

Office of General Counsel

ANNUAL REPORT

2017

**The Niagara Frontier Transportation Authority
and
Niagara Frontier Transit Metro System, Inc.**



Introduction

Unwavering dedication to the public we are honored to serve best describes the work ethic of the NFTA General Counsel's Office. In 2017, this dedication produced outstanding results in all practice areas.

The transactional group facilitated agreements permitting transportation network companies (Uber, Lyft) to operate at the Buffalo Niagara International Airport and the Niagara Falls International Airport. The group also closed on lease agreements with bus carriers Greyhound and Trailways allowing for their continued operation out of the Metropolitan Transportation Center bringing a successful conclusion to long standing negotiations with those entities.

*The litigation group obtained outstanding results at both trial and appellate court levels. The Fourth Judicial Department affirmed a jury verdict of no cause of action in *Likos v. Niagara Frontier Transit Metro System, Inc.* In State Supreme Court, a jury returned a verdict of no cause of action rejecting claims that the NFTA had not properly removed snow and ice at the Buffalo Niagara International Airport. Finally, the group prepared for and participated in a mock jury trial involving claims arising out of a pedestrian versus motor vehicle accident on November 7, 2011. This mock process was followed by a real jury trial in State Supreme Court which lasted over 6 weeks before the matter was successfully resolved to the satisfaction of all parties.*

The labor group provided direct support to the Human Resources Department who successfully reached a collective bargaining agreement with the Amalgamated Transit Union Local 1342 after over eight years of negotiations. Significantly, for the first time, in as long as anyone can remember, the NFTA has successfully negotiated current CBAs with all of its thirteen unions and none are expired as of the date of this report. The group also achieved a significant arbitration award affirming management's right to subcontract work under appropriate circumstances.

The activities described in this report reflect the diligent work of the professionals in the Office of the General Counsel who serve the public by providing high quality legal services to support the NFTA's mission of providing safe, efficient and professional transportation services that enhance the quality of life throughout the Buffalo Niagara region. I want to thank Kimberley Minkel, the NFTA's Executive Director, and the NFTA Board of Commissioners for their support and for allowing our office to serve the public. Special appreciation for extra work on this report goes to Lisa Flynn (Paralegal and Assistant to the General Counsel).

*General Counsel
David J. State (December 31, 2017)*



I. Overview of the Office

The Office of General Counsel provides and/or administers all legal services for the Niagara Frontier Transportation Authority (“NFTA”) and Niagara Frontier Transit Metro, Inc. (“NFTM”) on civil and administrative matters. The NFTA is a multi-modal entity (Aviation, Surface and Property) providing efficient and professional transportation services that enhance the quality of life in the Buffalo Niagara region. NFTM is a subsidiary of the NFTA and provides bus and rail transportation services within Erie and Niagara Counties.

These legal services include representation of the NFTA and NFTM in negligence claims, negotiations with state and federal agencies, arbitrations involving collective bargaining agreements or employee grievances, professional negligence, tort and contract claims, condemnation and relocation proceedings, negotiation of collective bargaining agreements, preparation of leases, releases, use and operating agreements, settlements and memoranda of understanding.

The Office of General Counsel provides advice, opinions and counsel to the Board of Commissioners, the Executive Director, business center managers and staff on matters concerning labor and employment relations, environmental compliance and litigation, landlord-tenant and real property transactions, procurement and contracting issues, suretyship, risk management and insurance, municipal bonds and finance, secured transactions, commercial relationships and corporate and legislative concerns.

Under the direction of the General Counsel, staff attorneys appear in state and federal trial and appellate courts and before arbitration panels and administrative agencies such as the New York State Department of Labor, the U.S. Environmental Protection Agency, the New York State Department of Transportation, the Federal Aviation Administration and the Federal Transit Administration. General Counsel attorneys draft proposed agency rules and administrative procedures, and pursue enforcement and collection of judgments for fare evasions and parking violations. Staff personnel manage the board agenda, prepare resolutions for consideration by the Board of Commissioners and assist and provide guidance to user departments and business centers on procurement and various other matters impacting the day-to-day and long range operations of NFTA and NFTM.

II. People

The strength of any organization is reflected in its people. The Office of General Counsel has a full complement of high caliber professionals who serve the public with honor and integrity. Staff members are dedicated and hard-working professionals who provide selfless service to the public.

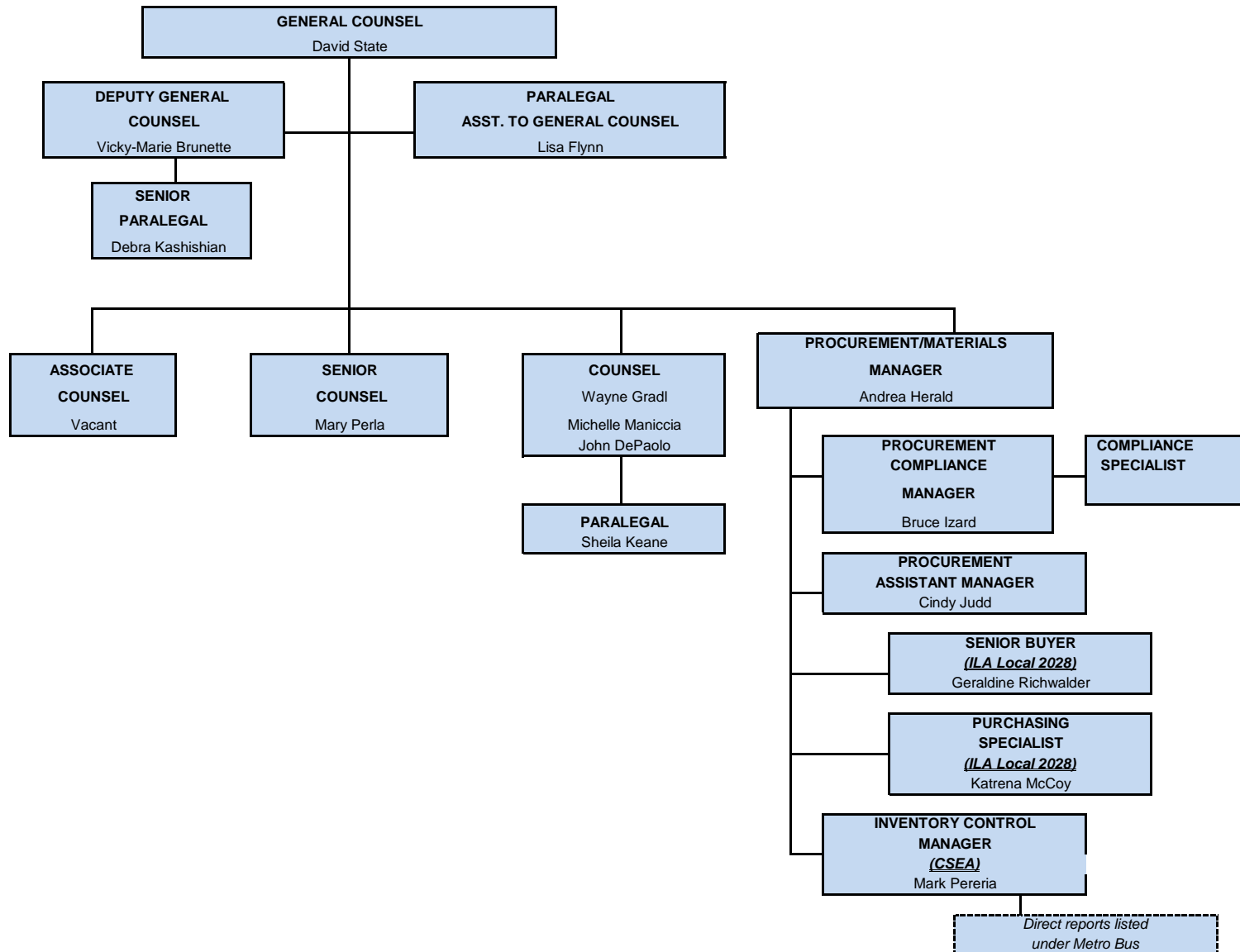
A. Personnel and Location

The Office of General Counsel currently consists of a General Counsel, a Deputy General Counsel, a Senior Counsel, three Counsels, one Senior Paralegal, one Paralegal and Assistant to the General Counsel, and one Paralegal. The majority of the Legal Staff is located on the 6th Floor of the Metropolitan Transportation Center (“MTC”) at 181 Ellicott Street in downtown Buffalo, New York. Our Senior Counsel, Mary Perla, is located at the Buffalo Niagara International Airport to more efficiently serve the Aviation Group.

In 2017, we were excited to bring on two new professionals to assist our litigation practice group. John P. DePaolo, Esq. and paralegal Sheila Keane joined us in May 2017 and have been outstanding additions to our team.

Additionally, in June 2017, the NFTA’s Procurement Department combined with the Office of General Counsel. This combination should strengthen the Procurement Department’s exceptional performance in procurement compliance and ethics and facilitate continued focus on those areas so that Procurement can continue to successfully perform their mission to “procure high-quality materials and services which provide safe and reliable transportation, transportation services and facilities for our customers.”

A graphical description of all current staff members is depicted below:



B. Professional Training, Development and Outside Activities

1. Professional Training and Development

We attended and hosted several educational conferences to keep our skills sharp and to learn about recent trends in areas such as transportation, procurement, litigation, labor, property and aviation law. Staff attorneys who attended these professional conferences and training sessions then relayed this information to NFTA stakeholders to improve our overall knowledge base. Some of the training opportunities were in the form of webinars or traditional Continuing Legal Education ("CLE") programs while others involved some local or domestic travel as time and budgets permitted.

Vicky-Marie Brunette earned 15 hours of CLE instruction and attended the Defense Research Institute Civil Rights and Governmental Tort Liability conference in Nashville, Tennessee in January 2017. The conference featured national speakers and educators and covered topics including the following: 1) managing body camera evidence; 2) free speech and public employees; 3) municipal and supervisory liability; 4) qualified immunity in §1983 litigation; and 4) eyewitness identification issues in civil cases.

Wayne Gradl attended the Annual Training Conference hosted by the New York State Public Employer Labor Relations Association in Saratoga, New York and completed 5 hours of training on the Code of Professional Responsibility. Mary Perla took the following courses: 27th Annual Real Estate Conference; Good Cop/Bad Cop: Two Sides of Landlord/Tenant Law; Construction Surety Law; 2017 Update on NYS Civil Practice and Procedure; and Commercial Real Estate – Overcoming Sticking Points. Michelle Maniccia took the Commercial Real Estate – Overcoming Sticking Points course. John DePaolo took coursework in Advanced Civil Litigation Skills in NY; and Understanding Risk Management. In June 2017, John also attended NFTA TAPTCO bus driver training in order meet drivers and to better understand driver training requirements and expected skills in preparation for his defense of claims against these drivers.

John DePaolo is expected to attend the 2018 APTA Legal Affairs Seminar in Palm Springs, California.

2. Externship – SUNY Buffalo Law School

In 2012, for the first time in the history of the NFTA, the Office of General Counsel formally established an externship program with SUNY Buffalo Law School. Externships provide law students with unique legal and public service experience as they work in a variety of government and non-profit organizations, and get academic credit for doing so. The NFTA receives the benefit of having a law student available to accomplish research and writing tasks and other duties. In order to qualify, the NFTA had to meet specific curricular, substantive and administrative requirements established by the Law School and the American Bar Association to ensure that the

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externship would be academically appropriate and in compliance with all other accreditation requirements. The Law School's Externship and Judicial Clerkship Program is directed by Professor Lise Gelernter and administered by Dawn Skopinski and we wish to express our sincere appreciation for their efforts in establishing this program. In addition, we wish to acknowledge Linda Seay (the NFTA's former Director of Equal Employment Opportunity/Diversity Development); Karen Novo (the NFTA's Director of Human Resources); Lisa Piecki (the NFTA's Communication and Advertising Specialist); and members of the Minority Bar Association of Western New York (Family Court Support Magistrate Lenora B. Foote-Beavers and Joseph M. Hanna, Esq. from Goldberg Segalla LLP) for their assistance and continued support of this program.

For the winter/spring of 2017, Alexandra Smith from SUNY Buffalo Law School participated in the program. Alexandra worked on several significant projects including researching legal parameters of permissible restrictions on public demonstrations at NFTA airports following the 2016 Presidential election; researching motion practice in the First Judicial Department, enabling legislation for upstate transit authorities, reviewing NFTA's Information Technology and Internet policies, New York State pension eligibility requirements, reviewing FTA funding and procurement rules on recipients and sub-recipients of funding; New York State Administrative Procedure Act; reviewing NYS Office of State Comptroller Audits on Compliance with Payment Card Industry Standards; developing policies regarding transgender individuals using public restrooms and the implementation of gender-neutral restroom facilities in public places; and monitoring national/international developments in the transportation network industry.

We are proud of all of the interns who participated in this program. Several have advanced to prominent legal positions following their NFTA internship. For example, Maisha Huggins-Blakeney (our first summer intern in 2015) joined the firm of Feldman Kieffer and is the President-elect of the Minority Bar Association of WNY. Colin Casey (summer of 2015) was appointed Vice President of Great Lakes Environmental & Safety Consultants.

We look forward to our next intern, Kodai Sinclair Okano, starting in the winter/spring of 2018 and look forward to future law students participating in this program.

3. Outside Activities

Our participation in outside activities is important in order to facilitate and improve upon the NFTA's image in the community. Several staff participated in outside activities that advanced this objective.

In August of 2017, Vicky-Marie Brunette was appointed as Co-Chair of the Corporate Counsel Committee of the Women's Bar Association of the State of New York, WNY Chapter. She also continued her service with the Board of Trustees for St. Mary's School for the Deaf and the Board of the Defense Trial Lawyers Association of Western New York, where she served as Nominations Committee Chair.

Dave State continued his service as a policy committee member of the Erie County Industrial Development Agency, board member of Bishop Timon-St. Jude High School, adjunct faculty at Erie Community College, and was appointed a Commissioner of the Buffalo Municipal Housing Authority. In April 2017, Dave spoke at the NY State Building Officials conference (Central New York Chapter in Syracuse, NY) on the topic of ethics for public employees and enforcing the NY State Building Code.

John DePaolo continued his service as a Charter Member and Director of the Rotary Club of Buffalo Niagara Medical Campus. In December 2017, John participated in the Santas of Swig – A Homebrewed Fundraiser for The Matt Urban Hope Center which responds to the needs of the community by hosting family-focused events, informative workshops, free tax preparation, benefits screening, housing and job assistance and assists individuals who are homeless and those at risk of becoming homeless.

On October 20, 2017, Wayne Gradl gave a presentation at the OPEN Workshop seminar on how to arbitrate grievances with an emphasis on how to prepare witnesses for an arbitration hearing. In April 2017, in his spare time, Wayne attended the Appalachian Mountain Club 4000 Footer meeting in Exeter, New Hampshire and proudly received his certificates for completing the NE 67 and NE 111. In July 2017, Wayne climbed three Vermont 3,000 footers as he continues to work toward the prestigious New England 100 certificate.

Lisa Flynn was elected to serve as Secretary of the Board of the Wilson Youth Football League for a two-year term. This continues Lisa service with the league where she previously served as the Board's elected Trustee last year before she was nominated by the community to serve as Secretary of the Board.

Sheila Keane continues to serve as a volunteer chaperone with Explore Buffalo which provides docents to showcase Buffalo's architecture, history and neighborhoods through walking tours and special events. Sheila is working toward being formally designated a docent by next summer and hopes to specialize in tours of the Old First Ward, Silo City and Downtown Buffalo Architecture.

Finally, Mary Perla and Dave State continue their efforts to assist in writing an Airport Cooperative Research Program (ACRP) digest article reviewing federal laws, FAA Orders, policies, guidance, and case law on the permitted extent of airport involvement in economic development efforts with respect to off-airport, general community economic development and/or air service development.

III. Outreach and Preventive Law

The Office of General Counsel has a commitment to reducing the risk of legal problems by proactively providing legal advice before problems occur. The staff is strongly encouraged to be problem solvers and to identify appropriate courses of action to our clients, rather than identifying legal roadblocks without any solutions. In 2017 we continued our ethics training initiative, and developed proactive training programs designed to meet the needs of particular client groups.

A. Ethics Training



In April 2014, our office was certified by the NY Joint Commission on Public Ethics (JCOPE) to present JCOPE’s Comprehensive Ethics Training Course. Following certification, our office presented a 2 hour live training session to Financial Disclosure Statement filers at the NFTA who are required to take this training, and others who wanted to participate. The topics covered by this presentation include a description of the New York entities

having jurisdiction over ethics; the NFTA’s Code of Conduct; the NFTA’s Code of Ethics; financial disclosure; negotiation of future employment; gifts; conflicts of interest; outside employment and activities; nepotism restrictions; honorarium; official activity expense payments; public service announcements; post-employment restrictions, and restrictions on political activities.

In 2017, we maintained 100% compliance with JCOPE’s Comprehensive Ethics Training Course (2-hour live course) for all Financial Disclosure Statement filers who are required by law to take this training. In addition, we provided newly developed training from JCOPE designated as a live “Ethics Seminar” which is designed as a refresher course with a focus on key concepts and changes in the law. We provided this course during four separate training sessions and trained approximately 30 individuals.

B. Proactive Training Initiatives

The June 2017 joining of the NFTA’s Procurement Department with the Office of General Counsel provided a unique opportunity to develop some proactive training initiatives in the procurement, ethics, and legal compliance arena. The mission of procurement is to procure high-quality materials and services which provide safe and reliable transportation, transportation services and facilities for our customers. This can be accomplished by relying on a wide range of suppliers and consultants who can meet or exceed our specifications and deliver on time, every time, at a fair and reasonable cost. It is the stated and explicit intention of the combined department to encourage and promote open competition and ensure fairness and equity in the procurement process.

Ensuring that our own employees understand the rules through training is critical to success in this area. The development of a procurement training block has been finalized and will continue to be rolled out in 2018. This training covers topics such as Conflicts of Interest, Gift Rules, Sharing Confidential Information, Post government employment (2 year rule/lifetime bar), “Reverse revolving door,” Receiving/Soliciting employment offers, Prohibited Contacts during procurement restricted period, MWBE/DBE/Service-Disabled Veteran-Owned Businesses, Project Sunlight, Purchase Requisition Instructions, and Guidelines for preparing better Board Resolutions.

IV. Contracts/Negotiations/Opinions/Regulatory Compliance

The Office of General Counsel maintains an active transactional practice in the negotiation and drafting of contracts to procure goods, services and to acquire and dispose of real property for the NFTA. We are also frequently called upon to assist in negotiation of outstanding debts, contractual matters, provide opinions and to ensure compliance with laws, rules and regulations. Most of this work is handled by Mary Perla and Michelle Maniccia. 2017 was a tremendous year for the transactional group. Here are some of the highlights.

A. Bus Carrier Leases at Metropolitan Transportation Center:



The NFTA has been in longstanding negotiations with private bus carriers who use the Metropolitan Transit Center. In September of 2016, we finalized a 10-year deal with Megabus. Negotiations continued with the other bus carriers, and in 2017 the NFTA finalized new 10-year lease agreements with both Greyhound and Trailways. Michelle provided outstanding support and guidance to the Property group to bring these transactions to a close. These lease renewals represent 100% occupancy of the MTC. Michelle’s efforts included preparing and analyzing NFTA cost estimates for operating the 1st floor of the MTC, advice on negotiation strategy, drafting of the lease agreements, and closing of the transaction. Mary Perla also provided invaluable assistance in finalizing the lease agreement and bringing the matter to closure.

B. UBER/LYFT at the Airports:



Transportation Network Companies (Uber, Lyft) providing ridesharing services were first authorized to operate in upstate New York on June 29, 2017. Some airports across the country chose to block or prohibit ridesharing services for various reasons. We disagreed with this approach and wanted to meet our customers demand and have ridesharing available for the public at the airports, in addition to other ground transportation options like taxis and buses. Thus, we facilitated discussions with the ridesharing companies to try to reach pilot agreements so that they could offer their services by June 29, 2017. We met this deadline and the NFTA was the first upstate airport to have agreements reached with Uber for providing these services.

This accomplishment was largely due to the hard work and dedication of Mary Perla and her work with the Aviation group.

C. American Bus Benchmarking Group/Goal Collaboration Agreement: The



NFTA belongs to the American Bus Benchmarking Group (ABBG) in order to provide Metro with benchmarking capabilities within our bus operations to evaluate our performance and identify opportunities for improvement. Michelle was asked by the Surface group to work on goal collaboration language, and other provisions, that would be utilized by the NFTA and other entities in the agreement. Michelle did superior work on this project and the nearly thirty transit agencies that belong to ABBG recognized Michelle for her leadership on this item.

D. Baggage Claim Expansion Project at BNIA: In 2017, the NFTA began advanced



design of the Buffalo Airport's baggage claim and terminal expansion project. This project will double the capacity of the baggage claim area to improve passenger traffic, security and terminal access. Mary Perla has provided significant assistance to the Aviation group in multiple areas for this project including procurement and drafting and reviewing legal agreements. Construction is scheduled for late spring 2018.

E. Rails to Trails: In 2002, Erie County initiated the rail to trail project seeking



federal funding and began working with partners at the New York State Department of Transportation, NFTA, Town of Tonawanda and the City of Tonawanda on the project planning and funding mechanisms as well as the operation and maintenance needs. This trail, constructed in 2016 by Erie County, is operated by the Town of Tonawanda and City of Tonawanda in their respective jurisdictions thru a cooperative agreement with the NFTA (<http://www.tonawanda.ny.us/services/highlighted-projects/tonawanda-rails-to-trails>). This project has received wide public praise and because of its success the County of Erie and City of Tonawanda wished to expand certain portions of the trail on NFTA land. Michelle was able to resolve indemnification issues and develop language to protect the NFTA so that this important public project could expand and continue.

F. Runway Rehabilitation at BNIA: In 2017, the NFTA completed a runway



rehabilitation of the crosswind 14/32 runway at BNIA. In addition to the pavement improvements, this \$15 million project also upgraded the edge lighting on the runway. Mary Perla provided significant and outstanding legal assistance to keep this project moving forward to completion.

G. FTA Civil Rights Complaint/Revisions to Paratransit Access Line Policy: The



FTA received a complaint alleging that the NFTA had acted improperly with respect to its policy regarding paratransit (PAL) pickups/drop-offs at a customer's home. After investigation, the FTA concluded that the NFTA had acted properly in all respects. The FTA concluded the NFTA's actions in surveying the customer's driveway in

response to her request, modifying its curb-to-curb policy to provide door-to-door assistance at the home, and promptly re-instructing the driver involved in the April 4, 2017 incident were proper and noted that the NFTA was fully responsive to the complaint. Michelle provided extensive support and advocacy for the NFTA's position which resulted in this positive outcome with the FTA.

H. Buffalo Niagara International Airport Rescue Fire Fighting Facility: The



NFTA completed construction on a new Airport Rescue Fire Fighting facility at BNIA. This \$11 million 24,000 square foot facility is equipped with state of the art amenities to improve response time and emergency services that are provided to the Buffalo Airport. Mary Perla was instrumental in resolving numerous legal, environment and logistical issues that came up

during the construction phase.

I. Property Arrears Policies, Procedures and Checklist: Michelle provides

extensive support, guidance and assistance to the Property group. This support comes in many different forms including the preparation of legal disposition documents but she is also constantly on the lookout for best real estate practices to recommend to the group. To that end, Michelle developed and implemented new policy and procedure for Property to follow to improve our chances of collecting arrears from defaulting tenants. Among other positives, this new approach should minimize the amount outstanding at the time of default and ensure that we are well-positioned to substantiate future default cases in a cost-effective manner. Michelle advised the Property group on a new form of a Lease Abstract (term sheet) to be utilized by Property for all new leases. The Lease Abstract reflects all material terms and conditions, including those related to tenant improvements and allowances, and should enable the Property group to more quickly and accurately reach lease terms with prospective tenants.

J. Holiday Music License at BNIA: As the holiday season approached, we were



contacted by a music rights company alleging that we could not allow live performances of certain licensed music by high school students and other groups that had previously performed at BNIA, without paying a music license fee. Mary Perla interceded and was able to resolve the matter. To

the pleasure of all who visit the BNIA during the holiday season, the music went on as scheduled.

- K. University at Buffalo/Allen Street Station:** This high-profile project involves the integration of the NFTA's Allen/Medical Campus light rail station into UB's newly built medical school. The project includes a complete renovation of the station along with amenities such as public art (Shasti O'Leary Soudant's new installation comprises six stainless-steel sculptures collectively titled Gut Flora consisting of colorful, 11-foot-tall structures inspired by bacteria) and concessions. Michelle worked on closing the transaction which included finalizing the Operation and Maintenance Agreement between the NFTA and UB.



- L. Freedom Wall at Cold Springs:** The NFTA and the Albright-Knox Art Gallery partnered on a number of public art initiatives. Freedom Wall, located on the city of Buffalo's East side at Ferry and Michigan Avenue, is a mural featuring the portraits of 28 civil rights leaders, both local and national. The mural runs the length of our Cold Spring bus garage. Michelle worked on the underlying legal documents authorizing this important initiative.



- M. Financing Initiatives:** Michelle worked on several important financing initiatives that were critical to the NFTA meeting its capital needs. Among other transactions, she worked on a \$9 million secured, lease-purchase financing of 16 Metro buses through Signature Public Funding and a \$15 million short-term, multi-draw working capital line of credit through M&T Bank which would provide a bridge until receipt of state and federal appropriations.

- N. Service Disabled Veteran-Owned Business (SDVOB) Initiatives:** New York State has recognized the need for greater inclusion of service-disabled veterans within New York State's economy. Goals established under State law reflect the objective to foster greater participation by Service-Disabled Veteran-Owned Businesses (SDVOBs) in the NFTA's procurement activities. Michelle has been instrumental in providing internal advice, counsel and training materials to advance this important initiative.



- O. Executive Order 162:** Under Executive Order 162, Governor Cuomo has recognized that "State government has a responsibility to lead and ensure that [a] pattern of discriminatory wage practices is confronted and addressed and does not perpetuate in New York State." Thus, Governor Cuomo's Executive Order 162 requires state contractors to disclose data on the gender, race, ethnicity, job title, and salary of employees performing work on state contracts issued and executed on or after June 1, 2017. Commencing January 1, 2018, New York State Agencies and Authorities will require that all contracts and procurements subject to Executive Law Article 15-A, and issued by on or after June 1, 2017, be required to comply with additional disclosure requirements. Michelle has provided invaluable assistance to the Procurement group to comply with these legal requirements and

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meet this deadline including advice, counsel, and developing training materials such as brief cheat sheet to ensure compliance with the law.

P. Digital Surveillance Solutions, Inc. (485 Cayuga): For this new tenant at 485 Cayuga, Michelle drafted lease provisions and provided internal advice and counsel regarding some unique features of this lease. These unique feature included a right of first refusal relating to all remaining space in Bay 1 at 485 Cayuga; \$150,000 tenant improvements allowance in the form of monthly rent credits, based on actual documented costs incurred pursuant to NFTA-approved budget and capped at \$150,000; and drop dead occupancy (and rent payment) dates, notwithstanding progress of tenant improvements, in order to protect the NFTA.

Q. NY Freedom of Information Law (FOIL) request for surveillance video on buses: Nearly the entire NFTA legal team (Vicky, Michelle, Mary and Dave) provided advice and counsel to the Records Access Officer and worked on various aspects of developing a FOIL compliant protocol for handling requests for certain video footage which implicates a “unwarranted invasion of personal privacy” under FOIL.



V. Litigation

With approximately 1,500 employees and diverse operations from bus to light rail to aviation to property management, the Office of General Counsel handles a large volume and wide variety of litigated matters ranging from personal injury to commercial cases. Unlike many large corporations who routinely refer litigation to outside counsel, the NFTA's litigators are in court, arguing motions, picking juries, trying cases and getting verdicts. Vicky-Marie J. Brunette, John P. DePaolo, Debra Kashishian, Lisa Flynn and Sheila Keane continue to make an excellent team resulting in aggressive representation of the NFTA's interests in court. The success of this team was proven again in 2017 with an outstanding appellate affirmance of a no-cause verdict in a wrongful death action, a no-cause verdict in a slip and fall case, handling an appeal in house from a jury trial that is now before the United States Court of Appeals for the Second Circuit, handling a lengthy jury trial in State Supreme Court, successful motion practice on a number of matters and skillful favorable resolution of numerous cases.

As of December 15, 2017, the Office of General Counsel retained a litigated caseload of 209 personal injury files, including automobile negligence, premises liability, wrongful death, civil rights litigation and police professional liability files, with a total self-insured reserve of approximately \$3,509,135. The breakdown was 180 active litigated personal injury cases against NFTM, with a self-insured reserve retention of approximately \$3,121,035 and 29 active litigated personal injury cases against the NFTA, with a self-insured reserve retention of approximately \$388,100.

Of the 209 files, 203 are handled in-house by the Deputy General Counsel, Vicky-Marie J. Brunette, and Counsel, John P. DePaolo, who joined the team in May. John came to us from private practice and has an extensive background in insurance defense litigation. Six litigated cases are being handled by outside counsel, pursuant to indemnity agreements, three of which John successfully tendered to insurance carriers representing co-defendants or third-party defendants in the action. The proper handling of a caseload this large requires significant work. The NFTA and NFTM are self-insured up to \$5,000,000 for each litigated matter; therefore, the potential exposure on any given case is enormous. In 2017 it is estimated that Vicky appeared at approximately 148 pre-trial conferences; drafted and argued approximately 24 pre-trial motions; conducted approximately 45 depositions; 7 mediations; 1 high/low arbitration; 2 jury trials; 1 mock jury trial; and drafted papers for various motions before the District Court and U.S. Court of Appeals relative to an appeal from a jury trial involving an excessive use of force claim.

In John's first eight months on staff, he has appeared at over 40 pre-trial conferences, has conducted 30 depositions, has filed and served numerous motions to dismiss/compel, which have resulted in cases being dismissed and others resulting in Plaintiffs complying with long overdue discovery and has aggressively defended the NFTA and Metro by filing Notices to Admit, Notices to Preclude and numerous Motions to Strike Notices for Physical Examination and Notes of Issue.

Vicky and John favorably negotiated resolutions in 40 cases short of trial. Of those matters favorably resolved, 21 involved no monetary contribution at all from NFTA or NFT Metro. Vicky is assisted by Debra Kashishian who prepares trial notebooks and pleadings in addition to obtaining medical records and other documents required for litigation. Debra also expanded her litigation support expertise to matters venued in the United States Court of Appeals for the Second Circuit this year. John is assisted by Lisa Flynn, whose technical savvy and attention to detail when handling medical records continues to be invaluable, as well as Sheila Keane. Sheila has extensive experience as a litigation paralegal and hit the ground running. We were pleased to add her to our team. Both Sheila and Lisa prepare litigation documents and records required for our ever growing defense practice

In 2017, there were 34 new cases filed against NFT Metro and NFTA. Vicky, John, Debra, Lisa and Sheila had an outstanding year as demonstrated by the following highlights in 2017.



A. Sanders v. Coughlin, et al: Plaintiff commenced this action under 42 U.S.C. § 1983 on May 20, 2011, alleging that Defendant Casey Coggins (incorrectly named as “Coughlin”) a law enforcement officer employed by Defendant NFTA, illegally seized and searched him in violation of his Fourth Amendment rights.

On May 19, 2011, Officer Coggins was on bicycle patrol of the above ground rail stations connected to the light rail rapid system. A citizen stopped Officer Coggins near the outbound Lafayette Square Rail Station and reported that he believed a man in the vicinity was carrying a gun. The citizen described the suspect as a black male wearing a black shirt, a tan baseball hat, and glasses. Officer Coggins radioed the police dispatcher to report the information and to request back up.

Meanwhile, Plaintiff was waiting for a rail car at the Lafayette Station. He matched the description of the suspect: he is a black male and was wearing a black shirt and tan baseball hat with glasses on it. Officer Coggins saw Plaintiff board the rail car when it arrived at the station. Because Plaintiff matched the description of the suspect, Officer Coggins instructed the dispatcher to hold the rail car while he investigated.

As Officer Coggins maintained visual contact with Plaintiff, a second citizen approached him and reported that he thought an individual who had just boarded the train had a gun. A third citizen joined that conversation and reported that she too thought the individual had a gun. Officer Coggins reported this additional information to the dispatcher, who advised Officer Coggins that he would hold the rail car and keep its doors open while Officer Coggins investigated. Immediately after this report, Plaintiff leaned out of the open door of the rail car. Officer Coggins was standing alongside the rail car, observed Plaintiff lean out, and instructed him to go back into the rail car and sit down. Plaintiff did not comply, and instead, leaned out further. As he did so, Officer Coggins observed a square bulge in Plaintiff's waistband under his shirt, which he believed resembled the butt of a gun. Plaintiff then motioned with his right hand in front of his waist. Believing that Plaintiff may have a gun, Officer Coggins drew his weapon in response and ordered Plaintiff out of the rail car and against the station wall. Plaintiff complied with Officer Coggins's order and stood with his hands on the wall and his feet spread. Officer Coggins, assisted now by a Buffalo Police officer, conducted a pat-down search of Plaintiff while other Buffalo Police officers searched the rail car.

The pat-down search revealed a wad of newspapers folded into an "L" shape tucked into Plaintiff's waistband. Officer Coggins then requested that Plaintiff produce identification, which he did. Plaintiff was then advised that he could leave. Plaintiff's interaction with Officer Coggins lasted approximately five minutes.

Deputy General Counsel, Vicky-Marie J. Brunette, moved for Summary Judgment on behalf of both Defendants. On March 30, 2017, United States District Judge, William Skretney, granted Defendants' motion and determined that Plaintiff's contention—that Officer Coggins should have pursued a different course of action—did not support a Fourth Amendment claim. The Court determined this was an objectively valid Terry stop and Officer Coggins had reasonable suspicion to believe that criminal conduct may be afoot and that Plaintiff was armed and dangerous.

B. Likos v. NFT Metro: A favorable jury verdict of no cause of action in this case was unanimously affirmed by the Fourth Department, Appellate Division on April 28, 2017. Vicky-Marie J. Brunette argued the appeal and co-authored the brief with former NFTA counsel, Susan Wheatley.

The underlying action arises out of a fatal motor vehicle accident that occurred on May 27, 2010 at approximately 12:00 p.m. on New Babcock Street in front of the Babcock Bus Station. A Metro bus was deadheading southbound on New Babcock Street and turning left into the Babcock Station when it was struck broad side, just in front of the right rear wheel well, by a motorcyclist traveling northbound. The motorcycle broke apart on impact and the operator came to rest on the pavement behind the bus in the northbound lane of travel near the centerline. The motorcyclist, 19 year old Tyler Likos, was pronounced dead at the scene.

The case was originally tried by Vicky before a jury in New York State Supreme Court with Justice John Michalski presiding in September 2015. During summation, Plaintiff's counsel asked the jury to award the following damages: \$3,671 for funeral expenses; \$11,000 for the cost of the motorcycle; \$500,000 for pre-impact terror; \$1,557,241 for future pecuniary loss to the decedent's mother; \$1,557,241 for future pecuniary loss to the decedent's father; and \$250,000 in future household services.

The jury returned a verdict in favor of NFT Metro and found that the actions of the bus operator were not the cause of the accident and death of Tyler Likos.

Plaintiff's counsel filed an appeal on several grounds; however, the primary argument focused on whether the trial court abused its discretion in refusing to preclude the testimony of our expert toxicologist. In its decision, the Fourth Department held that the determination whether to permit expert testimony is a mixed question of law and fact addressed primarily to the discretion of the trial court. The Court further noted that there was fair and credible evidence to support the jury's unanimous determination that the bus driver's negligence was not a proximate cause of the collision between the two vehicles and that the jury could reasonably have inferred that the bus driver could not have anticipated that decedent's motorcycle would travel toward him at 90 to 150 miles per hour and thereafter collide with the bus before it completed its turn.

C. Dunn v. Garrett, et al: This action arises out of a motor vehicle accident that occurred on February 7, 2010 at approximately 1:30 p.m. on Genesee Street, near the Buffalo Niagara International Airport, in the Town of Cheektowaga. Terry Dunn, then 43 years old, was the restrained front seat driver of a 2004 Nissan pick-up truck. The Nissan was stopped at a red light when a #24 Metro bus approached and struck the rear bumper of the pick-up and pushed the vehicle forward a car length. The bus was equipped with a digital video surveillance system and the accident was captured, downloaded and preserved for litigation.

The bus operator testified at deposition and at trial that he was traveling outbound on Genesee at approximately 20 mph when he observed a vehicle stopped at a red light. He braked and slowed to approximately 5 mph, but struck the rear of the vehicle. He offered no excuse for the accident and admitted that he had something on his mind and simply was not paying attention at the time. Based on the foregoing, we admitted liability.

In March 2013 the Plaintiff underwent a C6-C7 discectomy and fusion. In a report dated March 27, 2014, the orthopedic surgeon opined that MRIs of the spine revealed both chronic changes and traumatically induced disc herniations at multiple levels. He recommended that the Plaintiff undergo removal of the plate and screws at C6-C7 and undergo fusion of C4-C5, C5-C6, C6-C7, C7-T1 with instrumentation, both anterior and posterior, as well as intradiscal stem cell injection and/or surgical stabilization and lumbar fusion at L4-L5 and L5-S1.

A neurosurgeon examined the Plaintiff at our request on May 8, 2012 and again on August 20, 2013. He diagnosed Ms. Dunn with moderate degenerative disc disease which is due to her smoking abuse, age and genetics. He opined and testified at trial that she may have suffered some temporary mild cervical musculoskeletal myofascial pain in her neck but that the force of the impact was mild and was not significant enough to cause any permanent injury or impairment to her neck. He further reported and testified that the disc herniations and pathology seen in her cervical spine all pre-existed the accident and the accident did not contribute to this pathology. He felt that she did not require ongoing therapy, treatment, medications, injections or surgery.

This matter has a very long procedural history. The parties proceeded to a jury trial on the issue of damages only on May 12, 2014 in New York Supreme Court before the Honorable John F. O'Donnell. Prior to trial, we reached impasse at settlement negotiations. At the first trial, the Plaintiff demanded 2.8 million during closing arguments and the jury awarded \$75,000. An appeal resulted in a subsequent reversal of the jury verdict by the Fourth Department, Appellate Division. We were scheduled for a second jury trial commencing April 17, 2017. In the interim, the trial court ordered the parties to participate in the Eighth Judicial District's Alternative Dispute Resolution (ADR) program in an attempt to resolve the case short of trial. After extensive negotiations through an ADR mediator failed and, in lieu of a second costly trial, the parties ultimately agreed to binding arbitration on June 6, 2017 before a single arbitrator with undisclosed high/low parameters. Plaintiff requested that the arbitrator award her a total of over 1.1 million (\$183,504.88 for past medical expenses, \$150,000 for future medical expenses and \$775,000 for past and future pain and suffering and loss of enjoyment of life). The arbitrator awarded Plaintiff a sum that was a fraction of what was requested and significantly less than our initial offer prior to the first trial.

D. Edwards v. NFTA: This matter proceeded to a jury trial in New York Supreme Court before the Honorable Emilio Colaiacovo on the issue of liability only on September 11-13. Prior to trial, Plaintiff's counsel remained steadfast at a \$2,200,000 demand. The jury returned a verdict in favor of the NFTA of no cause of action and determined that we were not negligent. The trial was handled by Deputy General Counsel, Vicky-Marie J. Brunette.

The underlying case involved a slip and fall on the sidewalk between the west end lot and the terminal at the Buffalo Niagara International Airport on February 10, 2014. The Plaintiff was a then, 56 year old employee of United Airlines. He alleges he arrived at work at 4:15 a.m. and the sidewalk was plowed but not salted and very slippery. He testified to falling on the sidewalk earlier in the litigation and, more recently, testified to stepping off the sidewalk to get more traction and then falling as a result. The Plaintiff alleged that the NFTA had actual or constructive notice of a dangerous condition and/or created the slippery condition with the use of a Bobcat to clear the snow.

The Plaintiff sought initial treatment at Sisters Hospital for right hip and right leg pain and was discharged as ambulatory. His treatment thereafter consisted of a single lumbar spine surgery in September of 2014, right knee injections, medications, physical therapy, chiropractic treatment, use of a TENS unit, a back brace and back injections by a pain management specialist. He had not returned to work since the fall.

NFTA's Landscape Supervisor testified at length at trial about NFTA's snow removal and salting policies and procedures. Plaintiff called an expert meteorologist and a United Airlines employee to testify about the weather conditions on the morning in question, as well as the conditions of the sidewalk just prior to Plaintiff's arrival. The United employee described the sidewalk as a "skating rink" and testified that it had been plowed but not salted. He claimed he almost fell as well. We argued a lack of actual or constructive notice of the condition (as the United employee did not report the conditions he encountered) and further argued that we did not create the condition (as we had no prior complaints about the use of the Bobcat on the sidewalk). We also raised a number of arguments about the factual inconsistencies from the Plaintiff and argued at length about the reasonable measures the NFTA took to remediate snow and ice on the days leading up to and including the date of the incident in question.

E. XXXXXX v. NFTA, et al.: The underlying case involved a pedestrian versus motor vehicle accident that occurred on November 7, 2011 at approximately 7:30 a.m., on Main Street at the intersection of Amherst Street, between an 8-year-old female, and John A. Sanabria, a Porter in the Rail Department who was driving a 2005 Ford F450 pickup truck.

Just prior to the accident, the Plaintiff, her brother and their mother were walking on the sidewalk and approaching the north east corner of Main Street. As Sanabria approached the intersection, the family began crossing Main Street on a pedestrian "Don't Walk" signal. When the traffic light turned green for Sanabria, the family continued to cross Main Street, north of the pedestrian crosswalk. The Plaintiff broke free from her brother's hand and continued running across Main Street just outside of the designated crosswalk. At the same time, Sanabria began accelerating in response to the green light. He then heard a "thump" and stopped the vehicle immediately after impact. Sanabria testified that he did not see the Plaintiff prior to impact.

The Plaintiff lost her four front teeth, sustained serious injuries to her lower extremities, including a degloving to the left lower extremity, a right distal supracondylar femur fracture requiring open reduction internal fixation surgery, with eight additional surgeries, and extensive keloid scarring. Plaintiff further alleges that during the initial surgical procedure, repeated failed attempts to intubate her resulted in a loss of oxygen, such that she became hypoxic, which has left her with permanent cognitive deficits.

The Plaintiff's mother commenced this action on behalf of her daughter, in Erie County against Sanabria, NFTA and NFT Metro. Plaintiffs allege that Sanabria caused the accident through his negligent operation of the vehicle in violation of the New York State Vehicle and Traffic Law.

This matter was originally assigned to the Honorable Joseph R. Glownia in New York Supreme Court, but was transferred to the Honorable Daniel J. Furlong prior to jury selection. Jury selection took place from October 12-17 and opening arguments commenced on October 18, 2017. During the trial Plaintiff called experts to testify in the fields of dentistry, plastic surgery, neuropsychology, educational development, anesthesia, physiatry, life care planning, economics and engineering. We called experts in the fields of orthopedic surgery, neuropsychology, pediatric neurology, dentistry and accident reconstruction.

It remained our position throughout trial that there were liability arguments in our favor. In addition, although the infant Plaintiff sustained significant orthopedic injuries, our orthopedic surgeon testified and, Plaintiff's own treating physician records indicated, that she made an excellent recovery from her physical injuries. Defendants strongly disputed the nature and extent of the alleged cognitive/neuropsychological injuries.

Our Deputy General Counsel, Vicky-Marie J. Brunette, was lead counsel and co-tried this case with counsel retained by NFTA's excess carrier, AIG. After almost five weeks of trial, the case was settled during jury deliberations for a sum that was acceptable to all parties.

F. Colon v. NFTA Metro: The action arises out of an abrupt stop made by a Paratransit van on April 3, 2003 at Military and Lawn in the City of Buffalo, to avoid a vehicle that had stopped quickly in front of it. The Plaintiff was an unrestrained wheelchair passenger who fell out of her wheelchair as a result of the stop. The Plaintiff sustained fractures of the right supracondylar femur and left proximal tibia. Both the van operator and the Plaintiff died during the pendency of the litigation. John DePaolo filed a Motion to Dismiss with prejudice, which was granted.

G. Tenders of Defense

1. Banas v. NFTA v. Standard Parking, et al.: The underlying case involves a slip and fall that occurred at the Buffalo Niagara International Airport on March 31, 2014 in an employee parking lot off of Cayuga Road. The Plaintiff sustained a right distal fibula and medial malleolus fracture. John DePaolo filed a third-party action against Lakestone Development and Standard Parking and, further, successfully tendered NFTA's defense to the insurance carrier for Standard Parking.

2. Stokes v. NFTA, et al.: The underlying case involves an alleged slip and fall on black ice on February 13, 2015 at the Portage Road Transit Center, located near Tops Market and its parking lot in Niagara Falls. The Plaintiff alleges a right shoulder injury as a result of the fall. The NFTA has a license agreement with Tops Markets to utilize part of the parking lot for the Transit Center. Paolini Enterprises plows and salts the parking lot. John DePaolo successfully tendered NFTA's defense to the insurance carrier for Paolini Enterprises.

3. Bailey v. NFT Metro, et al.: The underlying case involves an alleged slip and fall on the tarmac at the Buffalo Niagara International Airport by a former employee of Prior Aviation on January 17, 2016. The Plaintiff alleges that an aircraft, headed to Prior Aviation, ran off the runway and she was involved in recovering the aircraft and getting it back onto the runway when she slipped and fell near Prior's ramp. She alleges a back injury as a result of the fall. Once again, John DePaolo successfully tendered NFTA's defense to the insurance carrier for Prior Aviation.

VI. Labor and Employment

Providing legal support to NFTA managers who work with the NFTA's 13 unions is no easy task and presents a significant challenge. Wayne Gradl, the NFTA's "labor lawyer", handles grievances, arbitrations and assists in contract negotiations with these unions. In addition, Wayne provides the NFTA/NFTM with advice regarding employee dismissals and discipline and discrimination and other Equal Employment Opportunity matters, including claims by passengers as well as representation in Federal and New York State courts and before administrative agencies such as the EEOC and New York State Division of Human Rights. Some of the significant cases and matters Wayne handled in 2017 are listed below.

A. Stay Order (International Longshoremen's Association Local 2028): Local 2028 filed a grievance protesting the NFTA's decision to no longer provide free parking at MTC to certain Local 2028 members alleging a violation of past practice. The ILA 2028 collective bargaining agreements had no language about free parking to any employees (unless their vehicles were used for Authority business), and there was no continuation of practices clause in the collective bargaining agreement. Wayne commenced an action in State Supreme Court requesting a stay arguing that the CBA only contemplated the arbitration of contract disputes and the grievance at issue did not involve any arguable breach of the CBA. By Order granted February 7, 2017, Justice James H. Dillon, granted Wayne's application for a stay.

B. CBA with Amalgamated Transit Union Local 1342: In addition to handling the voluminous employment matters alleging violations of law, CBAs and/or past practices, Wayne also provides significant advice, counsel and support to the Human Resources Department on the numerous collective bargaining negotiations that are occurring in any given year. For the first time in many years, the NFTA has successfully negotiated current CBAs with all of its thirteen unions and none are expired. That result could only be accomplished through the dedication of the Human Resources Department (Karen Novo and Lou Giardina), the support Wayne provides, and the willingness of the unions to work cooperatively with management and to meet in good faith and resolve issues as part of collective bargaining. During this year, four

collective bargaining agreements were settled and approved. Most notable was an eleven-year agreement with the Amalgamated Transit Union 1342 which had expired in July 2009. Following years of negotiation and litigation, the Board approved the collective bargaining agreement with the ATU on July 27, 2017.

C. Rail Parking Lot Resealing Arbitration: An April 13, 2017 arbitration hearing lead to a June 6, 2017 Award from Arbitrator Foster that significantly upheld the right of the Rail Department to perform necessary maintenance work with a mix of Union labor and outside contractors. In deciding in the NFTA’s favor, the Arbitrator explained that “[i]f the work has previously been done by ... a mix of contractors and unit members, then the burden on the Union to show that the subcontracting at issue is a violation of the CBA will be difficult to meet, although it may conceivably be met on ... grounds such as arbitrariness or bad faith.” Through the hard work of Wayne, the union was not able to meet that burden. This was a significant win as it maintained in the Rail Department the flexibility to get timely maintenance done with outside labor when circumstances make that option the most prudent course.

VII. Procurement Initiatives:

A. Accomplishments

The combination of the Office of General Counsel with the Procurement Department is expected to strengthen and provide added focus to this important function. In 2017 the Procurement Department added the position of Procurement Compliance Manager to the team and hired Bruce Izard to fill that position. A Procurement Compliance Specialist will be added in 2018 to provide further support to ensure compliance with MWBE, SDVOB, Executive Order 162, and other requirements.

The combined team is off to a great start. Specific MWBE and SDVOB goals are being developed and set for each formal procurement based on research into availability of sources. We are on track to meet 100% plus of our goals for 2017-2018. Finally, we are assisting in developing an overall NFTA Strategic Diversity Plan and as part of that plan we have developed a Strategic Supplier Diversity Plan.

Finally, we continue to make good personnel decision to fill important positions. Mark Pereira was hired as Inventory Control Manager. Mark oversees the inventory management function for all bus garages. Subsequently, Mark has reduced the inventory value by approximately \$157,000 over 6 months while improving inventory accuracy to over 93%.

VIII. Audits/Investigations:

Operating in a highly regulated environment, the NFTA is regularly confronted with agency audits and investigations in addition to statutory reporting responsibilities. The Office of General Counsel is frequently called upon to assist in these matters.

For example, the NY Authorities Budget Office (ABO) is empowered by its governing statutes to “initiate formal investigations in response to complaints or appearance of noncompliance by an authority” [Section (6)(2)(d) of Title 2 of Public Authorities Law.] In late 2016, ABO received a complaint from a former board member of the NFTA. The complainant alleged, among other things, that he was being denied access to specific information that he was entitled to as a board member and/or that is otherwise available under FOIL, that there are public meetings at the NFTA headquarters which do not comply with the Open Meetings Law, and that NFTA staff was not being properly evaluated for performance.

The ABO subsequently investigated the matter and found the complaint to be unsubstantiated (see ABO findings issued on February 17, 2017 at <https://www.abo.ny.gov/reports/compliancereviews/NFTA%20Review%20of%20Public%20Complaint%20Final%20Report.pdf>). Specifically, the ABO found (1) that FOIL requests were not improperly denied; (2) the NFTA’s Audit, Governance and Finance Committee did not improperly handle information requests and/or requests for audits; (3) there were no violations of the Open Meetings Law; and (4) appropriate staff performance evaluations were conducted.

In addition, one of our statutory reporting responsibilities is to report “information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings” to the New York State Office of the Inspector General. NY Executive Law §55. In 2017, Vicky-Marie Brunette, the NFTA’s Deputy General Counsel, reported to and conferred with the New York State Office of the Inspector General on several significant matters which are currently pending with that office.

IX. Use of Outside Counsel

To assist the Office of General Counsel in providing legal services to the NFTA, it is sometimes necessary to retain the service of outside counsel to assist with specialized areas or work overload. Michelle assisted the Procurement Department in developing an RFP for the procurement of legal services which was issued in the Fall of 2017. Law firms who submitted responses were scored on the basis of (1) Qualifications and Experience (demonstrated ability, references, past performance, personnel, organization, management, diversity practices, and MWBE/ SDVOB commitment); (2) Technical Criteria (Project approach, methods proposed, compliance with requirements) and (3) Cost. For the first time in the procurement of legal services, the NFTA explicitly allotted for achievable points in the categories of diversity practices and demonstrable commitment MWBE/SDVOB goals.

A total of nineteen law firms responded and after an extensive evaluation process, ten law firms were selected by the Board. In order to ensure compliance with diversity practices and MWBE/SDVOB goals, Michelle drafted and included a provision in each Legal Services Agreement as follows: “On a quarterly basis, commencing March 1, 2018, Law Firm shall provide the General Counsel with written notice of (i) any material change in its diversity policies or practices, (ii) its percentage compliance with the NFTA-established goals relating to Minority-Owned Business Enterprises, Women-Owned Business Enterprises and Service-Disabled Veteran-Owned Businesses, as set forth in the RFP, and (iii) all “good faith efforts” made to satisfy the NFTA-established goals referenced in the RFP.” As this information is received, it will be reported to the Board.

The philosophy of the office continues to be full maximum use of in-house staff, and to use outside counsel only when necessary and in the best interests of the NFTA. Over the last three years, our average annual spend for outside counsel legal expenses was approximately \$45,000 (excluding any counsel costs identified as a project expense covered by other sources).

X. Future Goals

The Office of General Counsel's goals for 2018 include; supporting initiatives of the Executive Director and the Board; assisting in the development of a Diversity Action Plan for the NFTA; continuing to support diversity in our employment practices and other activities; development of a procurement set aside program; preparing and conducting training in areas such as procurement and ethics; facilitating Transit Orientated Development Projects such as development at the DL&W terminal and other Metro light rail stops; identification of revenue enhancement opportunities; continuing focus on cost controls for outside legal counsel; identifying new training and professional development opportunities; continuation of a strong litigation posture to defend any claims asserted against the NFTA, and identifying metrics to measure, manage improve the performance of the Office of General Counsel.





End of Report