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I N A S S E M B L Y

March 13, 2014

Introduced by M. of A. BRENNAN, WEISENBERG, BROOK-KRASNY -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BUCHWALD, CLARK, COOK, DAVILA, GALEF, GOTTFRIED, JAFFEE, LENTOL, MAYER, MILLER, MILLMAN, MOSLEY, NOLAN, RIVERA, SCHIMEL, SKARTADOS, SWEENEY, TITONE -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 committee
11 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 operations
25 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.