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:

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:

(q) request from any department, division, office, commission or other agency of the state or any political subdivision thereof, **or any public authority or public benefit corporation,** and the same are authorized to provide, such assistance, services and data as may be required by the division of homeland security and emergency services in carrying out the purposes of this article, subject to applicable laws, rules, and regulations;

§ 2. The executive law is amended by adding a new section 719 to read as follows:

§ 719. Protection of critical infrastructure; metropolitan transportation authority facilities. 1. Notwithstanding any other provision of law, the commissioner of the division of homeland security and emergency services in consultation with the commissioner of transportation and the superintendent of the division of state police shall conduct a review and analysis of measures being taken to protect the security of critical infrastructure related to the transportation facilities included in 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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also include, for purposes of this section, bridges and tunnels of the metropolitan transportation authority and of all subsidiaries of such authority. The commissioner of the division of homeland security and emergency services shall have the authority to review any audits or reports related to the security of such critical infrastructure, including audits or reports conducted at the request of the metropolitan transportation authority or any other agency or authority of the state or any political subdivision thereof or, to the extent practicable, of any federal entity. The operators of such transportation facilities shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the commissioner of the division of homeland security and emergency services to such audits or reports regarding such critical infrastructure provided, however, that exclusive custody and control of such audits and reports shall remain solely with the operators of such transportation facilities. For the purposes of this article, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. (a) On or before December thirty-first, two thousand eighteen, and every ten years thereafter, the commissioner of the division of homeland security and emergency services in consultation with the commissioner of transportation and the superintendent of the division of state police shall report to the governor, the temporary president of the senate, the speaker of the assembly and the board of any such affected transportation authority. Such report shall review the security measures being taken regarding critical infrastructure related to such transportation facilities, subject to the review and analysis made pursuant to subdivision one of this section, and assess the effectiveness thereof, and shall further include recommendations to the legislature and the metropolitan transportation authority.

(b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols, which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report, in consultation with the commissioner of the division of homeland security and emergency services for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such protocols shall not be binding upon a person who is provided access to such report or any information contained therein pursuant to section eighty-nine of the public officers law after a final determination that access to such report or any information contained therein could not be denied pursuant to subdivision two of section eighty-seven of the public officers law. The commissioner of the division of homeland security and emergency services shall also develop protocols for his or her division related to the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein. On each report, the commissioner of the division of homeland security and emergency services shall prominently display the following statement: "this report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred ten of the executive law, this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law".

§ 3. This act shall take effect immediately.