

4313--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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;

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

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

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

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

16 (III) THE NUMBER OF BUSES THAT WOULD USE THE PROPOSED LOCATION OR  
17 LOCATIONS;

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

19 (V) THE PROPOSED INTERCITY BUS SCHEDULE;

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

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

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

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

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

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

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

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

53 I. IMPOSE A FEE TO INCLUDE THE ADMINISTRATIVE COSTS OF ISSUING SUCH  
54 PERMIT;

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

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

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

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

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

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

50 S 2. This act shall take effect immediately.