

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.