

1579

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

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

AN ACT to amend the transportation law, in relation to the statewide mass transportation operating assistance program

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

1 Section 1. Subdivision 1 of section 18-b of the transportation law, as
2 amended by chapter 921 of the laws of 1983, is amended to read as
3 follows:
4 1. Within the amounts made available therefor by appropriation, a
5 statewide mass transportation operating assistance program is hereby
6 established for the purpose of making payments toward the operating
7 expenses of public transportation systems. For the purposes of this
8 section, the term public transportation system shall mean any public
9 benefit [corporation] CORPORATION constituting a transportation authority
10 which provides or contracts for the provision of (under joint support
11 arrangements) mass transportation services, or a subsidiary thereof, or
12 any Indian tribe which provides or any county or city which provides or
13 contracts for the provision of (pursuant to section one hundred nine-
14 teen-r of the general municipal law) mass transportation services or any
15 person, firm or corporation performing intercity bus passenger service
16 as defined in subdivision three of section fourteen-g of this article
17 serving two or more counties within the state which is under contract
18 with the commissioner pursuant to such section fourteen-g to provide
19 mass transportation services OR ANY PERSON, FIRM OR CORPORATION PERFORM-
20 ING COMMUTER FERRY SERVICES AS DEFINED IN SUBDIVISION TWO OF SECTION
21 FOURTEEN-N OF THIS ARTICLE WHICH IS UNDER CONTRACT WITH THE COMMISSIONER
22 PURSUANT TO SECTION FOURTEEN-N OF THIS ARTICLE TO PROVIDE MASS TRANSPOR-
23 TATION SERVICES.

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

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1 S 2. Paragraph (iv) of subdivision 3 of section 18-b of the transpor-
2 tation law, as added by chapter 791 of the laws of 1975, is amended to
3 read as follows:

4 (iv) In the case of commuter ferry lines with the authorization for
5 payment thereof for the fiscal year nineteen hundred seventy-five--nine-
6 teen hundred seventy-six to be in the discretion of the commissioner, by
7 adding the certified number of annual ferry passengers multiplied by two
8 cents per passenger, times the certified number of annual nautical ferry
9 miles, times two-one hundred thousandths. For the purposes of computing
10 quarterly service payments only mileage accumulated in revenue service
11 shall be used. THIS SECTION SHALL NOT APPLY TO COMMUTER FERRY SERVICES
12 FOUND IN SUBDIVISION TWO OF SECTION FOURTEEN-N OF THIS ARTICLE. FOR THE
13 PURPOSES OF COMPUTING QUARTERLY SERVICE PAYMENTS TO COMMUTER FERRY
14 SERVICE AS DEFINED IN SUBDIVISION TWO OF SECTION FOURTEEN-N OF THIS
15 ARTICLE, THESE PAYMENTS WILL BE DETERMINED UNDER SEPARATE CONTRACT WITH
16 THE COMMISSIONER AND THE CHIEF EXECUTIVE OFFICER OF THE COMMUTER FERRY
17 SERVICE PROVIDING SUCH SERVICES.

18 S 3. Subdivision 7 of section 18-b of the transportation law, as added
19 by chapter 56 of the laws of 1975 and the second undesignated paragraph
20 as amended by chapter 430 of the laws of 1976, is amended to read as
21 follows:

22 7. The commissioner may prescribe such regulations as he OR SHE may
23 deem appropriate to effectuate the purposes of this section, including
24 but not limited to, a uniform system of reporting pursuant to the
25 provisions of this section. The commissioner shall also define by rules
26 and regulations, the terms "passenger", "vehicle or car mile", "urban-
27 ized area", "chief executive officer", "mass transportation services",
28 "service payment", "commuter rail system", "subway system", "rapid tran-
29 sit system", "bus system", "peak hours", "elderly", "handicapped",
30 "INTRABOROUGH COMMUTER FERRY SERVICE", and such other terms as he OR SHE
31 deems necessary for the purposes of this section.

32 The commissioner, in conformance with the auditing procedures of the
33 state comptroller, shall have the power to audit and examine the
34 accounts, books, contracts, records, documents and papers of any partic-
35 ipating public transportation system in order to effectuate the purposes
36 and intent of this section. Where a county, counties, municipality,
37 municipalities, Indian tribe or Indian tribes contract for the provision
38 of public transportation services with a private operator, the books and
39 records of such private operator shall also be subject to audit and
40 examination by the commissioner.

41 S 4. The transportation law is amended by adding a new section 14-n to
42 read as follows:

43 S 14-N. COMMUTER FERRY SERVICE PRESERVATION. 1. IN ORDER TO PRESERVE
44 AND ENHANCE COMMUTER FERRY SERVICE IN A CITY HAVING A POPULATION OF ONE
45 MILLION OR MORE, THE COMMISSIONER IS HEREBY AUTHORIZED TO ENTER INTO AN
46 AGREEMENT WITH THE OPERATOR OF ANY PRIVATELY-OWNED COMMUTER FERRY
47 SERVICE TO PAY ON BEHALF OF THE STATE COSTS ASSOCIATED WITH THE PRESER-
48 VATION OF INTRABOROUGH COMMUTER FERRY SERVICES IN A CITY OF ONE MILLION
49 OR MORE.

50 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMUTER FERRY SERVICE"
51 SHALL MEAN TRANSPORTATION PROVIDED TO THE PUBLIC IN A CITY OF ONE
52 MILLION OR MORE ON A REGULAR AND CONTINUING BASIS BY A PERSON, FIRM, OR
53 CORPORATION AUTHORIZED TO TRANSPORT PASSENGERS IN INTERSTATE COMMERCE BY
54 THE INTERSTATE COMMERCE COMMISSION OR IN INTRASTATE COMMERCE BY THE
55 DEPARTMENT.

56 S 5. This act shall take effect immediately.