

S. 1387

A. 3952

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2009

IN SENATE -- Introduced by Sens. DUANE, ADAMS, HUNTLEY, KRUEGER, MONTGOMERY, PERKINS, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

IN ASSEMBLY -- Introduced by M. of A. KELLNER, DINOWITZ, ESPAILLAT, FIELDS, JAFFEE, MILLMAN, J. RIVERA, ROSENTHAL, SCHIMEL, SPANO, WEISENBERG -- Multi-Sponsored by -- M. of A. BING, CAHILL, COOK, DIAZ, GLICK, KOON, MAYERSOHN, McDONOUGH, PHEFFER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to ensuring public accessibility in certain mass transit and rapid transit stations

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

1 Section 1. Section 1277 of the public authorities law, as amended by
2 chapter 161 of the laws of 2000, is amended to read as follows:
3 S 1277. Station operation and maintenance. The operation, maintenance
4 and use of passenger stations shall be public purposes of the city of
5 New York and the counties within the district. 1. (A) The total cost to
6 the authority and each of its subsidiary corporations of operation,
7 maintenance and use of each passenger station within the district
8 served by one or more railroad facilities of the authority or of such
9 subsidiary corporation, including the buildings, appurtenances, plat-
10 forms, lands and approaches incidental or adjacent thereto, shall be
11 borne by the city of New York if such station is located in such city
12 or, if not located in such city, by such county within the district in
13 which such station is located. On or before June first of each year, the
14 authority shall, in accordance with the method specified herein, deter-
15 mine and certify to the city of New York and to each county within the
16 district the respective allocation of costs related to the operation,
17 maintenance and use of passenger stations within such city and each such

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

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1 other county, for the twelve month period ending the preceding March
2 thirty-first.
3 For the year commencing April first, nineteen hundred ninety-nine, the
4 total payment amount to be billed by the authority for the operation,
5 maintenance and use of each passenger station within the city of New
6 York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam,
7 Orange, and Rockland shall be calculated by summing the total amount
8 listed in the base amount table plus an adjustment to such base year
9 amount equal to the base amount times the increase or decrease in the
10 Consumer Price Index for Wage Earners and Clerical Workers for the New
11 York, Northeastern-New Jersey Standard Metropolitan Statistical Area for
12 the twelve-month period being billed.

13 BASE AMOUNT TABLE

14	County	Base Amount
15	Nassau	\$19,200,000
16	Suffolk	\$11,834,091
17	Westchester	\$13,269,310
18	Dutchess	\$ 1,581,880
19	Putnam	\$ 618,619
20	Orange	\$ 327,247
21	Rockland	\$ 34,791
22	City of New York	\$61,435,330

23 For each year thereafter, such total payment for each such county shall
24 be the same amount as the total payment during the immediately prior
25 year, plus an adjustment equal to the prior year amount times the
26 increase or decrease in the Consumer Price Index for Wage Earners and
27 Clerical Workers for the New York, Northeastern-New Jersey Standard
28 Metropolitan Statistical Area for the twelve-month period being billed.

29 (B) On or before the following September first, of each year, such
30 city and each such county shall pay to the authority such cost or amount
31 so certified to it on or before the preceding June first. Such city and
32 each such county shall have power to finance such costs to it by the
33 issuance of budget notes pursuant to section 29.00 of the local finance
34 law. For the year beginning April first, two thousand four, the authori-
35 ty, the city of New York and the counties of Nassau, Suffolk, Westches-
36 ter, Dutchess, Putnam, Orange, and Rockland may, after having reached an
37 agreement, recommend to the legislature modifications to the amounts set
38 forth above based upon changes made to commuter services including but
39 not limited to changes in the number of passenger stations within such
40 counties or the level of commuter rail service provided to any such
41 passenger stations. Failure between the authority and between the coun-
42 ties to reach agreement will be referred to the state comptroller for
43 mediation. If the mediation is unsuccessful, each party and the state
44 comptroller may submit a recommendation to the governor and the legisla-
45 ture for legislative action.

46 (C) In the event that a city or county shall fail to make payment to
47 the authority for station maintenance as required pursuant to this
48 section, or any part thereof, the chief executive officer of the author-
49 ity or such other person as the chairman shall designate shall certify
50 to the state comptroller the amount due and owing the authority at the
51 end of the state fiscal year and the state comptroller shall withhold an
52 equivalent amount from the next succeeding state aid allocated to such
53 county or city from the motor fuel tax and the motor vehicle registra-
54 tion fee distributed pursuant to former section one hundred twelve of

1 the highway law, or amounts distributed pursuant to section ten-c of the
2 highway law, or per capita local assistance pursuant to section fifty-
3 four of the state finance law subject to the following limitations:
4 prior to withholding amounts due the authority from such county or city,
5 the comptroller shall pay in full any amount due the state of New York
6 municipal bond bank agency, on account of any such county's or city's
7 obligation to such agency; the city university construction fund pursu-
8 ant to the provisions of the city university construction fund act; the
9 New York city housing development corporation, pursuant to the
10 provisions of the New York city housing development corporation act
11 (article twelve of the private housing finance law); and the transit
12 construction fund pursuant to the provisions of title nine-A of article
13 five of this chapter. The comptroller shall give the director of the
14 budget notification of any such payment. Such amount or amounts so with-
15 held by the comptroller shall be paid to the authority and the authority
16 shall use such amount for the repayment of the state advances hereby
17 authorized. When such amount or amounts are received by the authority,
18 it shall credit such amounts against any amounts due and owing by the
19 city or county on whose account such amount was withheld and paid.

20 2. NOTWITHSTANDING ANY LAW, ADMINISTRATIVE CODE, RULE OR REGULATION TO
21 THE CONTRARY, THE MAINTENANCE OF ESCALATORS, ELEVATORS, WHEELCHAIR LIFTS
22 ON CITY BUSES AND OTHER FACILITIES IN PASSENGER STATIONS THAT EXPAND USE
23 TO PERSONS WITH DISABILITIES SHALL BE A PRIORITY OF THE AUTHORITY. THE
24 AUTHORITY SHALL PROVIDE FOR A DAILY INSPECTION OF EACH SUCH STATION AND
25 CITY BUS. IF AN ESCALATOR, ELEVATOR, WHEELCHAIR LIFT OR OTHER FACILITY
26 IS DEEMED INOPERABLE DURING SUCH INSPECTION, THE AUTHORITY SHALL IMME-
27 DIATELY INITIATE REPAIR AND FILE A WRITTEN REPORT WITH THE AUTHORITY
28 INSPECTOR GENERAL AND THE MANAGEMENT ADVISORY BOARD. IF SUCH ESCALATOR,
29 ELEVATOR, WHEELCHAIR LIFT OR OTHER FACILITY IS DEEMED INOPERABLE FOR TWO
30 OR MORE CONSECUTIVE DAILY INSPECTIONS, SUCH INSPECTOR GENERAL SHALL,
31 UPON REVIEW OF THE REPAIR STATUS, ISSUE OR APPROVE AN EMERGENCY REPAIR
32 ORDER AND SHALL MONITOR THE REPAIR PROCESS OF SUCH FACILITY TO ENSURE
33 EXPEDITIOUS RETURN TO SERVICE. FOR PURPOSES OF THIS SECTION, AN ESCALA-
34 TOR, ELEVATOR, WHEELCHAIR LIFT OR OTHER FACILITY MUST BE CONSIDERED
35 INOPERABLE WHEN IT CANNOT REASONABLY ACCOMMODATE A WHEELCHAIR USER OR
36 OTHER PERSONS WITH DISABILITIES IN THE WAY IT WAS ORIGINALLY DESIGNED
37 TO. DAILY INSPECTIONS AND REPORTS SHALL CONTINUE DURING EACH PERIOD OF
38 REPAIR FOR THE ANNUAL REPORTING REQUIREMENTS PROVIDED IN SUBDIVISION
39 FOUR OF SECTION TWELVE HUNDRED SEVENTY-NINE-A OF THIS TITLE.

40 S 2. Section 1279-a of the public authorities law, as added by chapter
41 427 of the laws of 1983, is amended to read as follows:

42 S 1279-a. Management advisory board. 1. There is hereby created in the
43 office of the metropolitan transportation authority inspector general a
44 management advisory board, consisting of thirteen members appointed by
45 the governor, of whom two shall be appointed upon nomination by the
46 temporary president of the senate, two upon nomination by the speaker of
47 the assembly, one upon nomination by the minority leader of the senate
48 and one upon nomination by the minority leader of the assembly. All
49 members shall serve for a term of three years, except that, of the two
50 members first appointed upon nomination by the temporary president of
51 the senate, one shall serve for a term of two years and one shall serve
52 for a term of one year; of the two members first appointed upon nomi-
53 nation by the speaker of the assembly, one shall serve for a term of two
54 years and one shall serve for a term of one year; and, of two of the
55 members first appointed by the governor without nomination by any other
56 person, two shall each serve for a term of two years and two shall each

1 serve for a term of one year. One of the members appointed to the
2 management advisory board directly by the governor shall be designated
3 by the governor to serve as its [chairman] CHAIRPERSON.

4 2. All members of the management advisory board shall be residents of
5 the metropolitan transportation district, PATRONS OF THE MASS TRANSIT
6 AND RAPID TRANSIT SYSTEMS and shall be persons with substantial experi-
7 ence in the management of private enterprise, in the delivery of public
8 services, or in labor or labor-management relations.

9 3. The management advisory board shall assist the metropolitan trans-
10 portation authority inspector general in identifying ways to improve
11 services, ACCESSIBILITY FOR PERSONS WITH DISABILITIES, MAINTENANCE OF
12 PASSENGER STATIONS AND WHEELCHAIR LIFTS ON CITY BUSES, reduce costs and
13 increase the efficiency of the authority and its subsidiaries, the
14 Triborough bridge and tunnel authority or the New York city transit
15 authority and its subsidiary.

16 4. No later than April first, nineteen hundred eighty-four, and annu-
17 ally thereafter, the management advisory board shall submit to the
18 governor and the legislature a report on its activities during the
19 previous year.

20 5. The office of the metropolitan transportation authority inspector
21 general shall provide the management advisory board with such staff
22 support as may be required for the performance of its duties.

23 6. Members of the management advisory board shall serve without
24 compensation, but shall be reimbursed for expenses reasonably incurred
25 in the performance of their duties.

26 S 3. This act shall take effect on the thirtieth day after it shall
27 have become a law.