

4313

2011-2012 Regular Sessions

I N S E N A T E

March 29, 2011

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 vehicle and traffic law, in relation to a bus permit system in cities having a population of one million or more

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1642-a to read as follows:
3 S 1642-A. BUS PERMIT SYSTEM IN CITIES HAVING A POPULATION OF ONE
4 MILLION OR MORE. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING
5 TERMS SHALL HAVE THE FOLLOWING MEANINGS:
6 A. "CHARTER BUS" SHALL MEAN A BUS ENGAGING IN A SPECIFIC OR SPECIAL
7 TRIP IN THE NATURE OF AN EXCURSION OR OUTING, FOR WHICH IT HAS BEEN
8 HIRED OR OTHERWISE ENGAGED BY ORAL OR WRITTEN CONTRACT FOR THE EXCLUSIVE
9 USE OF THE CHARTERER.
10 B. "INTERCITY BUS" SHALL MEAN ANY BUS, OTHER THAN A CHARTER BUS OR A
11 BUS OPERATED BY NEW JERSEY TRANSIT, THE METROPOLITAN TRANSPORTATION
12 AUTHORITY OR OTHER PUBLIC AUTHORITY, THAT TRANSPORTS PASSENGERS BETWEEN
13 A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND ANY LOCATION
14 OUTSIDE OF SAID CITY.
15 2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY CITY
16 HAVING A POPULATION OF ONE MILLION OF MORE MAY PROHIBIT BY LAW OR RULE
17 INTERCITY BUSES FROM LOADING OR UNLOADING PASSENGERS ON STREETS WITHIN
18 SUCH CITY EXCEPT ON DESIGNATED STREETS AND AT DESIGNATED LOCATIONS ON
19 SUCH STREETS.
20 3. THE MAYOR OF SUCH CITY MAY DESIGNATE AN AGENCY OR AGENCIES TO
21 PROMULGATE RULES TO IMPLEMENT THIS SECTION. SUCH RULES MAY:
22 A. DESIGNATE STREETS AND LOCATIONS WHERE THE LOADING OR UNLOADING OF
23 PASSENGERS BY INTERCITY BUSES WILL BE PERMITTED;
24 B. ESTABLISH A SYSTEM OF PERMITS FOR ALLOCATING SPACES ON DESIGNATED
25 STREETS WHERE INTERCITY BUSES MAY LOAD AND UNLOAD PASSENGERS, AND

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

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1 PROHIBIT LOADING AND UNLOADING OF PASSENGERS OTHER THAN AT SUCH DESIG-
2 NATED SPACES ON SUCH DESIGNATED STREETS. REQUIRE THE OWNER OR OPERATOR
3 OF AN INTERCITY BUS TO SUBMIT AN APPLICATION FOR A PERMIT FOR EACH
4 PROPOSED LOCATION FOR LOADING AND UNLOADING OF PASSENGERS TO AN AGENCY
5 DESIGNATED BY THE MAYOR OF SUCH CITY. SUCH APPLICATION SHALL INCLUDE BUT
6 SHALL NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

7 (I) THE NAME, ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS OF THE
8 INTERCITY BUS OWNER OR OPERATOR, THE USDOT NUMBER, THE MOTOR CARRIER
9 NUMBER, THE NYS DOT NUMBER, AND ANY OTHER IDENTIFYING DESIGNATION ISSUED
10 BY A STATE OR FEDERAL AGENCY;

11 (II) A PROPOSED LOCATION OR LOCATIONS TO BE USED BY THE INTERCITY BUS
12 FOR LOADING OR UNLOADING PASSENGERS, AND TWO OR MORE ALTERNATIVE
13 PROPOSED LOCATIONS;

14 (III) THE NUMBER OF BUSES THAT WOULD USE THE PROPOSED LOCATION OR
15 LOCATIONS;

16 (IV) THE NUMBER OF PASSENGERS ANTICIPATED FOR EACH INTERCITY BUS;

17 (V) THE PROPOSED INTERCITY BUS SCHEDULE;

18 (VI) THE PROPOSED GARAGE OR PARKING LOCATION OF THE BUSES DURING PERI-
19 ODS WHEN THE BUSES ARE NOT BEING USED FOR INTERCITY BUS PASSENGER
20 SERVICE; AND

21 (VII) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER OF
22 THE CITY AGENCY DESIGNATED PURSUANT TO THIS SUBDIVISION.

23 C. REQUIRE CONSULTATION WITH THE LOCAL COMMUNITY BOARD FOR THE
24 DISTRICT ENCOMPASSING THE LOCATION TO BE DESIGNATED IN A PERMIT, INCLUD-
25 ING BUT NOT LIMITED TO A THIRTY-DAY NOTICE AND COMMENT PERIOD, PRIOR TO
26 THE ISSUANCE OR PERMANENT AMENDMENT OF SUCH PERMIT;

27 D. SUCH DESIGNATED AGENCY OR AGENCIES MAY TEMPORARILY AMEND ANY
28 APPROVED LOCATION FOR A PERIOD OF UP TO NINETY DAYS FOR REASONS OF
29 PUBLIC SAFETY OR OTHER EMERGENCY OR TEMPORARY NEED AS DETERMINED BY SUCH
30 DESIGNATED AGENCY OR AGENCIES WITHOUT PRIOR CONSULTATION WITH THE LOCAL
31 COMMUNITY BOARD;

32 E. ESTABLISH CRITERIA FOR ASSIGNING LOCATIONS TO PERMIT APPLICANTS
33 WHICH SHALL INCLUDE TRAFFIC AND SAFETY CONSIDERATIONS, THE PREFERENCES
34 OF THE APPLICANT, CONSULTATION WITH THE LOCAL COMMUNITY BOARD AS
35 PROVIDED IN PARAGRAPH C OF THIS SUBDIVISION, AND OTHER CRITERIA DEEMED
36 APPROPRIATE BY THE COMMISSIONER;

37 F. PROVIDE THAT SUCH PERMIT MAY BE ISSUED FOR A TERM OF UP TO THREE
38 YEARS, EXCEPT THAT SUCH CITY SHALL RETAIN THE ABILITY TO RELOCATE A
39 DESIGNATED BUS STOP, ON NOTICE TO THE HOLDER OF A PERMIT AND, IF APPRO-
40 PRIATE, AFTER CONSULTATION WITH THE LOCAL COMMUNITY BOARD AS PROVIDED IN
41 PARAGRAPH C OF THIS SUBDIVISION, PURSUANT TO THE CRITERIA ESTABLISHED IN
42 ACCORDANCE WITH PARAGRAPH D OF THIS SUBDIVISION;

43 G. INCLUDE CRITERIA UNDER WHICH INTERCITY BUS OWNERS OR OPERATORS
44 ASSIGNED A DESIGNATED LOCATION FOR LOADING AND UNLOADING PASSENGERS
45 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY BE PERMITTED TO USE SUCH
46 LOCATION FOR THE LOADING AND UNLOADING OF PASSENGERS FOR A PERIOD OF UP
47 TO THREE YEARS FROM THE EFFECTIVE DATE OF THIS SECTION;

48 H. ESTABLISH A TIMEFRAME OF UP TO ONE HUNDRED EIGHTY DAYS FOR DETERMI-
49 NATIONS ON PERMIT APPLICATIONS, AND A PROCESS FOR REVIEWING THE DETERMI-
50 NATION ON THE APPLICATION;

51 I. IMPOSE A FEE TO INCLUDE THE ADMINISTRATIVE COSTS OF ISSUING SUCH
52 PERMIT;

53 J. REQUIRE INTERCITY BUS OWNERS OR OPERATORS TO NOTIFY SUCH CITY AGEN-
54 CY OR AGENCIES OF CHANGES TO INFORMATION PROVIDED IN SUCH PERMIT APPLI-
55 CATION;

1 K. REQUIRE INTERCITY BUS OWNERS OR OPERATORS TO PROMINENTLY DISPLAY A
2 COPY OF A PERMIT IN EACH INTERCITY BUS;

3 L. SET FORTH A SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS OF THE
4 RULES, CONSISTENT WITH THE RANGE SET FORTH IN SUBDIVISION FOUR OF THIS
5 SECTION; AND

6 M. INCLUDE SUCH OTHER REQUIREMENTS AS ARE DEEMED APPROPRIATE BY THE
7 COMMISSIONER OF SUCH CITY AGENCY.

8 4. A VIOLATION OF ANY RULES PROMULGATED PURSUANT TO THIS SECTION SHALL
9 BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE
10 THAN FIVE THOUSAND DOLLARS. IN ADDITION, SUCH A VIOLATION SHALL BE
11 PUNISHABLE BY A CIVIL PENALTY OF NOT LESS THAN FIVE HUNDRED NOR MORE
12 THAN FIVE THOUSAND DOLLARS.

13 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO THOSE
14 PERSONS OTHERWISE AUTHORIZED TO ENFORCE ANY RULES PROMULGATED PURSUANT
15 TO THIS SECTION AND ADJUDICATE VIOLATIONS THEREOF, THIS SECTION SHALL
16 ALSO BE ENFORCEABLE BY AN AGENCY OR AGENCIES DESIGNATED FOR SUCH PURPOSE
17 BY THE MAYOR OF SUCH CITY, AND NOTICES OF VIOLATION MAY BE RETURNABLE TO
18 THE ENVIRONMENTAL CONTROL BOARD OF SUCH CITY, WHICH SHALL HAVE THE POWER
19 TO IMPOSE THE CIVIL PENALTIES HEREIN PROVIDED. ALL PROCEEDINGS BEFORE
20 THE ENVIRONMENTAL CONTROL BOARD AND ANY ENFORCEMENT PROCEEDINGS SHALL BE
21 CONDUCTED IN ACCORDANCE WITH SUBDIVISION D OF SECTION ONE THOUSAND
22 FORTY-NINE-A OF THE NEW YORK CITY CHARTER AND THE RULES OF THE ENVIRON-
23 MENTAL CONTROL BOARD, EXCEPT THAT SERVICE OF A NOTICE OF VIOLATION OF
24 ANY RULE PROMULGATED PURSUANT TO THIS SECTION SHALL BE MADE (I) IN THE
25 SAME MANNER AS IS PRESCRIBED FOR SERVICE OF PROCESS BY ARTICLE THREE OF
26 THE CIVIL PRACTICE LAW AND RULES OR ARTICLE THREE OF THE BUSINESS CORPO-
27 RATION LAW; (II) BY DELIVERING SUCH NOTICE TO THE DRIVER OF THE INTER-
28 CITY BUS INVOLVED IN THE VIOLATION, AND MAILING A COPY OF THE NOTICE TO
29 THE OWNER OR OPERATOR OF THE INTERCITY BUS, PROVIDED THAT PROOF OF SUCH
30 SERVICE SHALL BE FILED WITH THE ENVIRONMENTAL CONTROL BOARD WITHIN TWEN-
31 TY DAYS, AND SERVICE SHALL BE COMPLETE TEN DAYS AFTER SUCH FILING; OR
32 (III) BY AFFIXING SUCH NOTICE TO THE INTERCITY BUS INVOLVED IN THE
33 VIOLATION, AND MAILING A COPY OF THE NOTICE TO THE OWNER OR OPERATOR OF
34 THE INTERCITY BUS, PROVIDED THAT PROOF OF SUCH SERVICE SHALL BE FILED
35 WITH THE ENVIRONMENTAL CONTROL BOARD WITHIN TWENTY DAYS, AND SERVICE
36 SHALL BE COMPLETE TEN DAYS AFTER SUCH FILING. CIVIL PENALTIES MAY ALSO
37 BE RECOVERED IN A PROCEEDING COMMENCED IN A COURT OF COMPETENT JURISDIC-
38 TION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH CIVIL PENALTIES
39 IMPOSED BY SUCH ENVIRONMENTAL CONTROL BOARD SHALL BE PAID INTO THE
40 GENERAL FUND OF SUCH CITY. NOTWITHSTANDING SECTION ONE HUNDRED
41 FIFTY-FIVE OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW, WHERE A PERSON
42 HAS BEEN ADJUDICATED BY SUCH ENVIRONMENTAL CONTROL BOARD TO BE IN
43 VIOLATION OF ANY RULES PROMULGATED PURSUANT TO SUBDIVISION THREE OF THIS
44 SECTION, SUCH ADJUDICATION SHALL NOT HAVE THE FORCE AND EFFECT OF A
45 CONVICTION OF A TRAFFIC INFRACTION OR OF A VIOLATION OF ANY PROVISION OF
46 THIS CHAPTER FOR ANY PURPOSE NOT SPECIFIED IN THIS SECTION.

47 S 2. This act shall take effect immediately.