

# STATE OF NEW YORK

2589

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

Introduced by Sen. LANZA -- 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 authorizing domestic companion animals to be permitted to board any commuter transportation operated by the metropolitan transportation authority or any of its subsidiaries in the event of a state emergency and evacuation of a region

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public authorities law is amended by adding a new  
2 section 1264-a to read as follows:

3 § 1264-a. State of emergency; boarding of a commuter transportation by  
4 domestic companion animals. 1. For the purposes of this section:

5 (a) "Commuter transportation" means commuter transportation, and other  
6 related services and facilities, operated by the authority or any of its  
7 subsidiaries, including but not limited to such transportation by rail-  
8 road, omnibus, marine and air, in accordance with this title.

9 (b) "Domestic companion animal" means a companion animal or pet as  
10 defined in section three hundred fifty of the agriculture and markets  
11 law and shall also mean any other domesticated animal normally main-  
12 tained in or near the household of the owner or person who cares for  
13 such other domesticated animal. "Pet" or "companion animal" shall not  
14 include a "farm animal", as defined in section three hundred fifty of  
15 the agriculture and markets law.

16 2. (a) In the event that a state of emergency has been declared and an  
17 evacuation of any region of the state is in progress, the owner of a  
18 domestic companion animal shall be permitted to board any commuter  
19 transportation with such domestic companion animal so long as that  
20 animal is under the owner's control by use of a leash or tether, or is  
21 properly confined in an appropriate container or by other suitable  
22 means, provided that such boarding is authorized by and consistent with

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

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1 the provisions of state disaster emergency plans or local state of emer-  
2 gency plans pertaining to the needs of animals and individuals with an  
3 animal under their care. The provisions of this section shall only apply  
4 to the owners of domestic companion animals who are evacuating from a  
5 region of the state affected by an emergency or disaster, or a local  
6 state of emergency, as defined in section twenty-four of the executive  
7 law.

8 (b) A domestic companion animal may be refused permission to board any  
9 commuter transportation, even if the animal is under the owner's control  
10 or properly confined in accordance with this subdivision if there is  
11 reasonable cause to believe that, due to attendant circumstances,  
12 permitting the animal to board would pose a health or safety hazard.

13 3. All passengers with service animals shall be given priority seating  
14 on all means of transportation regulated by this title in accordance  
15 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.  
16 s.12101 et seq.). For the purposes of this section, "service animal"  
17 shall have the same meaning as set forth in the federal "Americans with  
18 Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.) and any regu-  
19 lations under such act.

20 4. All passengers on any commuter transportation shall be provided  
21 seating before a domestic companion animal may be placed in a seat.

22 5. The authority is authorized to promulgate and enforce such rules  
23 and regulations as shall be necessary for the implementation of this  
24 section.

25 § 2. This act shall take effect on the thirtieth day after it shall  
26 have become a law.