

2 minutes after, too late

New law cuts time trains have to be considered on schedule

BY ALFONSO A. CASTILLO
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A new state law calls for the Long Island Rail Road to overhaul the way it measures on-time performance, including by considering a train late if it arrives just two minutes or more after its scheduled time — less than half the current threshold.

The provision in the newly adopted state budget also calls for the Metropolitan Transportation Authority to report new performance metrics that are meant to more accurately capture commuters' experiences, including the additional time riders spend onboard a train during delays, and riders' total "journey time" — a measure that would include time spent waiting online to buy tickets and exiting a crowded station.

Sen. Todd Kaminsky (D-Long Beach) said the changes in the state public authorities law aims to stop the LIRR from "putting out statistics that don't bear any resemblance to reality." Despite running late more often than any time since 1999, the LIRR last year reported an annual on-time performance of more than 90 percent.

"They kind of get the results they want by setting up the rules, and it just doesn't comport



LINDA ROSIER

Among new MTA requirements is reducing on-time arrival window to two minutes without skipping stops.

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with the results that riders see," said Kaminsky, who believes the new metrics will create another incentive for the LIRR to improve its service. "They don't want to be putting out a report with some dismal statistics."

The LIRR, which has said it follows industry standards in

how it measures on-time performance, only considers a train late if it arrives at its final destination more than 5 minutes and 59 seconds after its scheduled time. The system allows for a train to run several minutes late picking up riders at their stations, but still be considered on time if it makes it to its final stop less than six minutes late. It also doesn't capture the full effect of delays that result in missed connections.

"We are analyzing the new statutory metrics, which would compliment the extraordinary range of data we already provide to our customers and the general

public," MTA spokesman Maxwell Young said Monday.

Twenty-year Islip commuter Beth Moose called the current system a "joke."

"If you were late, every day, by 5 minutes and 59 seconds, wouldn't you lose your job?" said Moose, who hopes the new law will result in "a more accurate accounting" of the railroad's performance.

Under the new system, a train will only be considered on time "if it arrives at its destination early, on time, or no more than two minutes late, and has not skipped any planned stops," according to the legislation.

Kaminsky's office said changes will go into effect 180 days after the law is signed.

The railroad's official watchdog group, the LIRR Commuter Council, also called the new metrics "a big step forward." The council long has called for a new on-time performance metric that Epstein said "would better reflect ... the riders' experience, rather than the trains."

"It will take time to see if that will be feasible, and we will be watching closely to see the results," Epstein said.

Under the new system, all MTA agencies, including the LIRR, will have to report their on-time performance figures weekly — instead of monthly, as they do now. The MTA also will be required to issue an annual report comparing its performance to that of other transit agencies around the world using various metrics, including the total operating cost per mile and maintenance costs.

And the new law also calls for an independent forensic audit of the MTA to help uncover possible wasteful spending. Sen. James Gaughran (D-Huntington), who pushed for the audit, known as the Rail Act, said lawmakers negotiated the changes as a condition of their support for a congestion pricing plan that could generate billions of dollars in revenue for the LIRR.

"They appear to be a runaway authority. All they're doing is looking for more and more revenue," Gaughran said. "And so what we said is, 'Halt.' We've got to get a total fix on what they're doing."



AP / SETH WENIG

Gov. Andrew M. Cuomo

Gov expected to sign bill raising smoking age to 21

BY MICHAEL GORMLEY
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ALBANY — The State Senate gave final legislative approval on Monday to a measure that will prohibit the sale of tobacco products, herbal cigarettes and tobacco vaping products to anyone under 21 years old in New York.

Gov. Andrew M. Cuomo has signaled he will sign the bill, which will raise the legal age for smoking from 18 years old.

"We know the longer you can keep young people from smoking the more likely you will pre-

vent smoking, which we know leads to illness and death," State Sen. Diane Savino (D-Staten Island), a longtime sponsor of the bill, said in an interview. "It doesn't really get any more complicated than that."

Each day, 2,000 Americans under 18 years old smoke their first cigarette and each day more than 300 young people become daily cigarette smokers, according to the federal Centers for Disease Control.

Enforcement of the state measure is aimed at the retailer, not the tobacco user.

The bill requires warning

signs at retailers to include the new minimum age for purchase; prohibits the free distribution of tobacco products in promotions and elsewhere to anyone under 21 years old; and imposes fines of up to \$2,500 for retailers and possible loss of retail tobacco sales certificates for selling to anyone under 21 years old.

Some opponents called the measure discriminatory against people who are legally allowed to marry, join the military service and vote.

"Eighteen-, 19-, and 20-year-olds shouldn't be treated like second-class adults," said the New

York Public Interest Research Group, a nonprofit research and public education group.

NYPIRG also expressed doubts about the effectiveness of the bill, given booming online sales of cigarettes.

"It's unfair and, to add insult to injury, the policy won't work," NYPIRG said.

But Savino recalled, "I was 12 when I started smoking and by 14 was regularly smoking a pack a day. What changed it for me was I watched my grandfather die from lung cancer, and then my father when he was 53, and then my mother."