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

6014

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. GOTTFRIED, ESPAILLAT, COLTON, NOLAN, PHEFFER -- Multi-Sponsored by -- M. of A. ABBATE, CLARK, COOK, GLICK, JACOBS, MAYERSOHN, MILLMAN, SEMINERIO, TOWNS -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the New York city charter and the public authorities law, in relation to the jurisdiction of the fire department over the metropolitan transportation authority

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

Section 1. The opening paragraph and the closing paragraph of section 488 of the New York city charter are designated subdivisions a and b and a new subdivision c is added to read as follows:

C. NOTWITHSTANDING ANY CONTRARY PROVISION OF STATE OR LOCAL LAW, THE JURISDICTION OF THE COMMISSIONER UNDER THIS SECTION, AND THE APPLICATION OF THE LAWS, RULES AND REGULATIONS THAT ARE TO BE ENFORCED BY THE COMMISSIONER UNDER THIS SECTION, SHALL EXTEND TO THE METROPOLITAN TRANSPORTATION AUTHORITY, THE NEW YORK CITY TRANSIT AUTHORITY, ANY SUBSIDIARY OF EITHER AUTHORITY, AND ANY FACILITIES OWNED, OPERATED, OR USED BY ANY OF THEM, WITHIN THE CITY OF NEW YORK; PROVIDED, HOWEVER, THAT UNDER NO CIRCUMSTANCES SHALL THE COMMISSIONER HAVE JURISDICTION OVER OR APPLY THE LAWS, RULES AND REGULATIONS THAT ARE TO BE ENFORCED BY THE COMMISSIONER UNDER THIS SECTION WITH RESPECT TO THE OPERATION OR USE OF LOCOMOTIVES EQUIPPED WITH DIESEL FUELED ENGINES THAT ARE OPERATED BY THE LONG ISLAND RAIL ROAD OR METRO NORTH COMMUTER RAILROAD OVER ANY RIGHT OF WAY OWNED BY, LEASED TO, OR OTHERWISE UTILIZED BY SUCH RAILROADS PURSUANT TO AGREEMENTS WITH OTHER RAILROADS. SUBJECT TO OTHER PROVISIONS OF LAW, THIS CHARTER AND LOCAL LAW, THE COMMISSIONER MAY, BY REGULATION, MODIFY OR WAIVE THE APPLICATION OF ANY SUCH LAW OR REGULATION UNDER THIS SUBDIVISION. THE COMMISSIONER MAY ALSO, BY AGREEMENT WITH ANY SUCH AUTHORITY OR SUBSIDIARY, PROVIDE SUCH MODIFICATION OR WAIVER OR OTHER PROVISIONS RELATING TO RESPONSIBILITY FOR FIRE SAFETY OR PREVENTION CONCERNING THE

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

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FACILITIES OF THE AUTHORITY OR SUBSIDIARY. ANY SUCH MODIFICATION, WAIVER OR AGREEMENT SHALL BE MADE UPON FINDINGS BY THE COMMISSIONER THAT IT IS REASONABLY NECESSARY FOR THE EFFICIENT AND EFFECTIVE OPERATION OF THE APPROPRIATE AUTHORITY OR SUBSIDIARY AND IS CONSISTENT WITH THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE. THE COMMISSIONER SHALL STUDY THE APPLICATION OF SUCH LAWS AND REGULATIONS TO THE AUTHORITIES, SUBSIDIARIES AND FACILITIES, IN CONSULTATION WITH THE AUTHORITIES AND SUBSIDIARIES, AND MAY, FROM TIME TO TIME MAKE RECOMMENDATIONS TO THE MAYOR AND THE COUNCIL CONCERNING AMENDMENTS TO THIS CHARTER AND THE ADMINISTRATIVE CODE RELATING THERETO.

S 2. The public authorities law is amended by adding a new section 1277-b to read as follows:

S 1277-B. JURISDICTION OF THE NEW YORK CITY FIRE DEPARTMENT. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, THE JURISDICTION OF THE FIRE COMMISSIONER OF THE CITY OF NEW YORK, AND THE APPLICATION OF THE LAWS, RULES AND REGULATIONS THAT ARE TO BE ENFORCED BY THE COMMISSIONER UNDER SECTION FOUR HUNDRED EIGHTY-EIGHT OF THE NEW YORK CITY CHARTER, SHALL EXTEND TO THE METROPOLITAN TRANSPORTATION AUTHORITY, THE NEW YORK CITY TRANSIT AUTHORITY, ANY SUBSIDIARY OF EITHER AUTHORITY, AND ANY FACILITIES OWNED, OPERATED OR USED BY ANY OF THEM, WITHIN THE CITY OF NEW YORK, TO THE EXTENT AND AS PROVIDED IN THAT SECTION.

S 3. This act shall take effect one year after it shall have become a law.