

6149

2009-2010 Regular Sessions

I N S E N A T E

August 31, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public buildings law, in relation to bicycle access to public office buildings

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

1 Section 1. Section 11 of the public buildings law, as added by chapter  
2 819 of the laws of 1987 and subdivision 2 as amended by chapter 126 of  
3 the laws of 1988, is amended to read as follows:  
4 S 11. Pilot program of bicycle parking facilities. 1. Legislative  
5 finding. In recognition of the role which bicycles can serve as a valu-  
6 able transportation mode with energy conservation, health, PHYSICAL  
7 FITNESS and environmental benefits, it is hereby declared to be the  
8 policy of the state that provision for adequate and safe bicycle facili-  
9 ties including the use of present facilities for safe and secure bicycle  
10 parking AND STORAGE be included in the planning [and], development,  
11 CONSTRUCTION OR RECONSTRUCTION of all state facilities.  
12 2. (a) The commissioner of general services shall undertake a [pilot]  
13 program for THE provision and promotion of safe and secure bicycle park-  
14 ing facilities at state office buildings FOR STATE EMPLOYEES AND VISI-  
15 TORS AT SUCH BUILDINGS. The commissioner[, within one year of the enact-  
16 ment of this section,] OF GENERAL SERVICES shall provide, at the  
17 principal office buildings under his OR HER superintendence at the  
18 Nelson A. Rockefeller Empire State Plaza in Albany, New York, secure  
19 bicycle parking facilities for use by employees and visitors. PROVIDED,  
20 FURTHER, THAT THE COMMISSIONER OF GENERAL SERVICES SHALL MAKE AN INVEN-  
21 TORY OF ALL EXISTING BICYCLE PARKING AND STORAGE FACILITIES AT ALL STATE  
22 OFFICE BUILDINGS AND OFFICE BUILDINGS IN WHICH THE STATE LEASES OR OCCU-  
23 PIES SPACE. SUCH INVENTORY SHALL BE MADE ONLY OF STATE OWNED OR LEASED  
24 BUILDINGS OR OFFICES WHICH HAVE OVER THIRTY STATE EMPLOYEES LOCATED AT  
25 SUCH SITE OR IN WHICH THE VISITATION RATE BY THE GENERAL PUBLIC IS OVER

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

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1 FIVE HUNDRED VISITORS, ON AVERAGE, EACH MONTH. SUCH INVENTORY OF BICYCLE  
2 PARKING AND STORAGE FACILITIES SHALL BE COMPLETED WITHIN ONE YEAR OF THE  
3 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH  
4 AMENDED THIS SECTION.

5 (b) The commissioner OF GENERAL SERVICES is also authorized, within a  
6 reasonable period and where feasible, to provide suitable support facil-  
7 ities including clothing lockers, showers and changing facilities, and  
8 to charge a reasonable use fee.

9 (c) For the purpose of this section, the term "bicycle parking facili-  
10 ty" means a device or enclosure, located within a building or installa-  
11 tion, or conveniently adjacent thereto, that is easily accessible,  
12 clearly visible and so located as to minimize the danger of theft of  
13 bicycles. Such a device shall consist of a parking rack, locker, or  
14 other device constructed to enable the frame and both wheels of a bicy-  
15 cle to be secured with ease by use of a padlock in a manner that will  
16 minimize the risk of theft, or an enclosure which limits access to the  
17 bicycles and is under observation by an attendant.

18 3. UPON COMPLETION OF A STATE OFFICE BUILDING BICYCLE PARKING AND  
19 STORAGE FACILITIES INVENTORY PROVIDED FOR IN PARAGRAPH (A) OF SUBDIVI-  
20 SION TWO OF THIS SECTION, THE COMMISSIONER OF GENERAL SERVICES SHALL  
21 DEVELOP A PLAN TO EXPAND BICYCLE PARKING AND STORAGE FACILITIES TO  
22 ENCOURAGE THE USE OF SUCH FACILITIES BY STATE EMPLOYEES AND THE GENERAL  
23 PUBLIC THAT PATRONIZE SUCH FACILITIES TO CONDUCT PUBLIC BUSINESS. SUCH  
24 PLAN SHALL BE COMPLETED WITHIN EIGHTEEN MONTHS AFTER FINALIZATION OF THE  
25 PARKING AND STORAGE FACILITIES INVENTORY. SUCH PLAN SHALL CONTAIN AND  
26 ADDRESS THE FOLLOWING ELEMENTS TO ENCOURAGE STATE EMPLOYEES AND THE  
27 GENERAL PUBLIC TO USE BICYCLES MORE FREQUENTLY AT EACH STATE OFFICE  
28 BUILDING FACILITY OR LEASED PREMISE:

29 (A) THE INVENTORY OF BICYCLE PARKING AND STORAGE FACILITIES SHALL BE  
30 RANKED FROM HIGHEST TO LOWEST BASED ON THE EXISTING UNFULFILLED DEMAND  
31 FOR SUCH FACILITIES AT STATE OFFICE BUILDINGS. SUCH RANKING SHALL ALSO  
32 CONSIDER INCREASED FUTURE DEMAND OR THE POTENTIAL FOR INCREASED FUTURE  
33 DEMAND OF SUCH PARKING AND STORAGE FACILITIES;

34 (B) IN URBAN SETTINGS, THERE SHALL BE A PLAN TO DEVELOP AN AMPLE  
35 SUPPLY OF SECURE COVERED AND UNCOVERED OFF-STREET BICYCLE PARKING AND  
36 STORAGE OR ALTERNATE INDOOR PARKING OR STORAGE FOR SUCH BICYCLES;

37 (C) ADEQUATE POSTING OF SUCH BICYCLE PARKING AND STORAGE FACILITIES  
38 SHALL BE PROVIDED FOR AND PLACED AROUND SUCH STATE OFFICE BUILDING  
39 FACILITY TO ENCOURAGE UTILIZATION OF SUCH PARKING AND STORAGE FACILITIES  
40 BY STATE EMPLOYEES AND THE GENERAL PUBLIC;

41 (D) A MARKETING PLAN AND COMMUNITY OUTREACH EFFORT SHALL PROVIDE FOR  
42 THE DISSEMINATION OF INFORMATION TO STATE EMPLOYEES, VISITORS TO STATE  
43 OFFICE BUILDINGS, AND TO THE GENERAL PUBLIC TO ENCOURAGE INDIVIDUALS TO  
44 USE BICYCLES WHEN TRAVELING TO SUCH BUILDINGS OR FACILITIES; AND

45 (E) THE COMMISSIONER OF GENERAL SERVICES SHALL INCLUDE AND ADDRESS ANY  
46 OTHER ELEMENT IN THE PLAN AS HE OR SHE DEEMS APPROPRIATE.

47 [3] 4. In undertaking such [pilot] program, the office OF GENERAL  
48 SERVICES shall: (a) Consult with and cooperate with (i) [the statewide  
49 bicycle advisory council, (ii)] the New York state department of trans-  
50 portation regional bicycle coordinator[, (iii)]; (II) local bicycle  
51 planning groups[,]; and [(iv)] (III) persons, organizations, and groups  
52 served by, interested in, or concerned with the area under study.

53 (b) Request and receive from any department, division, board, bureau,  
54 commission or other agency of the state or any political subdivision  
55 thereof or any public authority, any assistance and data as may be

1 necessary to enable the office OF GENERAL SERVICES to carry out its  
2 responsibilities under this section.

3 [(c) On or before the first day of January, nineteen hundred eighty-  
4 nine, a report shall be submitted to the governor and the legislature  
5 which shall include a determination of usage levels, a statement outlin-  
6 ing first year progress and the elements of a statewide plan for the  
7 provision of such facilities.]

8 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE STATE OF  
9 NEW YORK OR THE OWNER, LESSEE, MANAGER OR OTHER PERSON WHO IS IN CONTROL  
10 OF A BUILDING GOVERNED BY THIS SECTION TO PROVIDE SPACE FOR STORED BICY-  
11 CLES AT SUCH BUILDING OR BROUGHT INTO SUCH BUILDING OR TO PERMIT A BICY-  
12 CLE TO BE PARKED IN A MANNER THAT VIOLATES BUILDING OR FIRE CODES OR ANY  
13 OTHER APPLICABLE LAW, RULE, OR CODE, OR WHICH OTHERWISE IMPEDES INGRESS  
14 OR EGRESS TO SUCH BUILDING.

15 6. THERE IS HEREBY ESTABLISHED A TEMPORARY BICYCLE COMMUTING TASK  
16 FORCE TO EXAMINE THE DEVELOPMENT OF SHELTERED BICYCLE PARKING IN PUBLIC  
17 SPACES.

18 (A) SUCH TASK FORCE SHALL BE COMPRISED OF TEN MEMBERS, INCLUDING THE  
19 COMMISSIONER OF GENERAL SERVICES, THE COMMISSIONER OF TRANSPORTATION,  
20 THE COMMISSIONER OF MOTOR VEHICLES, THE COMMISSIONER OF BUILDINGS AND  
21 THE COMMISSIONER OF PARKS AND RECREATION OR A DESIGNEE OF ANY SUCH  
22 COMMISSIONERS. THE REMAINING FIVE MEMBERS SHALL CONSIST OF A GROUP OF  
23 MUNICIPAL PLANNERS, BICYCLE ASSOCIATION REPRESENTATIVES, BUILDING  
24 CONTRACTORS AND ENGINEERS. THEY SHALL BE APPOINTED AS FOLLOWS: ONE  
25 MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; ONE  
26 MEMBER SHALL BE APPOINTED BY THE MAJORITY CONFERENCE LEADER OF THE  
27 SENATE; ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
28 SENATE; ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;  
29 AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
30 BLY.

31 (B) THE CHAIRPERSON OF THE TEMPORARY BICYCLE COMMUTING TASK FORCE  
32 SHALL BE THE COMMISSIONER OF GENERAL SERVICES. MEMBERS OF THE TEMPORARY  
33 BICYCLE COMMUTING TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND SHALL  
34 MEET WHEN DEEMED NECESSARY BY THE CHAIR.

35 (C) WITHIN EIGHTEEN MONTHS OF THE TEMPORARY BICYCLE COMMUTING TASK  
36 FORCE'S ESTABLISHMENT, SUCH TASK FORCE SHALL ISSUE A REPORT TO THE  
37 GOVERNOR AND THE STATE LEGISLATURE. SUCH REPORT SHALL INCLUDE, BUT NOT  
38 BE LIMITED TO (I) AN ASSESSMENT OF THE DEMAND FOR SHELTERED BICYCLE  
39 PARKING IN PUBLIC SPACES; (II) AN EXAMINATION OF THE MARKETING AND  
40 COMMUNITY OUTREACH EFFORTS NEEDED TO ENCOURAGE THE USE OF BICYCLES;  
41 (III) RECOMMENDATIONS ON ESTABLISHING PARTNERSHIPS WITH ENTITIES TO  
42 DEVELOP SHELTERED BICYCLE STORAGE AND PARKING FACILITIES IN PUBLIC SPAC-  
43 ES; AND (IV) SUGGESTIONS ON EXPANDING THE OFFICE OF GENERAL SERVICES TO  
44 LOCAL MUNICIPAL AND PRIVATE OFFICE BUILDINGS. SUCH REPORT SHALL BE POST-  
45 ED ON THE WEBSITE OF EACH STATE AGENCY THAT WAS A MEMBER OF SUCH TASK  
46 FORCE WITHIN TWENTY DAYS FROM ITS SUBMISSION TO THE GOVERNOR. THE TEMPO-  
47 RARY BICYCLE COMMUTING TASK FORCE SHALL CEASE TO EXIST THREE MONTHS  
48 AFTER THE ISSUANCE OF ITS REPORT.

49 S 2. This act shall take effect immediately.