



March 1, 2024

Rachel Frumin
Director of Concessions and Franchises
New York City Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Re: Designation of New York City Department of Transportation's Director of Concessions and Franchises, Rachel Frumin to Serve on the MTA's Advisory Committee on Transit Accessibility ("ACTA") Pursuant to COIB Rule 1-13(e)

Dear Ms. Frumin,

I am pleased to be informed that you have been asked by the MTA's Advisory Committee on Transit Accessibility ("ACTA") to join its board as a voluntary member. According to its website, ACTA was established in the 2019 and serves as "an all volunteer group of community members committed to working with the MTA on a range of accessibility issues. The goal of ACTA is to represent many forms of disability and include persons from across the spectrum of disabilities."

ACTA solicits and collects community and rider feedback on accessibility issues and communicates that feedback to the MTA. This includes the riding public's thoughts and comments on accessibility issues it has with the subways, buses and Access-A-Ride paratransit. ACTA suggests accessibility initiatives to the MTA and advises the MTA on how to best implement these initiatives in a way that best serves the disabled community of the City and the other tri-state areas that the MTA services.

As the Director of Franchises and Concessions at NYCDOT you have the following duties:

1. Oversee the solicitation and approval of DOT's concessionaires and franchisees, including concessionaires serving the NYC Plaza Program and historic utility franchisees;
2. Manage compliance of all concession and franchise agreements and set up a process for short term activations on public plazas; and
3. Coordinate project and reporting reviews and approvals as needed with a variety of stakeholders, including community boards, elected officials, community groups, other City agencies, and other DOT units.

I have determined on behalf of NYCDOT Commissioner Ydanis Rodriguez, for the reasons below, in accordance with Conflicts of Interest Board Rule 1-13(e), to designate you to serve as a member of the Board.



Under COIB Rule 1-13(e) a public servant may be designated by an agency head perform work on behalf of a not-for-profit corporation, association or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities provided that:

1. There is a demonstrated nexus between the proposed work, the public servant's City job and the mission of the public servant's agency;
2. Such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit;
3. The designated public servant takes not part in the entity's business dealings with the City at the entity or at his or her agency, except that Council Members may sponsor and vote on discretionary funding; and
4. Within 30 days the written designation is disclosed to the Conflicts of Interest Board.

Here there is a direct connection between the mission of DOT to provide better transportation accessibility to people with disabilities and the MTA's efforts to facilitate and ease the navigation of as its complex transit system for the disabled segment of the commuting public For example the MTA, as part of its 2020-24 Capital Program committed \$5.2 billion to make its subway stations newly accessible to the disabled public by installing elevators that are largely located on City streets under NYCDOT jurisdiction and another \$600 million to modernized those elevators that already exist. t. The construction and renovation of these elevators often requires the cooperation of DOT which is committed to making its own streets more user friendly to the disabled community through such initiatives as: (1) Making NYCT bus stops more accessible to wheelchair bound commuters; (2) Constructing ADA compliant pedestrian ramps throughout the City and (3) Installing Accessible Pedestrian Signals at traffic intersections throughout the City to make the crossing of busy City streets safer the hearing and visually impaired community.

Your participation on the ACTA Board will directly further and benefit the City's goal of providing better transportation services for the disabled community in conjunction with the MTA. As a member of the Board, you will directly serve the City's interest by informing and providing the MTA with DOT's views on critical accessibility issues that may help guide them in providing ADA services consistent with the needs of the City.

The reasons stated above in support of your membership on the Board and your agreement to recuse yourself from reviewing MTA issues while serving as NYCDOT's Director of Franchises and Concessions, leads me, on behalf of Commissioner Rodriguez, to approve your designation as an ACTA Board member in compliance with COIB Rule 1-13(e).



Within 30 days of my designation of you to serve on the Board, this letter must be submitted to the Conflicts of Interest Board which will then post this designation on its website.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Forgione", with a long horizontal flourish extending to the right.

Margaret Forgione
First Deputy Commissioner

c: R. Lynch, M. Dean, M. Craven, J. Fuccillo, D. Fenichel, J. Caldarella, P. Browne