S T A T E O F N E W Y O R K

2691

2011-2012 Regular Sessions

I N S E N A T E

January 28, 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 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:

Section 1. Subdivision 1 of section 18-b of the transportation law, as amended by chapter 921 of the laws of 1983, is amended to read as follows:

1. Within the amounts made available therefor by appropriation, a statewide mass transportation operating assistance program is hereby established for the purpose of making payments toward the operating expenses of public transportation systems. For the purposes of this section, the term public transportation system shall mean any public benefit [corportion] CORPORATION constituting a transportation authority which provides or contracts for the provision of (under joint support arrangements) mass transportation services, or a subsidiary thereof, or any Indian tribe which provides or any county or city which provides or contracts for the provision of (pursuant to section one hundred nineteen-r of the general municipal law) mass transportation services or any person, firm or corporation performing intercity bus passenger service as defined in subdivision three of section fourteen-g of this article serving two or more counties within the state which is under contract with the commissioner pursuant to such section fourteen-g to provide mass transportation services OR ANY PERSON, FIRM OR CORPORATION PERFORMING COMMUTER FERRY SERVICES AS DEFINED IN SUBDIVISION TWO OF SECTION FOURTEEN-N OF THIS ARTICLE WHICH IS UNDER CONTRACT WITH THE COMMISSIONER PURSUANT TO SECTION FOURTEEN-N OF THIS ARTICLE TO PROVIDE MASS TRANSPORTATION SERVICES.

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

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

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.