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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, DINOWITZ, J. RIVERA, WEISENBERG, JAFFEE, ROSENTHAL, MILLMAN, SCHIMEL, SPANO -- Multi-Sponsored by -- M. of A. BING, CAHILL, COOK, GLICK, 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:

1 Section 1. Section 1277 of the public authorities law, as amended by
2 chapter 161 of the laws of 2000, is amended to read as follows:
3 S 1277. Station operation and maintenance. The operation, maintenance
4 and use of passenger stations shall be public purposes of the city of
5 New York and the counties within the district. 1. (A) The total cost to
6 the authority and each of its subsidiary corporations of operation,
7 maintenance and use of each passenger station within the district
8 serviced by one or more railroad facilities of the authority or of such
9 subsidiary corporation, including the buildings, appurtenances, plat-
10 forms, lands and approaches incidental or adjacent thereto, shall be
11 borne by the city of New York if such station is located in such city
12 or, if not located in such city, by such county within the district in
13 which such station is located. On or before June first of each year, the
14 authority shall, in accordance with the method specified herein, deter-
15 mine and certify to the city of New York and to each county within the
16 district the respective allocation of costs related to the operation,
17 maintenance and use of passenger stations within such city and each such
18 other county, for the twelve month period ending the preceding March
19 thirty-first.

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

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

11 BASE AMOUNT TABLE

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

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

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

44 (C) In the event that a city or county shall fail to make payment to
45 the authority for station maintenance as required pursuant to this
46 section, or any part thereof, the chief executive officer of the author-
47 ity or such other person as the chairman shall designate shall certify
48 to the state comptroller the amount due and owing the authority at the
49 end of the state fiscal year and the state comptroller shall withhold an
50 equivalent amount from the next succeeding state aid allocated to such
51 county or city from the motor fuel tax and the motor vehicle registra-
52 tion fee distributed pursuant to former section one hundred twelve of
53 the highway law, or amounts distributed pursuant to section ten-c of the
54 highway law, or per capita local assistance pursuant to section fifty-

1 four of the state finance law subject to the following limitations:
2 prior to withholding amounts due the authority from such county or city,
3 the comptroller shall pay in full any amount due the state of New York
4 municipal bond bank agency, on account of any such county's or city's
5 obligation to such agency; the city university construction fund pursu-
6 ant to the provisions of the city university construction fund act; the
7 New York city housing development corporation, pursuant to the
8 provisions of the New York city housing development corporation act
9 (article twelve of the private housing finance law); and the transit
10 construction fund pursuant to the provisions of title nine-A of article
11 five of this chapter. The comptroller shall give the director of the
12 budget notification of any such payment. Such amount or amounts so with-
13 held by the comptroller shall be paid to the authority and the authority
14 shall use such amount for the repayment of the state advances hereby
15 authorized. When such amount or amounts are received by the authority,
16 it shall credit such amounts against any amounts due and owing by the
17 city or county on whose account such amount was withheld and paid.

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

38 S 2. Section 1279-a of the public authorities law, as added by chapter
39 427 of the laws of 1983, is amended to read as follows:

40 S 1279-a. Management advisory board. 1. There is hereby created in the
41 office of the metropolitan transportation authority inspector general a
42 management advisory board, consisting of thirteen members appointed by
43 the governor, of whom two shall be appointed upon nomination by the
44 temporary president of the senate, two upon nomination by the speaker of
45 the assembly, one upon nomination by the minority leader of the senate
46 and one upon nomination by the minority leader of the assembly. All
47 members shall serve for a term of three years, except that, of the two
48 members first appointed upon nomination by the temporary president of
49 the senate, one shall serve for a term of two years and one shall serve
50 for a term of one year; of the two members first appointed upon nomi-
51 nation by the speaker of the assembly, one shall serve for a term of two
52 years and one shall serve for a term of one year; and, of two of the
53 members first appointed by the governor without nomination by any other
54 person, two shall each serve for a term of two years and two shall each
55 serve for a term of one year. One of the members appointed to the

1 management advisory board directly by the governor shall be designated
2 by the governor to serve as its [chairman] CHAIRPERSON.

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

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

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

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

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

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