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

1374

2009-2010 Regular Sessions

I N S E N A T E

January 29, 2009

Introduced by Sens. STAVISKY, ADAMS, DIAZ, DUANE, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to requiring public notice and hearing prior to any planned substantial change in service

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

Section 1. Section 1205 of the public authorities law is amended by adding a new subdivision 9 to read as follows:

9. (A) FOR PURPOSES OF THIS SUBDIVISION, "SUBSTANTIAL CHANGE IN SERVICE" MEANS:

(I) ANY CHANGE IN FREQUENCY OF SERVICE OF A SURFACE ROUTE OR RAPID TRANSIT ROUTE WHICH RESULTS IN A CHANGE OF TWENTY-FIVE PERCENT OR MORE DURING ANY TWO CONSECUTIVE HOURS AT ANY RAPID TRANSIT STATION, OR ON ANY PORTION AT LEAST ONE-HALF MILE IN LENGTH OF ANY SURFACE ROUTE, COMPARED WITH THE HIGHEST LEVEL OF SERVICE PROVIDED DURING THE SAME SUCH HOURS IN THE PREVIOUS THREE YEARS; PROVIDED, HOWEVER, THAT WHERE A SUBSTANTIAL CHANGE IN SERVICE FREQUENCY ON SUCH ROUTE AT SUCH HOURS HAS BEEN IMPLEMENTED PURSUANT TO THE PROVISIONS OF THIS SECTION WITHIN THE PREVIOUS THREE YEARS, ANY SUBSEQUENT CHANGE IN SERVICE SHALL BE DEEMED SUBSTANTIAL ONLY IF IT RESULTS IN A CHANGE IN FREQUENCY OF SERVICE OF TWENTY-FIVE PERCENT OR MORE DURING ANY TWO CONSECUTIVE HOURS AT ANY RAPID TRANSIT STATION, OR ON ANY PORTION AT LEAST ONE-HALF MILE IN LENGTH OF ANY SURFACE ROUTE, COMPARED WITH THE HIGHEST LEVEL OF SERVICE PROVIDED DURING THE SAME SUCH HOURS DURING THE PERIOD OF TIME COMMENCING WITH THE DATE OF IMPLEMENTATION OF SUCH PRECEDING SUBSTANTIAL CHANGE IN SERVICE; OR

(II) ANY COMPLETE OR PARTIAL CLOSING OF A PASSENGER STATION WITHIN THE CITY OF NEW YORK, OR ANY MEANS OF PUBLIC ACCESS TO SUCH FACILITY.

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

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(B) ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND NINE, NO SUBSTANTIAL CHANGE IN SERVICE FURNISHED UPON THE RAPID TRANSIT FACILITIES OR THE OMNIBUS LINE FACILITIES OF THE AUTHORITY SHALL BE INSTITUTED, EXCEPT UPON APPROVAL BY RESOLUTION OF THE COMMITTEE ON OPERATIONS OF THE NEW YORK CITY TRANSIT AUTHORITY AND APPROVAL BY RESOLUTION OF THE METROPOLITAN TRANSPORTATION AUTHORITY, AND ONLY AFTER A PUBLIC HEARING OR HEARINGS HELD BY THE BOARD OF THE METROPOLITAN TRANSPORTATION AUTHORITY IN THE COUNTY OR COUNTIES WHEREIN THE SUBSTANTIAL CHANGE IN SERVICE WILL HAVE AN IMPACT.

SUCH HEARING SHALL BE HELD NOT LESS THAN THIRTY DAYS AFTER NOTICE OF SUCH PROPOSED SERVICE CHANGE HAS BEEN GIVEN TO, AND COMMENTS SOLICITED FROM, THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL AND THE COMMUNITY BOARD OR BOARDS AS ESTABLISHED PURSUANT TO THE NEW YORK CITY CHARTER WHOSE AREAS OF JURISDICTION INCLUDE PART OR ALL OF THE SURFACE OR RAPID TRANSIT ROUTE, OR PASSENGER STATION, AFFECTED BY THE CHANGE. NOTICE ACCOMPANIED BY THE INFORMATION SPECIFIED IN PARAGRAPH (C) OF THIS SUBDIVISION SHALL BE MADE ACCESSIBLE TO THE PUBLIC AT DESIGNATED LOCATIONS IN THE AREA AFFECTED BY THE PROPOSED SERVICE CHANGE, INCLUDING AT LEAST ONE LOCATION WITHIN THE AREA OF JURISDICTION OF EACH AFFECTED COMMUNITY BOARD.

(C) NOTICE SHALL INCLUDE:

(I) A DETAILED DESCRIPTION OF THE PROPOSED SERVICE CHANGE, INCLUDING ANY PROPOSED CHANGE IN FREQUENCY OF SERVICE; A DIAGRAM OF THE PROPOSED CHANGES, IF ANY, IN THE ROUTE SERVED; A MAP OR DIAGRAM OF AFFECTED ACCESS FACILITIES AT PASSENGER STATIONS.

(II) A PRESENTATION OF THE DATA OBTAINED BY THE AUTHORITY ON NUMBERS AND PATTERNS OF RIDERS AFFECTED BY THE PROPOSED CHANGE.

(III) A DESCRIPTION OF THE METHODOLOGY USED BY THE AUTHORITY IN OBTAINING SUCH DATA, INCLUDING THE DATES AND TIMES ON WHICH COUNTS OF RIDERS WERE TAKEN.

(IV) THE PROJECTED IMPACT ON PASSENGERS, INCLUDING THE AVERAGE INCREASE IN WAITING TIMES, IF ANY, AND THE NUMBER OF PASSENGERS AFFECTED BY SUCH INCREASE; AND THE VALUE OF THE COSTS OR BENEFITS TO PASSENGERS, OBTAINED BY ASSIGNING A DOLLAR VALUE TO PASSENGERS' TIME, AND TO FACTORS SUCH AS CROWDING, SENSE OF SECURITY, AND OTHERS.

(V) THE FINANCIAL IMPACT ON THE AUTHORITY, INCLUDING ANY COST SAVINGS EXPECTED TO BE REALIZED BY THE AUTHORITY.

(VI) A PROJECTION OF THE IMPACT ON RIDERSHIP.

AT EACH AFFECTED STATION AND ON BUSES OPERATING ON EACH AFFECTED BUS ROUTE, POSTERS SHALL BE DISPLAYED PROVIDING A GENERAL DESCRIPTION OF THE PROPOSED SERVICE CHANGE, IDENTIFYING THE LOCATIONS AT WHICH THE INFORMATION REQUIRED BY THIS PARAGRAPH IS ACCESSIBLE TO THE PUBLIC, INFORMING THE PUBLIC OF THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING OR HEARINGS AND OF THE BOARD MEETING AT WHICH THE CHANGE WILL BE ON THE AGENDA, AND STATING THAT THE PUBLIC MAY SPEAK AT SUCH MEETING PURSUANT TO PARAGRAPH (C) OF SUBDIVISION FOUR OF SECTION TWELVE HUNDRED SIXTY-THREE OF THIS ARTICLE. THE PUBLIC SHALL BE NOTIFIED OF ANY CHANGE IN THE TIME AND PLACE OF SUCH HEARING OR HEARINGS AND OF SUCH BOARD MEETING BY NOTICES AT ALL OF THE ABOVE LOCATIONS.

(D) THE AUTHORITY SHALL PERFORM PASSENGER COUNTS ON THE AFFECTED SERVICES SIX MONTHS AFTER IMPLEMENTATION OF EACH SUBSTANTIAL SERVICE CHANGE. SUCH COUNTS, ACCOMPANIED BY THE ORIGINAL PROJECTIONS OF IMPACT ON RIDERSHIP, SHALL BE REPORTED TO THE BOARD AND THE PUBLIC.

(E) 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 2. Paragraph (c) of subdivision 4 of section 1263 of the public authorities law, as added by chapter 247 of the laws of 1990, is amended to read as follows:

(c) The [chairman] CHAIRPERSON shall ensure that at every meeting of the board and at every meeting of each committee the public shall be allotted a period of time, not less than thirty minutes, to speak on any topic on the agenda. EACH SPEAKER SHALL BE ALLOTTED NOT LESS THAN FIVE MINUTES OF SPEAKING TIME, EXCEPT THAT WHEN THE NUMBER OF REGISTERED SPEAKERS IS SUCH THAT THE THIRTY MINUTE DURATION WOULD BE SUBSTANTIALLY EXCEEDED, THE ALLOTTED SPEAKING TIMES MAY BE REDUCED TO NOT LESS THAN THREE MINUTES. THE CHAIRPERSON MAY, AT HIS OR HER DISCRETION, END THE PUBLIC SPEAKING PERIOD AFTER SEVENTY-FIVE MINUTES. AGENDAS FOR EVERY MEETING OF THE BOARD AND EVERY MEETING OF EACH COMMITTEE THEREOF SHALL BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC NOT LESS THAN SEVEN DAYS PRIOR TO EACH MEETING AT THE HEADQUARTERS OF THE AUTHORITY AND AT LEAST ONE DESIGNATED LOCATION WITHIN EACH COUNTY WHERE THE AUTHORITY PROVIDES SERVICE.

THE MINUTES OF EACH MEETING SHALL RECORD THE COMMENTS OF THE PUBLIC SPEAKERS WITH THE SAME LEVEL OF DETAIL AS IS ACCORDED TO ANY OTHER PART OF THE AGENDA.

S 3. This act shall take effect immediately.