, until today. This program continues to perform activities that are synergistic with the mission of the alternative fuels program and the EV Policy section of DOT,

such as outreach to real estate developers to promote at-home EV charging, educating fleets on the use of biodiesel, connecting private businesses to one another to help develop projects, programs that promote the greening of the transportation sector in both the public and private sector. In addition over time, Empire Clean Cities has increased its presence among City agencies and works closely with DCAS Fleet, staging events in cooperation with them as well as with the Sanitation Department. Having Ms. McSherry as President of the Board, will only further strengthen the coordination between City events and functions and those developed by Empire Clean Cities.

Therefore, I believe that this work is consistent with Chapter 68 of the City Charter and designate Ms. McSherry to perform work for ECC as part of her DOT job because (1) there is a demonstrated nexus between Ms. McSherry's City job, the mission of DOT, and her proposed work for ECC; (2) the proposed work advances DOT's mission; and (3) as described above, she will take no part in ECC's business dealings."

Given the typically long hours that Ms. McSherry works which extend well beyond the "normal" workday, practicality dictates that this designation be granted pursuant to Title 53, Section 1-13(e)(1) of the Rules of the City of New York: (1) for the reasonable and incidental use of City time, equipment, supplies, and resources by Ms. McSherry for ECC purposes; (2) so that any travel she may undertake to ECC conferences or events be considered to be undertaken as part of her official City duties. To that end, I would like to designate, on behalf of Commissioner Trottenberg, with the Conflicts of Interest Board that Ms. McSherry may perform work for ECC as described above and in a manner consistent with all Board rules and regulations, including but not limited to Title 53, Section 1-13(e)(1) of the Rules of the City of New York.

I thank you for your assistance in this matter.

Sincerely,



Margaret Forgione
Chief Operations Officer

cc: P. Damashek, E. Beaton, S. McSherry, S. Pondish, D. Fenichel, A. Capello