S T A T E O F N E W Y O R K

4751

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. BRENNAN, CLARK, GOTTFRIED, ORTIZ, GREENE, COLTON, PHEFFER -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, COOK, DINOWITZ, GLICK, JACOBS, JOHN, MAISEL, MILLMAN, NOLAN, SCARBOROUGH -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to public hearings to be conducted by the New York city transit authority

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

Section 1. Section 1200 of the public authorities law is amended by adding a new subdivision 19 to read as follows:

19. "SUBSTANTIAL CHANGE IN SERVICE." A REDUCTION OR ADDITION OF RAPID TRANSIT OR OMNIBUS SERVICE FURNISHED BY THE AUTHORITY WHICH HAS AN EFFECT UPON ONE THOUSAND OR MORE PASSENGERS DAILY. SUBSTANTIAL CHANGES IN SERVICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ELIMINATION OR ADDITION OF PASSENGER STATION STOPS ON A SERVICE, A CHANGE OF TEN PERCENT OR MORE IN HEADWAYS ON A SERVICE, AND A CHANGE OF TEN PERCENT OR MORE IN TRANSIT REVENUE MILES ON A SERVICE, BUT SHALL NOT INCLUDE THE PERMANENT OR TEMPORARY CLOSING OF A PASSENGER STATION.

S 2. Subdivision 4 of section 1205 of the public authorities law, as added by chapter 717 of the laws of 1967, is amended to read as follows:

4. [From and after March first, nineteen hundred sixty-eight, no] (A) NO substantial [or general] change in [the levels of] service [furnished upon the rapid transit facilities or the omnibus line facilities of the authority] shall be instituted except [upon] AFTER (I) not less than thirty days' written notice to the mayor [and to the board of estimate] AND (II) ONE OR MORE PUBLIC HEARINGS HELD IN THE COUNTY OR COUNTIES WHERE THE SUBSTANTIAL CHANGE IN SERVICE WILL HAVE AN IMPACT AT LEAST THIRTY DAYS PRIOR TO THE INSTITUTION OF THE SUBSTANTIAL CHANGE IN SERVICE; AND AFTER THE AUTHORITY HAS PROVIDED NOTICE OF SUCH HEARINGS THROUGH ADVERTISEMENTS IN NEWSPAPERS AND SIGNS OR POSTERS IN RAPID TRAN-

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

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SIT AND OMNIBUS LINE FACILITIES, AT LEAST TWENTY DAYS PRIOR TO THE HEARING.

(B) THE AUTHORITY SHALL GIVE DUE AND PROPER CONSIDERATION TO THE VIEWS AND COMMENTS EXPRESSED AT THE PUBLIC HEARINGS, ESPECIALLY AS SUCH VIEWS AND COMMENTS ADDRESS THE SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACT OF THE SUBSTANTIAL CHANGE IN SERVICE. NO LATER THAN TWENTY DAYS AFTER A PUBLIC HEARING, AND IN NO CASE LATER THAN FIVE DAYS PRIOR TO THE INSTITUTION OF THE SUBSTANTIAL CHANGE IN SERVICE, THE AUTHORITY SHALL ISSUE A REPORT ON THE PUBLIC HEARINGS AND EITHER MODIFY, REJECT OR ADOPT THE PROPOSED SUBSTANTIAL CHANGE IN SERVICE.

(C) THIS SUBDIVISION SHALL NOT APPLY TO SUBSTANTIAL CHANGES IN SERVICE WITH A PROJECTED DURATION OF LESS THAN ONE HUNDRED EIGHTY DAYS, NOR TO SUBSTANTIAL CHANGES IN SERVICE RESULTING FROM AN EMERGENCY SUCH THAT PUBLIC HEARINGS CANNOT TAKE PLACE WITHOUT IMPERILING THE SAFETY OF PASSENGERS.

S 3. Section 1212 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. ANY RESIDENT OF THE CITY OF NEW YORK SHALL HAVE STANDING TO BRING AN ACTION PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES AGAINST THE AUTHORITY WHERE SUCH ACTION ARISES UNDER SUBDIVISION FOUR OR FIVE OF SECTION TWELVE HUNDRED FIVE OF THIS TITLE.

S 4. This act shall take effect immediately.