

STATE OF NEW YORK

2666--A

2017-2018 Regular Sessions

IN SENATE

January 17, 2017

Introduced by Sens. GIANARIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to creation of security measures for the transportation facilities of 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 (q) of subdivision 2 of section 709 of the executive law, as amended by section 14 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

2 (q) request from any department, division, office, commission or other
3 agency of the state or any political subdivision thereof, or any public
4 authority or public benefit corporation, and the same are authorized to
5 provide, such assistance, services and data as may be required by the
6 division of homeland security and emergency services in carrying out the
7 purposes of this article, subject to applicable laws, rules, and regu-
8 lations;
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11 § 2. The executive law is amended by adding a new section 719 to read
12 as follows:

13 § 719. Protection of critical infrastructure; metropolitan transportation
14 authority facilities. 1. Notwithstanding any other provision of
15 law, the commissioner of the division of homeland security and emergency
16 services in consultation with the commissioner of transportation and the
17 superintendent of the division of state police shall conduct a review
18 and analysis of measures being taken to protect the security of critical
19 infrastructure related to the transportation facilities included in
20 section twelve hundred sixty-one of the public authorities law and shall

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

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1 also include, for purposes of this section, bridges and tunnels of the
2 metropolitan transportation authority and of all subsidiaries of such
3 authority. The commissioner of the division of homeland security and
4 emergency services shall have the authority to review any audits or
5 reports related to the security of such critical infrastructure, includ-
6 ing audits or reports conducted at the request of the metropolitan
7 transportation authority or any other agency or authority of the state
8 or any political subdivision thereof or, to the extent practicable, of
9 any federal entity. The operators of such transportation facilities
10 shall, in compliance with any federal and state requirements regarding
11 the dissemination of such information, provide access to the commis-
12 sioner of the division of homeland security and emergency services to such
13 audits or reports regarding such critical infrastructure provided,
14 however, that exclusive custody and control of such audits and reports
15 shall remain solely with the operators of such transportation facili-
16 ties. For the purposes of this article, the term "critical infrastruc-
17 ture" has the meaning ascribed to that term in subdivision five of
18 section eighty-six of the public officers law.

19 2. (a) On or before December thirty-first, two thousand eighteen, and
20 every ten years thereafter, the commissioner of the division of homeland
21 security and emergency services in consultation with the commissioner of
22 transportation and the superintendent of the division of state police
23 shall report to the governor, the temporary president of the senate, the
24 speaker of the assembly and the board of any such affected transporta-
25 tion authority. Such report shall review the security measures being
26 taken regarding critical infrastructure related to such transportation
27 facilities, subject to the review and analysis made pursuant to subdivi-
28 sion one of this section, and assess the effectiveness thereof, and
29 shall further include recommendations to the legislature and the metro-
30 politan transportation authority.

31 (b) Before the receipt of such report identified in paragraph (a) of
32 this subdivision, each recipient of such report shall develop confiden-
33 tiality protocols, which shall be binding upon the recipient who issues
34 the protocols and anyone to whom the recipient shows a copy of the
35 report, in consultation with the commissioner of the division of home-
36 land security and emergency services for the maintenance and use of such
37 report so as to ensure the confidentiality of the report and all infor-
38 mation contained therein, provided, however, that such protocols shall
39 not be binding upon a person who is provided access to such report or
40 any information contained therein pursuant to section eighty-nine of the
41 public officers law after a final determination that access to such
42 report or any information contained therein could not be denied pursuant
43 to subdivision two of section eighty-seven of the public officers law.
44 The commissioner of the division of homeland security and emergency
45 services shall also develop protocols for his or her division related to
46 the maintenance and use of such report so as to ensure the confiden-
47 tiality of the report and all information contained therein. On each report,
48 the commissioner of the division of homeland security and emergency
49 services shall prominently display the following statement: "this report
50 may contain information that if disclosed could endanger the life or
51 safety of the public, and therefore, pursuant to section seven hundred
52 ten of the executive law, this report is to be maintained and used in a
53 manner consistent with protocols established to preserve the confiden-
54 tiality of the information contained herein in a manner consistent with
55 law".

56 § 3. This act shall take effect immediately.