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I N   S E N A T E

June 4, 2014

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Introduced by Sen. PERKINS -- 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 establishing a committee on safety within the metropolitan transportation authority

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

1     Section 1. Paragraph (b) of subdivision 4 of section 1263 of the  
2     public authorities law, as amended by chapter 549 of the laws of 1994,  
3     is amended to read as follows:  
4     (b) The chairman shall establish committees to assist him in the  
5     performance of his duties and shall appoint members of the authority to  
6     such committees. Among such committees, there shall be a committee on  
7     operations of the New York city transit authority, the Manhattan and  
8     Bronx surface transit operating authority and the Staten Island rapid  
9     transit operating authority; a committee on operations of the Long  
10    Island Rail Road and the metropolitan suburban bus authority; a commit-  
11    tee on operations of the Metro-North commuter railroad; a committee on  
12    operations of the Triborough bridge and tunnel authority; a committee on  
13    finance; [and] a committee on capital program oversight; AND A COMMITTEE  
14    ON SAFETY. In addition to such appointed members, each of the non-voting  
15    members referred to in subparagraph two of paragraph (a) of subdivision  
16    one of this section shall serve on the committee on capital program  
17    oversight, the committee on finance, THE COMMITTEE ON SAFETY, the  
18    committee on operations of the Triborough bridge and tunnel authority,  
19    and the operations committee relevant to the commuter council that  
20    recommended such member. The alternate non-voting members shall each  
21    serve on the respective operations committee relevant to the commuter  
22    council that recommended each member. The committee on capital program  
23    oversight AND THE COMMITTEE ON SAFETY shall include not less than three  
24    members, and shall include the chairpersons of the committee on oper-  
25    ations of the New York city transit authority, the Manhattan and Bronx  
26    surface transit operating authority and the Staten Island rapid transit  
27    operating authority, the committee on operations of the Long Island Rail  
28    Road and the metropolitan suburban bus authority, and the committee on

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

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1 operations of the Metro-North commuter railroad. [Such] THE COMMITTEE ON  
2 SAFETY SHALL CONVENE AT LEAST ONCE ANNUALLY AND EACH COMMITTEE CHAIR-  
3 PERSON, THAT IS A MEMBER OF THE COMMITTEE ON SAFETY, SHALL REPORT TO THE  
4 COMMITTEE ON SAFETY ANY AND ALL INITIATIVES, CONCERNS, IMPROVEMENTS, OR  
5 FAILURES INVOLVING THE SAFETY OF: (1) CUSTOMERS; (2) EMPLOYEES; AND (3)  
6 THE PUBLIC AT LARGE, IN RELATION TO AUTHORITY FACILITIES AND SERVICES.  
7 THE CAPITAL PROGRAM committee shall, with respect to any approved or  
8 proposed capital program plans, (i) monitor the current and future  
9 availability of funds to be utilized for such plans approved or proposed  
10 to be submitted to the metropolitan transportation capital program  
11 review board as provided in section twelve hundred sixty-nine-b of this  
12 title; (ii) monitor the contract awards of the metropolitan transporta-  
13 tion authority and the New York city transit authority to insure that  
14 such awards are consistent with (A) provisions of law authorizing United  
15 States content and New York state content; (B) collective bargaining  
16 agreements; (C) provisions of law providing for participation by minori-  
17 ty and women-owned businesses; (D) New York state labor laws; (E)  
18 competitive bidding requirements including those regarding sole source  
19 contracts; and (F) any other relevant requirements established by law;  
20 (iii) monitor the award of contracts to determine if such awards are  
21 consistent with the manner in which the work was traditionally performed  
22 in the past provided, however, that any such determination shall not be  
23 admissible as evidence in any arbitration or judicial proceeding; (iv)  
24 review the relationship between capital expenditures pursuant to each  
25 such capital program plan and current and future operating budget  
26 requirements; (v) monitor the progress of capital elements described in  
27 each capital program plan approved as provided in section twelve hundred  
28 sixty-nine-b of this title; (vi) monitor the expenditures incurred and  
29 to be incurred for each such element; and (vii) identify capital  
30 elements not progressing on schedule, ascertain responsibility therefor  
31 and recommend those actions required or appropriate to accelerate their  
32 implementation. The CAPITAL PROGRAM committee shall issue a quarterly  
33 report on its activities and findings, and shall in connection with the  
34 preparation of such quarterly report, consult with the state division of  
35 the budget, the state department of transportation, the members of the  
36 metropolitan transportation authority capital program review board and  
37 any other group the committee deems relevant, including public employee  
38 organizations, and, at least annually, with a nationally recognized  
39 independent transit engineering firm. Such report shall be made avail-  
40 able to the members of the authority, to the members of the metropolitan  
41 transportation authority capital program review board, and the directors  
42 of the municipal assistance corporation for the city of New York.

43 S 2. Paragraph (b) of subdivision 4 of section 1263 of the public  
44 authorities law, as amended by chapter 494 of the laws of 1990, is  
45 amended to read as follows:

46 (b) The chairman shall establish committees to assist him in the  
47 performance of his duties and shall appoint members of the authority to  
48 such committees. Among such committees, there shall be a committee on  
49 operations of the New York city transit authority, the Manhattan and  
50 Bronx surface transit operating authority and the Staten Island rapid  
51 transit operating authority; a committee on operations of the Long  
52 Island Rail Road and the metropolitan suburban bus authority; a commit-  
53 tee on operations of the Metro-North commuter railroad; a committee on  
54 operations of the Triborough bridge and tunnel authority; a committee on  
55 finance; [and] a committee on capital program oversight; AND A COMMITTEE  
56 ON SAFETY. The committee on capital program oversight shall include not

1 less than [three] FOUR members, and shall include the chairpersons of  
2 the committee on operations of the New York city transit authority, the  
3 Manhattan and Bronx surface transit operating authority and the Staten  
4 Island rapid transit operating authority, the committee on operations of  
5 the Long Island Rail Road and the metropolitan suburban bus authority,  
6 [and] the committee on operations of the Metro-North commuter railroad,  
7 AND THE COMMITTEE ON SAFETY. [Such] THE COMMITTEE ON SAFETY SHALL  
8 CONVENE AT LEAST ONCE ANNUALLY AND EACH COMMITTEE CHAIRPERSON, THAT IS A  
9 MEMBER OF THE COMMITTEE ON SAFETY, SHALL REPORT TO THE COMMITTEE ON  
10 SAFETY ANY AND ALL INITIATIVES, CONCERNS, IMPROVEMENTS, OR FAILURES  
11 INVOLVING THE SAFETY OF: (1) CUSTOMERS; (2) EMPLOYEES; AND (3) THE  
12 PUBLIC AT LARGE, IN RELATION TO AUTHORITY FACILITIES AND SERVICES. THE  
13 CAPITAL PROGRAM committee shall, with respect to any approved or  
14 proposed capital program plans, (i) monitor the current and future  
15 availability of funds to be utilized for such plans approved or proposed  
16 to be submitted to the metropolitan transportation capital program  
17 review board as provided in section twelve hundred sixty-nine-b of this  
18 title; (ii) monitor the contract awards of the metropolitan transporta-  
19 tion authority and the New York city transit authority to insure that  
20 such awards are consistent with (A) provisions of law authorizing United  
21 States content and New York state content; (B) collective bargaining  
22 agreements; (C) provisions of law providing for participation by minori-  
23 ty and women-owned businesses; (D) New York state labor laws; (E)  
24 competitive bidding requirements including those regarding sole source  
25 contracts; and (F) any other relevant requirements established by law;  
26 (iii) monitor the award of contracts to determine if such awards are  
27 consistent with the manner in which the work was traditionally performed  
28 in the past provided, however, that any such determination shall not be  
29 admissible as evidence in any arbitration or judicial proceeding; (iv)  
30 review the relationship between capital expenditures pursuant to each  
31 such capital program plan and current and future operating budget  
32 requirements; (v) monitor the progress of capital elements described in  
33 each capital program plan approved as provided in section twelve hundred  
34 sixty-nine-b of this title; (vi) monitor the expenditures incurred and  
35 to be incurred for each such element; and (vii) identify capital  
36 elements not progressing on schedule, ascertain responsibility therefor  
37 and recommend those actions required or appropriate to accelerate their  
38 implementation. The CAPITAL PROGRAM committee shall issue a quarterly  
39 report on its activities and findings, and shall in connection with the  
40 preparation of such quarterly report, consult with the state division of  
41 the budget, the state department of transportation, the members of the  
42 metropolitan transportation authority capital program review board and  
43 any other group the committee deems relevant, including public employee  
44 organizations, and, at least annually, with a nationally recognized  
45 independent transit engineering firm. Such report shall be made avail-  
46 able to the members of the authority, to the members of the metropolitan  
47 transportation authority capital program review board, and the directors  
48 of the municipal assistance corporation for the city of New York.

49 S 3. This act shall take effect immediately, provided that the amend-  
50 ments to paragraph (b) of subdivision 4 of section 1263 of the public  
51 authorities law made by section one of this act shall be subject to the  
52 expiration and reversion of such subdivision pursuant to section 3 of  
53 chapter 549 of the laws of 1994, as amended, when upon such date the  
54 provisions of section two of this act shall take effect.