

5452--B

Cal. No. 1026

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to jurisdiction over violations occurring on metropolitan transportation authority omnibuses by the transit adjudication bureau of the New York city transit authority

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

1 Section 1. Subdivision 3 of section 1209-a of the public authorities
2 law, as amended by chapter 379 of the laws of 1992, is amended to read
3 as follows:
4 3. Jurisdiction. The bureau shall have, with respect to acts or inci-
5 dents in or on the transit facilities of the authority committed by or
6 involving persons who are sixteen years of age or over, OR WITH RESPECT
7 TO ACTS OR INCIDENTS OCCURRING ON OMNIBUSES OWNED OR OPERATED BY THE
8 METROPOLITAN TRANSPORTATION AUTHORITY OR A SUBSIDIARY THEREOF, and with
9 respect to violation of toll collection regulations of the triborough
10 bridge and tunnel authority as described in section [two thousand nine]
11 TWENTY-NINE hundred eighty-five of this chapter, non-exclusive jurisdic-
12 tion over violations of: (a) the rules which may from time to time be
13 established by the authority under subdivision five-a of section twelve
14 hundred four of this chapter; (b) article one hundred thirty-nine of the
15 health code of the city of New York, as it may be amended from time to
16 time, relating to public transportation facilities; [and] (c) article
17 four of the noise control code of the city of New York, as it may be
18 amended from time to time, insofar as it pertains to sound reproduction

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

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1 devices; [and] (d) the rules and regulations which may from time to time
2 be established by the triborough bridge and tunnel authority in accord-
3 ance with the provisions of section [two thousand nine] TWENTY-NINE
4 hundred eighty-five of this chapter; AND (E) RULES AND REGULATIONS WHICH
5 MAY FROM TIME TO TIME BE ESTABLISHED BY THE METROPOLITAN TRANSPORTATION
6 AUTHORITY OR A SUBSIDIARY THEREOF IN ACCORDANCE WITH THE PROVISIONS OF
7 SECTION TWELVE HUNDRED SIXTY-SIX OF THIS CHAPTER. Matters within the
8 jurisdiction of the bureau except violations of the rules and regu-
9 lations of the triborough bridge and tunnel authority shall be known for
10 purposes of this section as transit infractions. Nothing herein shall be
11 construed to divest jurisdiction from any court now having jurisdiction
12 over any criminal charge or traffic infraction relating to any act
13 committed in a transit or toll facility, or to impair the ability of a
14 police officer to conduct a lawful search of a person in a transit
15 facility. The criminal court of the city of New York shall continue to
16 have jurisdiction over any criminal charge or traffic infraction brought
17 for violation of the rules of the authority [or], the triborough bridge
18 and tunnel authority OR THE METROPOLITAN TRANSPORTATION AUTHORITY OR A
19 SUBSIDIARY THEREOF, as well as jurisdiction relating to any act which
20 may constitute a crime or an offense under any law of the state of New
21 York or any municipality or political subdivision thereof and which may
22 also constitute a violation of such rules. The bureau shall have concu-
23 rent jurisdiction with the environmental control board and the adminis-
24 trative tribunal of the department of health over the aforesaid
25 provisions of the health code and noise control code of the city of New
26 York.

27 S 2. Paragraphs b and i of subdivision 4 of section 1209-a of the
28 public authorities law, as amended by chapter 379 of the laws of 1992,
29 are amended to read as follows:

30 b. To impose civil penalties not to exceed a total of one hundred
31 fifty dollars for any transit infraction within its jurisdiction, in
32 accordance with a penalty schedule established by the authority OR THE
33 METROPOLITAN TRANSPORTATION AUTHORITY OR A SUBSIDIARY THEREOF, AS APPLI-
34 CABLE, except that penalties for violations of the health code of the
35 city of New York shall be in accordance with the penalties established
36 for such violations by the board of health of the city of New York, and
37 penalties for violations of the noise code of the city of New York shall
38 be in accordance with the penalties established for such violations by
39 law, and civil penalties for violations of the rules and regulations of
40 the triborough bridge and tunnel authority shall be in accordance with
41 the penalties established for such violations by section [two thousand
42 nine] TWENTY-NINE hundred eighty-five of this chapter;

43 i. To accept payment of penalties and to remit same to the authority
44 OR THE METROPOLITAN TRANSPORTATION AUTHORITY OR A SUBSIDIARY THEREOF, AS
45 APPLICABLE; and

46 S 3. Subdivision 4 of section 1266 of the public authorities law, as
47 amended by chapter 415 of the laws of 1966, is amended to read as
48 follows:

49 4. The authority may establish and, in the case of joint service
50 arrangements, join with others in the establishment of such schedules
51 and standards of operations and such other rules and regulations includ-
52 ing but not limited to rules and regulations governing the conduct and
53 safety of the public as it may deem necessary, convenient or desirable
54 for the use and operation of any transportation facility and related
55 services operated by the authority or under contract, lease or other
56 arrangement, including joint service arrangements, with the authority.

1 Such rules and regulations governing the conduct and safety of the
2 public shall be filed with the department of state in the manner
3 provided by section one hundred two of the executive law. In the case of
4 any conflict between any such rule or regulation of the authority
5 governing the conduct or the safety of the public and any local law,
6 ordinance, rule or regulation, such rule or regulation of the authority
7 shall prevail. Violation of any such rule or regulation of the authority
8 governing the conduct or the safety of the public in or upon any facili-
9 ty of the authority shall constitute an offense and shall be punishable
10 by a fine not exceeding fifty dollars or imprisonment for not more than
11 thirty days or both OR MAY BE PUNISHABLE BY THE IMPOSITION OF A CIVIL
12 PENALTY BY THE TRANSIT ADJUDICATION BUREAU ESTABLISHED PURSUANT TO THE
13 PROVISIONS OF TITLE NINE OF THIS ARTICLE.
14 S 4. This act shall take effect immediately.