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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, KRUEGER, MONTGOMERY, SAMPSON, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public buildings law, in relation to bicycle access to public office buildings

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

1 Section 1. Section 11 of the public buildings law, as added by chapter
2 819 of the laws of 1987 and subdivision 2 as amended by chapter 126 of
3 the laws of 1988, is amended to read as follows:
4 S 11. Pilot program of bicycle parking facilities. 1. Legislative
5 finding. In recognition of the role which bicycles can serve as a valu-
6 able transportation mode with energy conservation, health, PHYSICAL
7 FITNESS and environmental benefits, it is hereby declared to be the
8 policy of the state that provision for adequate and safe bicycle facili-
9 ties including the use of present facilities for safe and secure bicycle
10 parking AND STORAGE be included in the planning [and], development,
11 CONSTRUCTION OR RECONSTRUCTION of all state facilities.
12 2. (a) The commissioner of general services shall undertake a [pilot]
13 program for THE provision and promotion of safe and secure bicycle park-
14 ing facilities at state office buildings FOR STATE EMPLOYEES AND VISI-
15 TORS AT SUCH BUILDINGS. The commissioner[, within one year of the enact-
16 ment of this section,] OF GENERAL SERVICES shall provide, at the
17 principal office buildings under his OR HER superintendence at the
18 Nelson A. Rockefeller Empire State Plaza in Albany, New York, secure
19 bicycle parking facilities for use by employees and visitors. PROVIDED,
20 FURTHER, THAT THE COMMISSIONER OF GENERAL SERVICES SHALL MAKE AN INVEN-
21 TORY OF ALL EXISTING BICYCLE PARKING AND STORAGE FACILITIES AT ALL STATE
22 OFFICE BUILDINGS AND OFFICE BUILDINGS IN WHICH THE STATE LEASES OR OCCU-
23 PIES SPACE. SUCH INVENTORY SHALL BE MADE ONLY OF STATE OWNED OR LEASED

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

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BUILDINGS OR OFFICES WHICH HAVE OVER THIRTY STATE EMPLOYEES LOCATED AT SUCH SITE OR IN WHICH THE VISITATION RATE BY THE GENERAL PUBLIC IS OVER FIVE HUNDRED VISITORS, ON AVERAGE, EACH MONTH. SUCH INVENTORY OF BICYCLE PARKING AND STORAGE FACILITIES SHALL BE COMPLETED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION.

(b) The commissioner OF GENERAL SERVICES is also authorized, within a reasonable period and where feasible, to provide suitable support facilities including clothing lockers, showers and changing facilities, and to charge a reasonable use fee.

(c) For the purpose of this section, the term "bicycle parking facility" means a device or enclosure, located within a building or installation, or conveniently adjacent thereto, that is easily accessible, clearly visible and so located as to minimize the danger of theft of bicycles. Such a device shall consist of a parking rack, locker, or other device constructed to enable the frame and both wheels of a bicycle to be secured with ease by use of a padlock in a manner that will minimize the risk of theft, or an enclosure which limits access to the bicycles and is under observation by an attendant.

3. UPON COMPLETION OF A STATE OFFICE BUILDING BICYCLE PARKING AND STORAGE FACILITIES INVENTORY PROVIDED FOR IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER OF GENERAL SERVICES SHALL DEVELOP A PLAN TO EXPAND BICYCLE PARKING AND STORAGE FACILITIES TO ENCOURAGE THE USE OF SUCH FACILITIES BY STATE EMPLOYEES AND THE GENERAL PUBLIC THAT PATRONIZE SUCH FACILITIES TO CONDUCT PUBLIC BUSINESS. SUCH PLAN SHALL BE COMPLETED WITHIN EIGHTEEN MONTHS AFTER FINALIZATION OF THE PARKING AND STORAGE FACILITIES INVENTORY. SUCH PLAN SHALL CONTAIN AND ADDRESS THE FOLLOWING ELEMENTS TO ENCOURAGE STATE EMPLOYEES AND THE GENERAL PUBLIC TO USE BICYCLES MORE FREQUENTLY AT EACH STATE OFFICE BUILDING FACILITY OR LEASED PREMISE:

(A) THE INVENTORY OF BICYCLE PARKING AND STORAGE FACILITIES SHALL BE RANKED FROM HIGHEST TO LOWEST BASED ON THE EXISTING UNFULFILLED DEMAND FOR SUCH FACILITIES AT STATE OFFICE BUILDINGS. SUCH RANKING SHALL ALSO CONSIDER INCREASED FUTURE DEMAND OR THE POTENTIAL FOR INCREASED FUTURE DEMAND OF SUCH PARKING AND STORAGE FACILITIES;

(B) IN URBAN SETTINGS, THERE SHALL BE A PLAN TO DEVELOP AN AMPLE SUPPLY OF SECURE COVERED AND UNCOVERED OFF-STREET BICYCLE PARKING AND STORAGE OR ALTERNATE INDOOR PARKING OR STORAGE FOR SUCH BICYCLES;

(C) ADEQUATE POSTING OF SUCH BICYCLE PARKING AND STORAGE FACILITIES SHALL BE PROVIDED FOR AND PLACED AROUND SUCH STATE OFFICE BUILDING FACILITY TO ENCOURAGE UTILIZATION OF SUCH PARKING AND STORAGE FACILITIES BY STATE EMPLOYEES AND THE GENERAL PUBLIC;

(D) A MARKETING PLAN AND COMMUNITY OUTREACH EFFORT SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION TO STATE EMPLOYEES, VISITORS TO STATE OFFICE BUILDINGS, AND TO THE GENERAL PUBLIC TO ENCOURAGE INDIVIDUALS TO USE BICYCLES WHEN TRAVELING TO SUCH BUILDINGS OR FACILITIES; AND

(E) THE COMMISSIONER OF GENERAL SERVICES SHALL INCLUDE AND ADDRESS ANY OTHER ELEMENT IN THE PLAN AS HE OR SHE DEEMS APPROPRIATE.

[3] 4. In undertaking such [pilot] program, the office OF GENERAL SERVICES shall: (a) Consult with and cooperate with (i) [the statewide bicycle advisory council, (ii)] the New York state department of transportation regional bicycle coordinator[, (iii)]; (II) local bicycle planning groups[,]; and [(iv)] (III) persons, organizations, and groups served by, interested in, or concerned with the area under study.

(b) Request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision

1 thereof or any public authority, any assistance and data as may be
2 necessary to enable the office OF GENERAL SERVICES to carry out its
3 responsibilities under this section.

4 [(c) On or before the first day of January, nineteen hundred eighty-
5 nine, a report shall be submitted to the governor and the legislature
6 which shall include a determination of usage levels, a statement outlin-
7 ing first year progress and the elements of a statewide plan for the
8 provision of such facilities.]

9 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE STATE OR
10 THE OWNER, LESSEE, MANAGER OR OTHER PERSON WHO IS IN CONTROL OF A BUILD-
11 ING GOVERNED BY THIS SECTION TO PROVIDE SPACE FOR STORED BICYCLES AT
12 SUCH BUILDING OR BROUGHT INTO SUCH BUILDING OR TO PERMIT A BICYCLE TO BE
13 PARKED IN A MANNER THAT VIOLATES BUILDING OR FIRE CODES OR ANY OTHER
14 APPLICABLE LAW, RULE OR CODE, OR WHICH OTHERWISE IMPEDES INGRESS OR
15 EGRESS TO SUCH BUILDING.

16 6. THERE IS HEREBY ESTABLISHED A TEMPORARY BICYCLE COMMUTING TASK
17 FORCE TO EXAMINE THE DEVELOPMENT OF SHELTERED BICYCLE PARKING IN PUBLIC
18 SPACES.

19 (A) SUCH TASK FORCE SHALL BE COMPRISED OF NINE MEMBERS, INCLUDING THE
20 COMMISSIONER OF GENERAL SERVICES, THE COMMISSIONER OF TRANSPORTATION,
21 THE COMMISSIONER OF MOTOR VEHICLES, THE COMMISSIONER OF BUILDINGS AND
22 THE COMMISSIONER OF PARKS AND RECREATION OR A DESIGNEE OF ANY SUCH
23 COMMISSIONERS. THE REMAINING FOUR MEMBERS SHALL CONSIST OF A GROUP OF
24 MUNICIPAL PLANNERS, BICYCLE ASSOCIATION REPRESENTATIVES, BUILDING
25 CONTRACTORS AND ENGINEERS. THEY SHALL BE APPOINTED AS FOLLOWS: ONE
26 MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; ONE
27 MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; ONE
28 MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; AND ONE MEMBER
29 SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

30 (B) THE CHAIR OF THE TEMPORARY BICYCLE COMMUTING TASK FORCE SHALL BE
31 THE COMMISSIONER OF GENERAL SERVICES. MEMBERS OF THE TEMPORARY BICYCLE
32 COMMUTING TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND SHALL MEET
33 WHEN DEEMED NECESSARY BY THE CHAIR.

34 (C) WITHIN EIGHTEEN MONTHS OF THE TEMPORARY BICYCLE COMMUTING TASK
35 FORCE'S ESTABLISHMENT, SUCH TASK FORCE SHALL ISSUE A REPORT TO THE
36 GOVERNOR AND THE LEGISLATURE. SUCH REPORT SHALL INCLUDE, BUT NOT BE
37 LIMITED TO (I) AN ASSESSMENT OF THE DEMAND FOR SHELTERED BICYCLE PARKING
38 IN PUBLIC SPACES; (II) AN EXAMINATION OF THE MARKETING AND COMMUNITY
39 OUTREACH EFFORTS NEEDED TO ENCOURAGE THE USE OF BICYCLES; (III) RECOM-
40 MENDATIONS ON ESTABLISHING PARTNERSHIPS WITH ENTITIES TO DEVELOP SHEL-
41 TERED BICYCLE STORAGE AND PARKING FACILITIES IN PUBLIC SPACES; AND (IV)
42 SUGGESTIONS ON EXPANDING THE OFFICE OF GENERAL SERVICES TO LOCAL MUNICI-
43 PAL AND PRIVATE OFFICE BUILDINGS. SUCH REPORT SHALL BE POSTED ON THE
44 WEBSITE OF EACH STATE AGENCY THAT WAS A MEMBER OF SUCH TASK FORCE WITHIN
45 TWENTY DAYS FROM ITS SUBMISSION TO THE GOVERNOR. THE TEMPORARY BICYCLE
46 COMMUTING TASK FORCE SHALL CEASE TO EXIST THREE MONTHS AFTER THE ISSU-
47 ANCE OF ITS REPORT.

48 S 2. This act shall take effect immediately.