

ANALYSIS: MORE THAN HALF OF PRIVATE MTA ELEVATOR OWNERS ARE FAILING TO KEEP THEIR SUBWAY STATION ELEVATORS IN SERVICE

TRANSITCENTER NAMES NEW YORK CITY'S "WORST SUBWAY ELEVATOR LANDLORDS"

A TransitCenter review of MTA/New York City Transit elevator performance data shows eight of New York City's wealthiest property owners are falling far short of their legal obligation to ensure that the subway elevators they maintain are available at least 96.5% of the time.

From **October 2018 to September 2019**, the eight worst-performing privately-owned elevators in the subway system were in service merely **85.1%** of the time, for a combined total of **435 days of outages last year**, or an average of **54 days of outages per elevator**.¹ In total, 15 private entities own and maintain subway station elevators.

These private elevators performed worse than those maintained by the MTA, which themselves need major improvement. The MTA's elevators were available **96.4%** of the time, an average of **13 days of outages per elevator**, over the same period. By contrast, the MBTA in Boston manages an elevator uptime rate of 99.5%.

Tishman Asset Corporation, owner of the Times Square Intercontinental Hotel, is New York City's "Worst Subway Elevator Landlord." Tishman's elevator was in service a pathetic **85%** of the time, for a shocking **55 days of outages**.² Tishman dropped to the bottom of our list because, while other privately-owned elevators were out of service more, its poor performer *serves the busiest station in the entire subway system*.³

The second worst "landlord," **BSE Global**, owner of Brooklyn's Barclays Center, is responsible for the elevator at the Atlantic Avenue-Barclays Station,

¹ Elevator availability data was reported on a quarterly basis to the MTA Board.

² MTA, 2018 Annual Subway Ridership, http://web.mta.info/nyct/facts/ridership/ridership_sub_annual.htm.

³ Each privately-owned elevator that performed below MTA/New York City Transit's 24-hour availability standard of 96.5% over the annual period was tallied and then weighted by annual station ridership from 2018, the most recent ridership data available to the MTA Board.

serving 10 subway lines and L.I.R.R. commuter rail, which was out of service 98 days last year. The performance of BSE Global's elevator has hardly budged since it topped TransitCenter's previous review in fall 2018. **Genting New York, LLC** operates the subway elevator with the worst reliability, which serves the Aqueduct Racetrack station on the A line and was out of service for 103 days last year.

The five other elevators are maintained by the owners of nearby luxury condominiums, hotels, and multi-million-dollar office towers: Barclays Capital, Prism Tower at Park Avenue South, 210 Livingston Street, Two Court Square, and 7 Bryant Park.

The subway system is beset with accessibility challenges for hundreds of thousands of people with disabilities, seniors, and anyone who cannot navigate stairs. Their travel options are already constrained because 75% of stations lack ADA-accessible entry. The failure of a single elevator in one of the few accessible stations can send riders on extended, time-consuming detours through the system. To make matters worse, these privately-owned elevators serve some of the busiest and most vital stations in the subway system.

As New York City increasingly turns to the private sector to help fund subway accessibility projects, poor private elevator performance and lax oversight cannot continue. Ultimately, the failure of these property owners to provide reliable station access is a failure of the MTA to conduct proper oversight.

TransitCenter and a coalition of disability rights groups and elected officials are calling for:

- **MTA/New York City Transit** to improve oversight and strengthen the contractual remedies that apply to private developers to ensure owners pay for every day an elevator is out of service past its legal obligation. Reigning in bad actors is key to improving systemwide elevator performance and convincing the public that progress is being made on accessibility.
- **MTA/New York City Transit** to use 'off the shelf' elevator equipment where possible to help the agency and private owners source and stock spare parts and hasten repairs. Sourcing custom parts can be expensive and time-consuming.

- **Private building owners** to maintain station elevators just as they would maintain elevators in their own buildings, and to install the automatic diagnostic technology already in use in all New York City Transit station elevators so outages are accurately and immediately reported.

BACKGROUND: Real estate developers may finance eligible subway station improvements, including ADA accessible elevator entrances, in exchange for valuable concessions such as the right to construct buildings that are larger than the NYC zoning code would otherwise permit.

The developers are required to design elevators according to MTA specifications, and to hire an MTA approved contractor to oversee procurement and installation. All costs for the design, procurement, and installation of the elevator are paid by the developer. MTA/New York City Transit elevator staff conducts ongoing daily inspection and manual reporting of elevator outages but is not responsible for repairs.

Per legal agreement with MTA/New York City Transit, owners are required to manage, maintain, and repair their elevators and to keep them operational to NYCT performance standards, meaning the elevators must be available to the public 96.5% of the time.

Last October, City Council Speaker Corey Johnson proposed zoning incentives to induce more developers to pay for accessibility upgrades in nearby subway stations. The speaker also proposed speeding up the lengthy approval process for allowing such accessibility projects once the areas are rezoned.

Owner	Station	Annual Ridership- 2018	Building	Elevator ID	Average 24 Hour Availability				Total	Days Out of Service
					2018 Q4	2019 Q1	2019 Q2	2019 Q3		
Tishman Asset Corporation c/o the Intercontinental Hotel	42 St - Port Authority Bus Terminal (A,C,E)	1/472	Times Square Intercontinental Hotel	EL290X	82.69%	91.04%	95.72%	69.98%	84.86%	55
BSE Global	Atlantic Av-Barclays Ctr (2,3,4,5,B,Q)	19/472	Barclays Center	EL700X	67.84%	84.38%	83.26%	57.06%	73.14%	98
Hines Incorporated/Bank of China	42 St - Bryant Park (B,D,F,M)**	15/472	7 Bryant Park	EL295X	97.03%	91.50%	96.79%	99.43%	96.19%	14
Hines Incorporated/ Rockefeller Group	49 St (N,R,W)	37/472	Barclays Capital 745 7th Avenue	EL268X	52.16%	79.24%	91.94%	100.00%	80.84%	70
Perennially Green c/o Citi Realty Services	Court Square (7)	53/472	Two Court Square	EL445X	95.23%	96.76%	93.20%	95.27%	95.12%	18
Genting New York LLC	Aqueduct Racetrack (A)	385/472	Resorts World Casino	EL489X	60.06%	33.55%	96.13%	97.93%	71.92%	103
Toll Brothers/Equity Residential	28 St (6)	136/472	Prism Tower - 400 Park Ave South	EL279X	100.00%	91.32%	83.28%	77.08%	87.92%	44
Benenson Capital Partners/Rose Associates	Hoyt Street-Schermerhorn Street (A,C,G)**	144/472	210 Livingston Street	EL747X	88.78%	96.37%	93.79%	84.32%	90.82%	34

**Not an ADA-accessible
elevator

Average 24hr Availability:	85.10%
Total Days Out of Service:	435
Average Days Out of Service Per Elevator:	54

MTA System Average (Private and Public)	96.41%
Average Days Out of Service Per Elevator:	13