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

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:

Section 1. Section 1277 of the public authorities law, as amended by chapter 161 of the laws of 2000, is amended to read as follows:

S 1277. Station operation and maintenance. The operation, maintenance and use of passenger stations shall be public purposes of the city of New York and the counties within the district. 1. (A) The total cost to the authority and each of its subsidiary corporations of operation, maintenance and use of each passenger station within the district serviced by one or more railroad facilities of the authority or of such subsidiary corporation, including the buildings, appurtenances, platforms, lands and approaches incidental or adjacent thereto, shall be borne by the city of New York if such station is located in such city or, if not located in such city, by such county within the district in which such station is located. On or before June first of each year, the authority shall, in accordance with the method specified herein, determine and certify to the city of New York and to each county within the district the respective allocation of costs related to the operation, 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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other county, for the twelve month period ending the preceding March thirty-first.

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

BASE AMOUNT TABLE

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

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

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

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

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

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

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

S 1279-a. Management advisory board. 1. There is hereby created in the office of the metropolitan transportation authority inspector general a management advisory board, consisting of thirteen members appointed by the governor, of whom two shall be appointed upon nomination by the temporary president of the senate, two upon nomination by the speaker of the assembly, one upon nomination by the minority leader of the senate and one upon nomination by the minority leader of the assembly. All members shall serve for a term of three years, except that, of the two members first appointed upon nomination by the temporary president of the senate, one shall serve for a term of two years and one shall serve for a term of one year; of the two members first appointed upon nomination by the speaker of the assembly, one shall serve for a term of two years and one shall serve for a term of one year; and, of two of the members first appointed by the governor without nomination by any other person, two shall each serve for a term of two years and two shall each

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

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

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

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

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

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

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