

# STATE OF NEW YORK

5002

2017-2018 Regular Sessions

## IN SENATE

March 3, 2017

Introduced by Sen. BAILEY -- 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

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

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1 surface transit operating authority and the Staten Island rapid transit  
2 operating authority, the committee on operations of the Long Island Rail  
3 Road and the metropolitan suburban bus authority, and the committee on  
4 operations of the Metro-North commuter railroad. [~~Such~~] The committee on  
5 safety shall convene at least once annually and each committee chair-  
6 person, that is a member of the committee on safety, shall report to the  
7 committee on safety any and all initiatives, concerns, improvements, or  
8 failures involving the safety of: (1) customers; (2) employees; and (3)  
9 the public at large, in relation to authority facilities and services.

10 The capital program committee shall, with respect to any approved or  
11 proposed capital program plans, (i) monitor the current and future  
12 availability of funds to be utilized for such plans approved or proposed  
13 to be submitted to the metropolitan transportation capital program  
14 review board as provided in section twelve hundred sixty-nine-b of this  
15 title; (ii) monitor the contract awards of the metropolitan transporta-  
16 tion authority and the New York city transit authority to insure that  
17 such awards are consistent with (A) provisions of law authorizing United  
18 States content and New York state content; (B) collective bargaining  
19 agreements; (C) provisions of law providing for participation by minori-  
20 ty and women-owned businesses; (D) New York state labor laws; (E)  
21 competitive bidding requirements including those regarding sole source  
22 contracts; and (F) any other relevant requirements established by law;  
23 (iii) monitor the award of contracts to determine if such awards are  
24 consistent with the manner in which the work was traditionally performed  
25 in the past provided, however, that any such determination shall not be  
26 admissible as evidence in any arbitration or judicial proceeding; (iv)  
27 review the relationship between capital expenditures pursuant to each  
28 such capital program plan and current and future operating budget  
29 requirements; (v) monitor the progress of capital elements described in  
30 each capital program plan approved as provided in section twelve hundred  
31 sixty-nine-b of this title; (vi) monitor the expenditures incurred and  
32 to be incurred for each such element; and (vii) identify capital  
33 elements not progressing on schedule, ascertain responsibility therefor  
34 and recommend those actions required or appropriate to accelerate their  
35 implementation. The capital program committee shall issue a quarterly  
36 report on its activities and findings, and shall in connection with the  
37 preparation of such quarterly report, consult with the state division of  
38 the budget, the state department of transportation, the members of the  
39 metropolitan transportation authority capital program review board and  
40 any other group the committee deems relevant, including public employee  
41 organizations, and, at least annually, with a nationally recognized  
42 independent transit engineering firm. Such report shall be made avail-  
43 able to the members of the authority, to the members of the metropolitan  
44 transportation authority capital program review board, and the directors  
45 of the municipal assistance corporation for the city of New York.

46 § 2. Paragraph (b) of subdivision 4 of section 1263 of the public  
47 authorities law, as amended by chapter 494 of the laws of 1990, is  
48 amended to read as follows:

49 (b) The chairman shall establish committees to assist him in the  
50 performance of his duties and shall appoint members of the authority to  
51 such committees. Among such committees, there shall be a committee on  
52 operations of the New York city transit authority, the Manhattan and  
53 Bronx surface transit operating authority and the Staten Island rapid  
54 transit operating authority; a committee on operations of the Long  
55 Island Rail Road and the metropolitan suburban bus authority; a commit-  
56 tee on operations of the Metro-North commuter railroad; a committee on

1 operations of the Triborough bridge and tunnel authority; a committee on  
2 finance; ~~[and]~~ a committee on capital program oversight; and a committee  
3 on safety. The committee on capital program oversight shall include not  
4 less than ~~[three]~~ four members, and shall include the chairpersons of  
5 the committee on operations of the New York city transit authority, the  
6 Manhattan and Bronx surface transit operating authority and the Staten  
7 Island rapid transit operating authority, the committee on operations of  
8 the Long Island Rail Road and the metropolitan suburban bus authority,  
9 ~~[and]~~ the committee on operations of the Metro-North commuter railroad,  
10 and the committee on safety. ~~[Such]~~ The committee on safety shall  
11 convene at least once annually and each committee chairperson, that is a  
12 member of the committee on safety, shall report to the committee on  
13 safety any and all initiatives, concerns, improvements, or failures  
14 involving the safety of: (1) customers; (2) employees; and (3) the  
15 public at large, in relation to authority facilities and services. The  
16 capital program committee shall, with respect to any approved or  
17 proposed capital program plans, (i) monitor the current and future  
18 availability of funds to be utilized for such plans approved or proposed  
19 to be submitted to the metropolitan transportation capital program  
20 review board as provided in section twelve hundred sixty-nine-b of this  
21 title; (ii) monitor the contract awards of the metropolitan transporta-  
22 tion authority and the New York city transit authority to insure that  
23 such awards are consistent with (A) provisions of law authorizing United  
24 States content and New York state content; (B) collective bargaining  
25 agreements; (C) provisions of law providing for participation by minori-  
26 ty and women-owned businesses; (D) New York state labor laws; (E)  
27 competitive bidding requirements including those regarding sole source  
28 contracts; and (F) any other relevant requirements established by law;  
29 (iii) monitor the award of contracts to determine if such awards are  
30 consistent with the manner in which the work was traditionally performed  
31 in the past provided, however, that any such determination shall not be  
32 admissible as evidence in any arbitration or judicial proceeding; (iv)  
33 review the relationship between capital expenditures pursuant to each  
34 such capital program plan and current and future operating budget  
35 requirements; (v) monitor the progress of capital elements described in  
36 each capital program plan approved as provided in section twelve hundred  
37 sixty-nine-b of this title; (vi) monitor the expenditures incurred and  
38 to be incurred for each such element; and (vii) identify capital  
39 elements not progressing on schedule, ascertain responsibility therefor  
40 and recommend those actions required or appropriate to accelerate their  
41 implementation. The capital program committee shall issue a quarterly  
42 report on its activities and findings, and shall in connection with the  
43 preparation of such quarterly report, consult with the state division of  
44 the budget, the state department of transportation, the members of the  
45 metropolitan transportation authority capital program review board and  
46 any other group the committee deems relevant, including public employee  
47 organizations, and, at least annually, with a nationally recognized  
48 independent transit engineering firm. Such report shall be made avail-  
49 able to the members of the authority, to the members of the metropolitan  
50 transportation authority capital program review board, and the directors  
51 of the municipal assistance corporation for the city of New York.

52 § 3. This act shall take effect immediately, provided that the amend-  
53 ments to paragraph (b) of subdivision 4 of section 1263 of the public  
54 authorities law made by section one of this act shall be subject to the  
55 expiration and reversion of such subdivision pursuant to section 3 of

1 chapter 549 of the laws of 1994, as amended, when upon such date the  
2 provisions of section two of this act shall take effect.