

11634

I N A S S E M B L Y

July 6, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gantt) --
read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to computing the
service payment paid to certain public transportation systems

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 3 of section 18-b of the transportation law, as
2 added by chapter 56 of the laws of 1975, paragraph (iv) as added by
3 chapter 791 of the laws of 1975, is amended to read as follows:
4 3. [The] A. EXCEPT AS SET FORTH IN PARAGRAPH B OF THIS SUBDIVISION,
5 THE quarterly service payment made to any public transportation system
6 shall not be greater than a sum computed in one of the following
7 manners:
8 (i) In the case of commuter rail, by adding the certified number of
9 commuter rail passengers multiplied by two cents per passenger and the
10 certified number of commuter rail vehicle or car miles multiplied by
11 twenty-five cents per vehicle or car mile.
12 (ii) In the case of subway or rapid transit, by adding the certified
13 number of subway or rapid transit passengers multiplied by two cents per
14 passenger and the certified numbers of subway or rapid transit vehicle
15 or car miles multiplied by eight cents per vehicle or car mile.
16 (iii) In the case of bus lines, by adding the certified number of bus
17 passengers multiplied by two cents per passenger and the certified
18 number of bus miles multiplied by seven cents per bus mile. For the
19 purposes of computing quarterly service payments only mileage accumu-
20 lated in revenue service shall be used. [Whenever] EXCEPT AS SET FORTH
21 IN PARAGRAPH B OF THIS SUBDIVISION, WHENEVER it is determined by the
22 commissioner that the amount of money appropriated for service payments
23 is less than the total amount of money for which all public transporta-
24 tion systems are eligible, the commissioner may establish on a quarterly
25 or annual basis, a maximum service payment limit which is lower than
26 that provided for in this section.
27 (iv) In the case of commuter ferry lines with the authorization for
28 payment thereof for the fiscal year nineteen hundred seventy-five--nine-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD14737-01-9

1 teen hundred seventy-six to be in the discretion of the commissioner, by
2 adding the certified number of annual ferry passengers multiplied by two
3 cents per passenger, times the certified number of annual nautical ferry
4 miles, times two-one hundred thousandths. [For] EXCEPT AS SET FORTH IN
5 PARAGRAPH B OF THIS SUBDIVISION, FOR the purposes of computing quarterly
6 service payments only mileage accumulated in revenue service shall be
7 used.

8 B. IN THE CASE OF BUS LINES PROVIDED OR CONTRACTED FOR THE PROVISION
9 OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS TRANSPORTATION SERVICES BY THE
10 ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORITY, THE CENTRAL NEW
11 YORK REGIONAL TRANSPORTATION AUTHORITY, THE NIAGARA FRONTIER TRANSPORTA-
12 TION AUTHORITY OR THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY, THE
13 SERVICE PAYMENT MADE TO EACH APPLICANT THAT MAKES APPLICATION THEREFOR
14 SHALL BE THE AMOUNT EQUAL TO THE SUM OF THE APPLICANT'S SHARE OF BASE
15 AID DETERMINED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,
16 THE AMOUNT OF DISCRETIONARY AID PAYABLE TO THE APPLICANT AS DETERMINED
17 BY THE COMMISSIONER IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARA-
18 GRAPH AND THE APPLICANT'S SHARE OF PERFORMANCE AID DETERMINED IN ACCORD-
19 ANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH.

20 "APPLICANT" SHALL MEAN THE ROCHESTER GENESEE REGIONAL TRANSPORTATION
21 AUTHORITY, THE CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, THE
22 NIAGARA FRONTIER TRANSPORTATION AUTHORITY AND THE CAPITAL DISTRICT
23 TRANSPORTATION AUTHORITY.

24 "APPLICANT SHARE" SHALL MEAN RESPECTIVE AMOUNT OF BASE AID, DISCRE-
25 TIONARY AID OR PERFORMANCE AID PAYABLE TO AN APPLICANT AND COMPUTED IN
26 ACCORDANCE WITH SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH.

27 "BASE AID" SHALL MEAN EIGHTY PERCENT OF THE AGGREGATE AMOUNT OF MONEY
28 APPROPRIATED FOR SERVICE PAYMENTS FOR BUS LINES PROVIDED OR CONTRACTED
29 FOR THE PROVISION OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS TRANSPORTA-
30 TION SERVICES BY THE ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORI-
31 TY, THE CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, THE NIAGARA
32 FRONTIER TRANSPORTATION AUTHORITY OR THE CAPITAL DISTRICT TRANSPORTATION
33 AUTHORITY.

34 "DISCRETIONARY AID" SHALL MEAN FIVE PERCENT OF THE AGGREGATE AMOUNT OF
35 MONEY APPROPRIATED FOR SERVICE PAYMENTS FOR BUS LINES PROVIDED OR
36 CONTRACTED FOR THE PROVISION OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS
37 TRANSPORTATION SERVICES BY THE ROCHESTER GENESEE REGIONAL TRANSPORTATION
38 AUTHORITY, THE CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, THE
39 NIAGARA FRONTIER TRANSPORTATION AUTHORITY OR THE CAPITAL DISTRICT TRANS-
40 PORTATION AUTHORITY.

41 "PERFORMANCE AID" SHALL MEAN FIFTEEN PERCENT OF THE AGGREGATE AMOUNT
42 OF MONEY APPROPRIATED FOR SERVICE PAYMENTS FOR BUS LINES PROVIDED OR
43 CONTRACTED FOR THE PROVISION OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS
44 TRANSPORTATION SERVICES BY THE ROCHESTER GENESEE REGIONAL TRANSPORTATION
45 AUTHORITY, THE CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, THE
46 NIAGARA FRONTIER TRANSPORTATION AUTHORITY OR THE CAPITAL DISTRICT TRANS-
47 PORTATION AUTHORITY.

48 "SERVICE AREA" SHALL MEAN THE GEOGRAPHIC AREA SERVED BY BUS LINES
49 PROVIDED OR CONTRACTED FOR THE PROVISION OF (UNDER JOINT SUPPORT
50 ARRANGEMENT) MASS TRANSPORTATION SERVICES BY THE APPLICANT.

51 "SERVICE PAYMENT" SHALL MEAN THE AMOUNT OF STATE ASSISTANCE MADE
52 AVAILABLE TO AN ELIGIBLE PUBLIC TRANSPORTATION SYSTEM BY THE COMMISSION-
53 ER, WITHIN THE PROVISIONS AND LIMITS OF THIS SECTION AND APPROPRIATIONS.

54 (I) BASE AID. THE APPLICANT'S SHARE OF BASE AID SHALL BE THE SUM OF:
55 (A) THE APPLICANT'S ALLOCABLE SHARE OF RIDERSHIP; (B) THE APPLICANT'S

1 ALLOCABLE SHARE OF SERVICE AREA; AND (C) THE APPLICANT'S ALLOCABLE SHARE
2 OF POPULATION OF SERVICE AREA.

3 "ALLOCABLE SHARE OF POPULATION OF SERVICE AREA" SHALL MEAN THE PRODUCT
4 OF: (A) A PERCENTAGE EQUAL TO THE POPULATION OF THE SERVICE AREA OF THE
5 APPLICANT DIVIDED BY THE AGGREGATE POPULATION OF THE SERVICE AREAS OF
6 ALL APPLICANTS; AND (B) THE AMOUNT EQUAL TO SEVEN AND ONE-HALF PERCENT
7 OF BASE AID.

8 "ALLOCABLE SHARE OF RIDERSHIP" SHALL MEAN WITH RESPECT TO EACH APPLI-
9 CANT THE PRODUCT OF: (A) A PERCENTAGE EQUAL TO AN APPLICANT'S RIDERSHIP
10 DIVIDED BY THE AGGREGATE RIDERSHIP OF ALL APPLICANTS; AND (B) THE AMOUNT
11 EQUAL TO EIGHTY-FIVE PERCENT OF BASE AID.

12 "ALLOCABLE SHARE OF SERVICE AREA" SHALL MEAN THE PRODUCT OF: (A) A
13 PERCENTAGE EQUAL TO THE AGGREGATE SQUARE MILES OF AN APPLICANT'S SERVICE
14 AREA DIVIDED BY THE AGGREGATE SQUARE MILES OF THE SERVICE AREAS OF ALL
15 APPLICANTS; AND (B) THE AMOUNT EQUAL TO SEVEN AND ONE-HALF PERCENT OF
16 BASE AID.

17 (II) DISCRETIONARY AID. THE COMMISSIONER SHALL DETERMINE THE SHARE OF
18 DISCRETIONARY AID PAYABLE TO EACH APPLICANT.

19 (III) PERFORMANCE AID. THE APPLICANT'S SHARE OF PERFORMANCE AID SHALL
20 BE AN AMOUNT EQUAL TO THE SUM OF THE APPLICANT'S PERCENTAGE SHARE OF
21 EACH CATEGORY. THE APPLICANT'S PERCENTAGE SHARE OF EACH CATEGORY SHALL
22 BE COMPUTED BASED ON THE RANK ORDER ASSIGNED TO THE APPLICANT FOR EACH
23 CATEGORY.

24 "BUS VEHICLE" SHALL MEAN A BUS VEHICLE PROVIDED OR CONTRACTED FOR THE
25 PROVISION OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS TRANSPORTATION
26 SERVICES BY THE APPLICANT.

27 "CATEGORY" SHALL MEAN WITH RESPECT TO PERFORMANCE AID: (A) TOTAL
28 EXPENSES TO RIDERSHIP; (B) TOTAL EXPENSES TO TOTAL VEHICLE HOURS; (C)
29 SERVICE PAYMENT TO TOTAL EXPENSES; (D) FARE AFFORDABILITY; (E) RIDERSHIP
30 TO REVENUE VEHICLE MILES; AND (F) CUSTOMER SATISFACTION.

31 "CUSTOMER SATISFACTION" SHALL MEAN THE PERCENTAGE OF SATISFACTION OF
32 APPLICANT'S CUSTOMERS AS MEASURED BY CUSTOMER SURVEYS CONDUCTED ANNUALLY
33 BY AN INDEPENDENT PERSON WITH SAMPLING AND METHODS CUSTOMARILY USED AND
34 REASONABLY DETERMINED BY THE COMMISSIONER TO BE SUFFICIENT TO MEASURE
35 CUSTOMER SATISFACTION. CUSTOMER SURVEYS SHALL MEASURE THE SATISFACTION
36 OF CUSTOMERS BY THE PERCENTAGES OF CUSTOMERS SURVEYED REPORTING THAT
37 THEY ARE NOT SATISFIED, SOMEWHAT SATISFIED, SATISFIED OR VERY SATISFIED
38 IN THE AREAS OF: (A) OVERALL PERFORMANCE; (B) BUS ON TIME ARRIVAL; (C)
39 DRIVER COURTESY AND HELPFULNESS; (D) BUSES STOPPING AND NOT PASSING BY;
40 (E) CLEANLINESS OF BUSES; (F) CLARITY AND TIMELINESS OF ANNOUNCEMENTS OF
41 STOPS; (G) EASE OF PAYING FARE; (H) EASE OF PURCHASING PASSES; (I) EASE
42 OF READING ROUTE MAPS AND BUS SCHEDULES; AND (J) EASE OF CONTACTING
43 APPLICANT. THE PERCENTAGES OF SATISFACTION IN EACH AREA SHALL BE
44 REPORTED BY THE APPLICANT TO THE COMMISSIONER PURSUANT TO PARAGRAPH (C)
45 OF SUBDIVISION FOUR OF THIS SECTION. THE PORTION OF PERFORMANCE AID
46 ALLOCABLE TO THE CATEGORY OF CUSTOMER SATISFACTION SHALL EQUAL THE PROD-
47 UCT OF: (X) THE PERCENTAGE SHARE ASSIGNED TO THE APPLICANT BASED ON ITS
48 RANK ORDER IN THE CATEGORY OF CUSTOMER SATISFACTION; AND (Y) THE AMOUNT
49 EQUAL TO FIFTEEN PERCENT OF AGGREGATE PERFORMANCE AID.

50 "DEADHEAD MILEAGE" SHALL HAVE THE MEANING GIVEN TO SUCH TERM IN THE
51 REGULATIONS OF THE COMMISSIONER.

52 "EXPENSES" SHALL MEAN THE AGGREGATE EXPENSES, AS MAY BE DETERMINED BY
53 THE COMMISSIONER, EITHER DIRECTLY OR INDIRECTLY INCURRED BY THE APPLI-
54 CANT FROM, OR IN CONNECTION WITH, THE OPERATION OF PUBLIC TRANSPORTATION
55 SERVICES DURING THE APPLICANT'S FISCAL YEAR, INCLUDING BUT NOT NECESSAR-
56 ILY LIMITED TO: TRANSPORTATION EXPENSES (WAGES, FRINGE BENEFITS, FUEL,

1 OIL, ETC.); MAINTENANCE AND GARAGE EXPENSES (REPAIRS, TIRES, ETC.);
2 STATION EXPENSES (SUPPLIES AND EXPENSES RELATING THERETO); TRAFFIC
3 EXPENSES (TICKETS, ADVERTISING, ETC.); INSURANCE AND SAFETY EXPENSES;
4 MARKETING, ADVERTISING AND OTHER REASONABLE EXPENSES DIRECTLY RELATED TO
5 THE PROVISION OF PUBLIC TRANSPORTATION SERVICE AND A REASONABLE PORTION
6 OF GENERAL ADMINISTRATION EXPENSES INCLUDING AUDITING COSTS. CAPITAL
7 EXPENSES, AND DEPRECIATION ON THE PORTION OF PLANT ASSETS PURCHASED WITH
8 GOVERNMENT FUNDS, ARE NOT CONSIDERED ALLOWABLE EXPENSES FOR THE PURPOSES
9 OF THIS PROGRAM.

10 "FARE" SHALL MEAN THE HIGHEST ONE-WAY CASH FARE PAID BY AN ADULT
11 PASSENGER UPON BOARDING A BUS VEHICLE.

12 "FARE AFFORDABILITY" SHALL MEAN THE RATIO DETERMINED BY DIVIDING THE
13 FARE BY MEDIAN INCOME OF THE APPLICANT'S SERVICE AREA. THE PORTION OF
14 PERFORMANCE AID ALLOCABLE TO THE CATEGORY OF FARE AFFORDABILITY SHALL
15 EQUAL THE PRODUCT OF: (A) THE PERCENTAGE SHARE ASSIGNED TO THE APPLICANT
16 BASED ON ITS RANK ORDER IN THE CATEGORY OF FARE AFFORDABILITY; AND (B)
17 THE AMOUNT EQUAL TO TEN PERCENT OF AGGREGATE PERFORMANCE AID.

18 "MEDIAN INCOME" SHALL MEAN THE AVERAGE OF THE MEDIAN INCOME REPORTED
19 BY THE UNITED STATES CENSUS BUREAU IN THE MOST RECENT UNITED STATES
20 CENSUS FOR ALL CENSUS TRACTS WITHIN THE SERVICE AREA.

21 "POPULATION OF SERVICE AREA" SHALL MEAN THE POPULATION OF THE SERVICE
22 AREA AS ESTIMATED IN JULY OF THE APPLICANT'S FISCAL YEAR BY THE UNITED
23 STATES CENSUS BUREAU OR IF THE UNITED STATES CENSUS BUREAU SHALL ESTI-
24 MATE POPULATION OF THE SERVICE AREA IN A DIFFERENT MONTH THAN JULY, SUCH
25 MONTH.

26 "RANK ORDER" SHALL MEAN THE RANK OF ONE, TWO, THREE, OR FOUR ASSIGNED
27 TO EACH APPLICANT FOR EACH CATEGORY. THERE SHALL BE ASSIGNED TO EACH
28 APPLICANT A RANK ORDER FROM ONE TO FOUR IN EACH OF THE FOLLOWING CATEGO-
29 RIES WITH THE LOWEST RATIO IN EACH CATEGORY BEING ASSIGNED A RANK ORDER
30 OF ONE, THE NEXT LOWEST IN EACH CATEGORY BEING ASSIGNED A RANK ORDER OF
31 TWO, THE HIGHEST RATIO IN EACH CATEGORY BEING ASSIGNED A RANK ORDER OF
32 FOUR AND SO ON: RATIO OF TOTAL EXPENSES TO RIDERSHIP; RATIO OF TOTAL
33 EXPENSES TO TOTAL VEHICLE HOURS; RATIO OF SERVICE PAYMENT TO TOTAL
34 EXPENSES; AND FARE AFFORDABILITY. THERE SHALL BE ASSIGNED TO EACH APPLI-
35 CANT A RANK ORDER FROM ONE TO FOUR IN THE CATEGORY OF RATIO OF RIDERSHIP
36 TO REVENUE VEHICLE MILES WITH THE LOWEST RATIO IN SUCH CATEGORY BEING
37 ASSIGNED A RANK ORDER OF FOUR, THE NEXT LOWEST RATIO IN SUCH CATEGORY
38 BEING ASSIGNED A RANK ORDER OF THREE, THE HIGHEST RATIO IN SUCH CATEGORY
39 BEING ASSIGNED A RANK ORDER OF ONE AND SO ON. THERE SHALL BE ASSIGNED
40 TO EACH APPLICANT A RANK ORDER FROM ONE TO FOUR IN THE CATEGORY OF
41 CUSTOMER SATISFACTION WITH THE APPLICANT REPORTING THE HIGHEST PERCENT-
42 AGE OF SATISFIED OR VERY SATISFIED CUSTOMERS IN THE AREA OF TOTAL
43 PERFORMANCE BEING ASSIGNED A RANK ORDER OF ONE, THE APPLICANT REPORTING
44 THE NEXT HIGHEST PERCENTAGE OF SATISFIED OR VERY SATISFIED CUSTOMERS IN
45 THE AREA OF TOTAL PERFORMANCE BEING ASSIGNED A RANK ORDER OF TWO, AND SO
46 ON. EACH APPLICANT SHALL RECEIVE A PERCENTAGE SHARE OF PERFORMANCE AID
47 ALLOCATED TO A CATEGORY BASED ON THE RANK ORDER ASSIGNED TO SUCH CATEGO-
48 RY AS FOLLOWS:

49 RANK ORDER	PERCENTAGE SHARE OF CATEGORY
50 1	31%
51 2	27%
52 3	23%
53 4	19%

54 "REVENUE VEHICLE MILE" SHALL MEAN THE MOVEMENT OF ONE BUS VEHICLE
55 PROVIDING MASS TRANSPORTATION SERVICES FOR A DISTANCE OF ONE MILE OF

1 REVENUE SERVICE. DEADHEAD MILEAGE IS NOT ELIGIBLE FOR CALCULATING
2 SERVICE PAYMENTS.

3 "RIDERSHIP" SHALL MEAN THE AGGREGATE NUMBER OF PASSENGERS WHO BOARD
4 BUS VEHICLES DURING THE FISCAL YEAR OF THE APPLICANT. PASSENGERS ARE
5 COUNTED EACH TIME THEY BOARD BUS VEHICLES NO MATTER HOW MANY BUS VEHIC-
6 CLES THEY USE TO TRAVEL FROM THEIR ORIGIN TO THEIR DESTINATION.

7 "RIDERSHIP TO REVENUE VEHICLE MILES" SHALL MEAN THE RATIO DETERMINED
8 BY DIVIDING RIDERSHIP BY AGGREGATE REVENUE VEHICLE MILES DURING THE
9 APPLICANT'S FISCAL YEAR. THE PORTION OF PERFORMANCE AID ALLOCABLE TO THE
10 CATEGORY OF RIDERSHIP TO REVENUE VEHICLE MILES SHALL EQUAL THE PRODUCT
11 OF: (A) THE PERCENTAGE SHARE ASSIGNED TO THE APPLICANT BASED ON ITS RANK
12 ORDER IN THE CATEGORY OF RIDERSHIP TO REVENUE VEHICLE MILES; AND (B) THE
13 AMOUNT EQUAL TO TWENTY PERCENT OF AGGREGATE PERFORMANCE AID.

14 "SERVICE PAYMENT TO TOTAL EXPENSES" SHALL MEAN THE RATIO DETERMINED BY
15 DIVIDING THE ANNUAL SERVICE PAYMENT RECEIVED BY THE APPLICANT DURING ITS
16 FISCAL YEAR DIVIDED BY EXPENSES FOR SUCH FISCAL YEAR. THE PORTION OF
17 PERFORMANCE AID ALLOCABLE TO THE CATEGORY OF SERVICE PAYMENT TO TOTAL
18 EXPENSES SHALL EQUAL THE PRODUCT OF: (A) THE PERCENTAGE SHARE ASSIGNED
19 TO THE APPLICANT BASED ON ITS RANK ORDER IN THE CATEGORY OF SERVICE
20 PAYMENT TO TOTAL EXPENSES; AND (B) THE AMOUNT EQUAL TO FIFTEEN PERCENT
21 OF AGGREGATE PERFORMANCE AID.

22 "TOTAL EXPENSES TO RIDERSHIP" SHALL MEAN THE RATIO DETERMINED BY
23 DIVIDING EXPENSES BY RIDERSHIP. THE PORTION OF PERFORMANCE AID ALLOCABLE
24 TO THE CATEGORY OF TOTAL EXPENSES TO RIDERSHIP SHALL EQUAL THE PRODUCT
25 OF: (A) THE PERCENTAGE SHARE ASSIGNED TO THE APPLICANT BASED ON ITS RANK
26 ORDER IN THE CATEGORY OF TOTAL EXPENSES TO RIDERSHIP; AND (B) THE AMOUNT
27 EQUAL TO TWENTY PERCENT OF AGGREGATE PERFORMANCE AID.

28 "TOTAL EXPENSES TO TOTAL VEHICLE HOURS" SHALL MEAN THE RATIO DETER-
29 MINED BY DIVIDING EXPENSES BY AGGREGATE VEHICLE HOURS DURING THE APPLI-
30 CANT'S FISCAL YEAR. THE PORTION OF PERFORMANCE AID ALLOCABLE TO THE
31 CATEGORY OF TOTAL EXPENSES TO TOTAL VEHICLE HOURS SHALL EQUAL THE PROD-
32 UCT OF: (A) THE PERCENTAGE SHARE ASSIGNED TO THE APPLICANT BASED ON ITS
33 RANK ORDER IN THE CATEGORY OF TOTAL EXPENSES TO TOTAL VEHICLE HOURS; AND
34 (B) THE AMOUNT EQUAL TO TWENTY PERCENT OF PERFORMANCE AID.

35 "VEHICLE HOURS" SHALL MEAN THE HOURS A BUS VEHICLE TRAVELS FROM THE
36 TIME IT PULLS OUT FROM ITS GARAGE TO GO INTO REVENUE SERVICE TO THE TIME
37 IT PULLS IN FROM REVENUE SERVICE.

38 S 2. Subdivision 4 of section 18-b of the transportation law, as added
39 by chapter 56 of the laws of 1975, is amended to read as follows:

40 4. a. [All] EXCEPT AS SET FORTH IN PARAGRAPH C OF THIS SUBDIVISION,
41 ALL service payments shall be made upon an application of the public
42 transportation system. Such application shall be filed between the
43 second and the seventeenth day of the first month of each quarter. Upon
44 application, the chief executive officer of each public transportation
45 system shall certify to the commissioner, the total number of passengers
46 such system estimates that it will carry and the total number of vehicle
47 or car miles such system estimates that its equipment will travel in
48 revenue service during the quarter for which such installment is to be
49 paid.

50 Upon receipt and approval of such application and certifications the
51 commissioner shall, by the tenth day of the next succeeding month, pay
52 to the public transportation operator, the quarterly service payment.

53 b. [The] EXCEPT AS SET FORTH IN PARAGRAPH C OF THIS SUBDIVISION, THE
54 chief executive officer of each public transportation system receiving a
55 quarterly service payment pursuant to this section shall certify to the
56 commissioner, within fifteen days after the end of the quarter for which

1 a service payment was received, the actual total number of passengers
2 carried by the system during such quarter and the actual total vehicle
3 or car miles the system's equipment traveled in revenue service during
4 such quarter, and based upon such actual totals, the commissioner shall
5 make such adjustments as may be appropriate in the amount of the service
6 payment for such system for the succeeding quarter.

7 C. IN THE CASE OF BUS LINES PROVIDED OR CONTRACTED FOR THE PROVISION
8 OF (UNDER JOINT SUPPORT ARRANGEMENT) MASS TRANSPORTATION SERVICES BY THE
9 ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORITY, THE CENTRAL NEW
10 YORK REGIONAL TRANSPORTATION AUTHORITY, THE NIAGARA FRONTIER TRANSPORTA-
11 TION AUTHORITY OR THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY, ALL
12 SERVICE PAYMENTS SHALL BE MADE UPON APPLICATION OF THE PUBLIC TRANSPOR-
13 TATION SYSTEM. SUCH APPLICATION SHALL BE FILED WITHIN NINETY DAYS AFTER
14 THE END OF EACH FISCAL YEAR OF THE PUBLIC TRANSPORTATION SYSTEM ACCOMPA-
15 NIED BY THE AUDITED ANNUAL FINANCIAL REPORT OF THE PUBLIC TRANSPORTATION
16 SYSTEM. THE APPLICATION SHALL CONTAIN THE INFORMATION REQUIRED BY PARA-
17 GRAPH B OF SUBDIVISION THREE OF THIS SECTION AND SHALL COMPUTE THE
18 PUBLIC TRANSPORTATION SYSTEM'S SHARE OF BASE AID AND PERFORMANCE AID.
19 THE CHIEF EXECUTIVE OFFICER OF EACH PUBLIC TRANSPORTATION SYSTEM SHALL
20 CERTIFY TO THE COMMISSIONER THE INFORMATION SET FORTH IN THE APPLICATION
21 AND APPLICANT'S SHARE OF BASE AID AND PERFORMANCE AID COMPUTED THEREIN.
22 UPON RECEIPT OF THE APPLICATION AND CERTIFICATION THE COMMISSIONER SHALL
23 DETERMINE THE APPLICANT'S SHARE OF DISCRETIONARY AID TO BE PAID TO THE
24 PUBLIC TRANSPORTATION SYSTEM. THE QUARTERLY SERVICE PAYMENT FOR THE
25 FOLLOWING FISCAL YEAR OF THE PUBLIC TRANSPORTATION SYSTEM SHALL BE EQUAL
26 TO THE SUM OF ONE-QUARTER OF THE APPLICANT'S SHARE OF BASE AID AND
27 PERFORMANCE AID BASED ON THE INFORMATION SET FORTH IN THE APPLICATION
28 AND ONE-QUARTER OF THE APPLICANT'S SHARE OF DISCRETIONARY AID DETERMINED
29 BY THE COMMISSIONER. THE COMMISSIONER SHALL, BY THE TENTH DAY OF APRIL,
30 JULY, OCTOBER AND JANUARY IN THE NEXT SUCCEEDING FISCAL YEAR OF THE
31 PUBLIC TRANSPORTATION SYSTEM, PAY TO THE PUBLIC TRANSPORTATION SYSTEM,
32 THE QUARTERLY SERVICE PAYMENT.

33 S 3. This act shall take effect immediately.