

1241

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

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

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.
20 For the year commencing April first, nineteen hundred ninety-nine, the
21 total payment amount to be billed by the authority for the operation,
22 maintenance and use of each passenger station within the city of New
23 York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam,
24 Orange, and Rockland shall be calculated by summing the total amount

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

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1 listed in the base amount table plus an adjustment to such base year
 2 amount equal to the base amount times the increase or decrease in the
 3 Consumer Price Index for Wage Earners and Clerical Workers for the New
 4 York, Northeastern-New Jersey Standard Metropolitan Statistical Area for
 5 the twelve-month period being billed.

6 BASE AMOUNT TABLE

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

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

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

39 (C) In the event that a city or county shall fail to make payment to
 40 the authority for station maintenance as required pursuant to this
 41 section, or any part thereof, the chief executive officer of the author-
 42 ity or such other person as the chairman shall designate shall certify
 43 to the state comptroller the amount due and owing the authority at the
 44 end of the state fiscal year and the state comptroller shall withhold an
 45 equivalent amount from the next succeeding state aid allocated to such
 46 county or city from the motor fuel tax and the motor vehicle registra-
 47 tion fee distributed pursuant to former section one hundred twelve of
 48 the highway law, or amounts distributed pursuant to section ten-c of the
 49 highway law, or per capita local assistance pursuant to section fifty-
 50 four of the state finance law subject to the following limitations:
 51 prior to withholding amounts due the authority from such county or city,
 52 the comptroller shall pay in full any amount due the state of New York
 53 municipal bond bank agency, on account of any such county's or city's
 54 obligation to such agency; the city university construction fund pursu-

1 ant to the provisions of the city university construction fund act; the
2 New York city housing development corporation, pursuant to the
3 provisions of the New York city housing development corporation act
4 (article twelve of the private housing finance law); and the transit
5 construction fund pursuant to the provisions of title nine-A of article
6 five of this chapter. The comptroller shall give the director of the
7 budget notification of any such payment. Such amount or amounts so with-
8 held by the comptroller shall be paid to the authority and the authority
9 shall use such amount for the repayment of the state advances hereby
10 authorized. When such amount or amounts are received by the authority,
11 it shall credit such amounts against any amounts due and owing by the
12 city or county on whose account such amount was withheld and paid.

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

33 S 2. Section 1279-a of the public authorities law, as added by chapter
34 427 of the laws of 1983, is amended to read as follows:

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

53 2. All members of the management advisory board shall be residents of
54 the metropolitan transportation district, PATRONS OF THE MASS TRANSIT
55 AND RAPID TRANSIT SYSTEMS and shall be persons with substantial experi-

1 ence in the management of private enterprise, in the delivery of public
2 services, or in labor or labor-management relations.

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

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

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

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

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