

STATE OF NEW YORK

6287--A

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sens. LANZA, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to establishing the Move New York Fair Plan; to amend the state finance law, in relation to establishing the Move New York mobility fund; to amend the public authorities law, in relation to the collection and disbursement of the funds of such plan; to amend the tax law, in relation to rescinding certain tax exemptions; to amend the executive law, in relation to diversion of metropolitan transportation authority funds; to amend the public authorities law, in relation to directing the metropolitan transportation authority to contract for the provision of an independent forensic audit of such authority; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 article 44-C to read as follows:

3 ARTICLE 44-C

4 MOVE NEW YORK FAIR PLAN

5 Section 1701. Definitions.

6 1702. Authorization and establishment of the Move New York Fair
7 Plan.

8 1703. Move New York toll swap.

9 1704. Violations and enforcement.

10 1705. Disposition of revenue and penalties.

11 1706. Rulemaking authority.

12 § 1701. Definitions. For the purposes of this article, the following
13 terms shall have the following meanings:

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

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1 1. "City" means the city of New York.

2 2. "Department" means the department of transportation of the city.

3 3. "Electronic fee collection system" means a system of collecting
4 fees which is capable of charging an account holder the appropriate fee
5 by transmission of information from an electronic device in or on a
6 vehicle to a device sensor, which information is used to charge the
7 appropriate fee.

8 4. "Move New York mobility fund" means the fund of the same name
9 established in section eighty-two of the state finance law.

10 5. "Move New York toll swap" means the imposition of tolls on current-
11 ly free crossings that lead into that area within the borough of Manhat-
12 tan south of but excluding 60th Street and the reduction of tolls on the
13 metropolitan transportation authority's existing seven tolled bridges
14 specified in subdivision four of section seventeen hundred three of this
15 article.

16 6. "Operation date" means the date determined by the department and
17 the Triborough bridge and tunnel authority for the beginning of the
18 operation and enforcement of the Move New York toll swap, but in no case
19 later than January first, two thousand twenty-one.

20 7. "Owner" means any person, corporation, partnership, firm, agency,
21 association, lessor, or organization who at the time a vehicle is oper-
22 ated: (a) is the beneficial or equitable owner of such vehicle; (b) has
23 title to such vehicle; (c) is the registrant or co-registrant of such
24 vehicle which is registered with the department of motor vehicles of
25 this state or any other state, territory, district, province, nation or
26 other jurisdiction; (d) uses such vehicle in its vehicle renting and/or
27 leasing business; or (e) is an owner of such vehicle as defined by
28 section one hundred twenty-eight or subdivision (a) of section twenty-
29 one hundred one of this chapter.

30 8. "Parking violations bureau" means the parking violations bureau
31 created in the department pursuant to section 19-201 of the administra-
32 tive code of the city.

33 9. "Vehicle-monitoring system" means a vehicle sensor installed at
34 newly tolled crossings, pursuant to this article, to work in conjunction
35 with photographic or other recording equipment which automatically
36 produces one or more photographs, one or more microphotographs, a vide-
37 otape, digital record or other recorded images of a vehicle entering or
38 exiting the perimeter established by such new tolls.

39 § 1702. Authorization and establishment of the Move New York Fair
40 Plan. 1. The department and the metropolitan transportation authority
41 are hereby authorized and shall, subject to the completion of any envi-
42 ronmental review required by law or regulation, establish and administer
43 the provisions of this article to be known as the Move New York Fair
44 Plan subject to and conditional upon the establishment and continuation
45 of tolls by the Triborough bridge and tunnel authority as set forth in
46 this section.

47 2. The plan shall commence on the operation date as determined by
48 agreement between the department and the Triborough bridge and tunnel
49 authority.

50 3. Contracting and employment created through the implementation of
51 this plan shall be required to comply with article fifteen-A of the
52 executive law or the most current minority and women-owned business
53 contracting provisions.

54 § 1703. Move New York toll swap. 1. The department shall install and
55 operate an electronic fee collection system and a vehicle-monitoring
56 system or utilize any other technological means to effectuate the

1 provisions of this article at points of entry specified in paragraphs
2 (a) and (b) of this subdivision. The department shall determine the
3 appropriate placement of such systems so as to identify vehicles enter-
4 ing and exiting the perimeter created by the points specified by para-
5 graphs (a) and (b) of this subdivision so as to utilize the electronic
6 fee collection and vehicle-monitoring system, provided that such systems
7 shall be technologically compatible with the analogous systems used by
8 the Triborough bridge and tunnel authority at the facilities identified
9 in paragraph (c) of this subdivision (such that the systems will be
10 interoperable and customers will utilize the same transponders or other
11 means of identification) and be placed at the following locations:

12 (a) at each intersection of East or West 60th street with each north-
13 bound or southbound roadway that crosses East or West 60th street in the
14 borough of Manhattan, including where 60th street would intersect both
15 Franklin Delano Roosevelt drive and route 9A if it extended east to the
16 East river and west to the Hudson river, such that any vehicle traveling
17 in a northerly or southerly direction and passing over East or West 60th
18 street, as described above, will be monitored and eligible for tolling;

19 (b) the Brooklyn bridge, the Ed Koch Queensboro bridge, the Manhattan
20 bridge, and the Williamsburg bridge; and

21 (c) the Brooklyn Battery tunnel and the Queens Midtown tunnel.

22 (d) Notwithstanding the opening paragraph of this subdivision, the
23 department shall not place such systems at the Lincoln tunnel, the
24 Holland tunnel or any other crossing not otherwise named in this subdivi-
25 vision.

26 2. The cost of tolls at points of entry specified in paragraphs (a),
27 (b), and (c) of subdivision one of this section shall be uniform and
28 equal to those tolls established from time to time by the Triborough
29 bridge and tunnel authority at the locations specified in paragraph (c)
30 of subdivision one of this section. And in accordance with the passage
31 of this legislation, tolls shall be reduced at those locations specified
32 in paragraph (c) of subdivision one of this section by 9.75 percent at
33 the time the Move New York toll swap is implemented. Such tolls and all
34 other tolls at the facilities of the Triborough bridge and tunnel
35 authority may thereafter be adjusted from time to time as determined by
36 the Triborough bridge and tunnel authority, subject to legislative
37 approval, and in accordance with those procedures applicable to the
38 setting of tolls for authority facilities generally.

39 2-a. Notwithstanding the provisions of subdivision two of this
40 section, the toll charged for westbound vehicles utilizing the north-
41 bound exit of the Ed Koch Queensboro bridge shall be fifty-five percent
42 of the cost charged at all other points of entry on such bridge.

43 3. Tolls collected at points of entry specified in paragraphs (a) and
44 (b) of subdivision one of this section shall, excepting revenue derived
45 from tolls on facilities operated by the Triborough bridge and tunnel
46 authority, be transferred into the Move New York mobility fund estab-
47 lished by section eighty-two of the state finance law. All revenue
48 collected from the tolls at points of entry specified in paragraph (c)
49 of subdivision one of this section shall continue to be collected and
50 retained by the Triborough bridge and tunnel authority.

51 4. The tolls at the points of entry specified in paragraphs (a) and
52 (b) of subdivision one of this section shall be imposed as of the opera-
53 tion date, and maintained thereafter, only if, simultaneously, the then-
54 prevailing tolls at the following locations are lowered and maintained
55 thereafter by the Triborough bridge and tunnel authority in accordance
56 with the provisions of subdivision five of this section:

- 1 (a) Henry Hudson bridge;
2 (b) Triborough bridge;
3 (c) Whitestone bridge;
4 (d) Throgs Neck bridge;
5 (e) Cross Bay Veterans memorial bridge;
6 (f) Marine parkway-Gil Hodges memorial bridge; and
7 (g) Verrazano bridge.

8 5. The price of the tolls at the point of entry specified by:

9 (a) Paragraph (a) of subdivision four of this section shall be uniform
10 and not more than twenty-eight percent of the electronic direct-pay
11 rate, or fifty-six percent of the cost of the pay-by-mail rate, that
12 would be charged to a vehicle at the tolls at the points of entry speci-
13 fied in paragraphs (a), (b) and (c) of subdivision one of this section;

14 (b) Paragraphs (b), (c), (d) and (g) of subdivision four of this
15 section shall be uniform and not more than fifty-five percent of the
16 electronic direct-pay rate, or sixty percent of the cost of the toll-by-
17 mail rate, that would be charged to a vehicle at the tolls at the points
18 of entry specified in paragraphs (a), (b) and (c) of subdivision one of
19 this section; and

20 (c) Paragraphs (e) and (f) of subdivision four of this section shall
21 be uniform and not more than twenty percent of the electronic direct-pay
22 rate, or thirty-four percent of the cost of the toll-by-mail rate, that
23 would be charged to a vehicle at the tolls at the points of entry speci-
24 fied in paragraphs (a), (b) and (c) of subdivision one of this section.

25 (d) For those bridges where a governor-approved resident toll discount
26 is currently in effect, such discount shall be made permanent, and any
27 resident rate for those same crossings shall be fifty percent of the
28 standard toll under this plan for those vehicles equipped with electron-
29 ic, onsite, direct payment technology.

30 6. In the event that the Triborough bridge and tunnel authority fails
31 to establish and maintain tolls at the facilities specified in para-
32 graphs (a) through (g) of subdivision four of this section at levels
33 consistent with the ratios established by subdivision five of this
34 section, then the authority to establish and maintain tolls at the
35 facilities specified in paragraphs (a) and (b) of subdivision one of
36 this section shall lapse and be of no force and effect. Vehicles regis-
37 tered in any borough that lacks subway service to the central business
38 district which are traveling to or from the central business district,
39 shall be limited to one toll per direction so long as the vehicle in
40 question is using E-ZPass or other form of instant, onsite payment and
41 that the second tolled facility the driver may cross is reached within
42 three hours of the first tolled facility in that direction being
43 crossed, where the tolled facilities in question are those specified in
44 paragraphs (a) and (b) of subdivision one and paragraph (g) of subdivi-
45 sion four of this section.

46 7. (a) The city taxi and limousine commission, pursuant to an agree-
47 ment to be entered into with the Move New York highway and transit
48 authority, but in no case later than January first, two thousand twen-
49 ty-one shall be authorized to impose and shall impose a surcharge on all
50 taxis, black cars, liveries and for-hire vehicles licensed by the city
51 taxi and limousine commission picking up or discharging passengers with-
52 in the hail exclusionary zone as defined by the taxi and limousine
53 commission.

54 (b) Such charge shall be determined as follows: twelve cents per two-
55 tenths of one mile traveled at a speed of six miles per hour or more
56 plus twenty cents per two-tenths of one mile traveled at a speed of less

1 than six miles per hour, within the hail exclusionary zone as defined by
2 the taxi and limousine commission. The charges specified in this subdi-
3 vision shall vary according to subdivision ten of this section. Such
4 charges may be adjusted upward from time to time by the city taxi and
5 limousine commission.

6 (c) All charges under this subdivision shall be collected by the taxi
7 and limousine commission and remitted to the Move New York highway and
8 transit authority on a quarterly basis.

9 (d) Notwithstanding any contrary provision of law, any for hire vehi-
10 cle or taxi subject to the surcharge specified by this subdivision shall
11 be exempt from the tolls specified in paragraphs (a), (b) and (c) of
12 subdivision one of this section.

13 8. (a) A commercial vehicle, as defined by the New York city traffic
14 rules, equipped with an operational commercial E-ZPass, shall only be
15 charged a single round trip toll per day notwithstanding the number of
16 times such vehicle may cross the perimeter of the tolls established by
17 this section.

18 (b) All vehicles and vehicle types or classes shall pay the new toll
19 crossings with the exception of emergency vehicles and New York city
20 government vehicles as may be provided pursuant to the rule making
21 authority of the Move New York highway and transit authority board.

22 9. It shall be a violation of this section for the owner of any vehi-
23 cle subject to a toll charge pursuant to this article or any surcharge
24 pursuant to subdivision seven of this section to fail to pay such toll
25 charge or surcharge to the department within thirty days after the end
26 of a day in which the vehicle has incurred such toll charge or surcharge
27 pursuant to this section or within fifteen days of receiving written
28 notice, whichever is later.

29 10. The department by agreement with the Move New York highway and
30 transit authority and the Triborough bridge and tunnel authority is
31 hereby authorized to establish a demand-based pricing scheme whereby
32 tolls shall be higher during times of heavy traffic volume and lower
33 during times of lighter traffic volume, provided, however, that in all
34 cases revenue raised from the fees established by this section shall
35 meet the revenue that would have been raised if rates did not change
36 throughout the day, as provided for in this section of this article.

37 Nothing in this section is intended nor shall it be construed to limit
38 or modify the authority and power of the Triborough bridge and tunnel
39 authority to establish tolls at its own facilities.

40 § 1704. Violations and enforcement. 1. Notwithstanding any other
41 provision of law, violations of this article shall be adjudicated pursu-
42 ant to this section. The owner of a vehicle shall be liable for a penal-
43 ty imposed pursuant to this section if such vehicle was used or operated
44 with the permission of the owner, expressed or implied, in violation of
45 this article, and such violation is evidenced by information obtained
46 from a vehicle-monitoring system or other credible evidence.

47 2. A certificate, sworn to or affirmed by a technician employed or
48 contracted by the city, or a facsimile or electronic image thereof,
49 based upon inspection of photographs, microphotographs, videotape,
50 digital record, digital recording or other recorded images produced by a
51 vehicle-monitoring system shall be prima facie evidence of the facts
52 contained therein. Any photographs, microphotographs, videotape, digital
53 recording, digital record, or other recorded images evidencing such a
54 violation shall be available for inspection in any proceeding to adjudi-
55 cate the liability for such violation pursuant to this section.

1 3. Notwithstanding any other provision of law, an owner liable for a
2 violation of this article shall be liable for monetary penalties in
3 accordance with the following initial schedule:

- 4 (a) for failure to respond to written
5 notice within thirty days Fifty dollars
- 6 (b) for failure to respond to written
7 notice within sixty days One hundred dollars
- 8 (c) for failure to respond to written
9 notice within ninety or more days . . . One hundred fifty dollars

10 The department of finance of the city or the parking violations bureau
11 shall adjudicate liability imposed by this section.

12 4. An imposition of liability pursuant to this section shall not be
13 deemed a conviction as an operator and shall not be made part of the
14 operating record of the person upon whom such liability is imposed nor
15 shall it be used for insurance purposes in the provision of motor vehi-
16 cle insurance coverage.

17 5. A notice of liability shall be sent by first class mail to each
18 person alleged to be liable as an owner for a violation of this article.
19 Personal service on the owner shall not be required. A manual or auto-
20 matic record of mailing prepared in the ordinary course of business
21 shall be prima facie evidence of the facts contained therein. The notice
22 of liability shall contain the following information:

- 23 (a) the name and address of the person alleged to be liable as an
24 owner for a violation of this article;
- 25 (b) the registration number of the vehicle involved in such violation;
- 26 (c) the date, time, and location or locations where such violation
27 took place;
- 28 (d) the identification number of the vehicle-monitoring system or
29 other document locator number;
- 30 (e) information advising the person charged of the manner and time in
31 which he or she may contest the liability alleged in the notice; and
- 32 (f) a warning to advise the person charged that failure to contest in
33 the manner and time provided shall be deemed an admission of liability,
34 may subject the person to additional penalties, and that a default judg-
35 ment may be issued thereon.

36 6. If the evidence of the violation is derived from an official source
37 other than the vehicle-monitoring system, such as from an employee of
38 the police department of the city, the notice shall contain sufficient
39 information detailing the name and title of the city employee who
40 observed the violation in addition to the information described in
41 subdivision five of this section.

42 7. If an owner receives a notice of liability pursuant to this section
43 for any time period during which the vehicle was reported to the police
44 department as having been stolen, it shall be a valid defense to an
45 allegation of liability for a violation of this article that the vehicle
46 had been reported to the police as stolen prior to the time the
47 violation occurred and had not been recovered by such time. For purposes
48 of asserting the defense provided by this subdivision it shall be suffi-
49 cient that a certified copy of the police report on the stolen vehicle
50 be sent by first class mail to the city department of finance or parking
51 violations bureau.

52 8. (a) An owner who is a lessor of a vehicle to which a notice of
53 liability was issued pursuant to subdivision five of this section shall
54 not be liable for the violation of this article provided that:

- 55 (i) prior to the violation the lessor has filed with the department of
56 finance of the city or the parking violations bureau and paid the

1 required filing fee in accordance with the provisions of section two
2 hundred thirty-nine of this chapter; and

3 (ii) within thirty-seven days after receiving notice from the depart-
4 ment of finance of the city or the parking violations bureau of the date
5 and time of a liability, together with the other information contained
6 in the original notice of liability, the lessor submits to the depart-
7 ment of finance of the city or the parking violations bureau the correct
8 name and address of the lessee of the vehicle identified in the notice
9 of liability at the time of such violation, together with such other
10 additional information contained in the rental lease or other contract
11 document, as may be reasonably required by the department of finance of
12 the city or the parking violations bureau pursuant to regulations that
13 may be promulgated for such purpose.

14 (b) Failure to comply with subparagraph (ii) of paragraph (a) of this
15 subdivision shall render the owner liable for the penalty prescribed in
16 this section.

17 (c) Where the lessor complies with the provisions of this subdivision,
18 the lessee of such vehicle on the date of such violation shall be deemed
19 to be the owner of such vehicle for purposes of this section, and such
20 lessee shall be subject to liability for a violation of this article and
21 shall be sent a notice of liability pursuant to subdivision four of this
22 section.

23 9. If the owner liable for a violation of this article was not the
24 operator of the vehicle at the time of the violation, the owner may
25 maintain an action for indemnification against the operator.

26 10. Notwithstanding any other provision of this section, no owner of a
27 vehicle shall be subject to a penalty imposed pursuant to this section
28 if the operator of such vehicle was operating such vehicle without the
29 consent of the owner at the time such operator committed a violation of
30 this article. For the purposes of this subdivision, there shall be a
31 presumption that the operator of such vehicle was operating such vehicle
32 with the consent of the owner at the time such operator committed a
33 violation of this article.

34 11. Nothing in this section shall be construed to limit the liability
35 of an operator of a vehicle for any violation of this article.

36 § 1705. Disposition of revenue and penalties. 1. All tolls, fees and
37 surcharges collected pursuant to this article shall at all times be the
38 property of the Move New York highway and transit authority, except for
39 that portion allocable and paid to the Triborough bridge and transit
40 authority pursuant to subdivision five of section eighty-two of the
41 state finance law, which shall be retained by the Triborough bridge and
42 tunnel authority, shall be deposited on a quarterly basis into the Move
43 New York mobility fund established by section eighty-two of the state
44 finance law.

45 2. Notwithstanding any law to the contrary, all fines and penalties
46 collected by the Move New York highway and transit authority for a
47 violation of this article pursuant to the provisions of section seven-
48 teen hundred four of this article shall at all times be the property of,
49 and shall be paid to, the authority and shall be deposited into the Move
50 New York mobility fund established by section eighty-two of the state
51 finance law.

52 § 1706. Rulemaking authority. The metropolitan transportation authori-
53 ty, the Triborough bridge and tunnel authority, the Move New York high-
54 way and transit authority and any agencies of the city, including the
55 department, the city department of finance and the parking violations
56 bureau, are empowered and authorized to promulgate any regulations

1 necessary or in aid of their powers and duties pursuant to this article
2 including adjustments in fees and penalties.

3 § 2. The state finance law is amended by adding a new section 82 to
4 read as follows:

5 § 82. Move New York mobility fund. 1. There is hereby established in
6 the joint custody of the state comptroller and the Move New York highway
7 and transit authority, a special revenue fund to be known as the "Move
8 New York mobility fund".

9 2. Moneys in the Move New York mobility fund shall be kept separately
10 from and shall not be commingled with any other moneys in the joint or
11 sole custody of the state comptroller or metropolitan transportation
12 authority.

13 3. The fund shall consist of: (i) any tolls, fees and surcharges
14 collected pursuant to article forty-four-C of the vehicle and traffic
15 law, except tolls collected on facilities operated by the Triborough
16 bridge and tunnel authority; (ii) any penalties imposed pursuant to
17 article forty-four-C of the vehicle and traffic law, and administrative
18 fees imposed pursuant to subdivision fifteen of section twenty-nine
19 hundred eighty-five of the public authorities law; and (iii) any funds
20 realized by the rescission of the tax exemption for New York county
21 residents pursuant to section twelve hundred twelve-A of the tax law.

22 4. Moneys of the fund shall be disbursed without appropriation only
23 upon direction of the Move New York highway and transit authority.

24 5. Moneys in the fund shall be disbursed in the following fashion and
25 order of priority on an annual basis:

26 (a) Sufficient funds to cover the lost revenues from: (i) reduced
27 tolls on the facilities identified in paragraphs (a) through (g) of
28 subdivision four of section seventeen hundred three of the vehicle and
29 traffic law calculated on an annual basis based on the historical
30 percentage (reflecting the three year period prior to the operation
31 date) share that such facilities contribute to all Triborough bridge and
32 tunnel authority revenues that are collected from all bridge and tunnel
33 crossings, and (ii) any toll exemptions to vehicles required by or
34 implemented pursuant to this article and determined by the Triborough
35 bridge and tunnel authority and verified by the comptroller on an annual
36 basis based upon actual experience. Such revenue make-up payment shall
37 be calculated on a quarterly basis and paid by the Move New York highway
38 and transit authority from the Move New York mobility fund to the
39 Triborough bridge and tunnel authority within thirty days of the end of
40 each calendar quarter.

41 (b) Sufficient funds to the department of transportation of the city
42 of New York to cover the amortized cost of installing, maintaining and
43 administering the tolls on the roadways and bridges specified in para-
44 graphs (a) and (b) of subdivision one of section seventeen hundred three
45 of the vehicle and traffic law.

46 (c) Up to the first three hundred million dollars to the New York city
47 department of transportation for actual and verifiable costs of main-
48 taining the bridges specified in subdivision one of section seventeen
49 hundred three of the vehicle and traffic law over a ten year period.

50 (d) Four hundred eighty-seven million dollars annually to the metro-
51 politan transportation authority, all or a portion of which may be used
52 to secure indebtedness of up to seven billion three hundred million
53 dollars by such authority.

54 (e) Seventy-five million dollars per year plus any funds allocated
55 under paragraph (c) of this subdivision that are not required for bridge

1 maintenance costs to the New York city department of transportation for
2 miscellaneous road and bridge maintenance and improvements.

3 (f) As provided in section nine of the chapter of the laws of two
4 thousand seventeen that added this section one hundred twenty-one
5 million dollars per year to the metropolitan transportation authority to
6 implement transit access improvements throughout the five boroughs of
7 New York city.

8 (g) Three hundred million dollars per year to secure indebtedness of
9 the metropolitan transportation authority of up to four billion five
10 hundred sixty-six million dollars to be utilized as the Transit Gap
11 Investment Fund-NYC to be used by the metropolitan transportation
12 authority, the New York city transit authority and the New York city
13 department of transportation in consultation with and approval by a
14 Transit Gap Investment Fund-NYC board which shall consist of the follow-
15 ing officials or, at the discretion of such officials, appointees who
16 shall represent such officials: the governor, the speaker of the assem-
17 bly, the temporary president of the senate, the mayor of the city of New
18 York, each borough president of the city of New York, the New York city
19 council speaker, and two representatives, one of whom shall be appointed
20 by the Hudson Valley delegation of the state legislature, and one of
21 whom shall be appointed by the Long Island delegation of the state
22 legislature. The board shall additionally include the following ex offi-
23 cio, nonvoting members: the president of the transit workers union, the
24 chair of the New York city transit riders council of the permanent citi-
25 zens advisory council to the metropolitan transportation authority, the
26 president of the regional planning association and a representative from
27 the transit riders advocacy community such representative being
28 appointed by the temporary president of the senate. The board shall,
29 prior to voting on any spending proposals, hold at least one public
30 meeting at which an opportunity for public comment on such proposals
31 shall be provided.

32 (g-1) The metropolitan transportation authority, through the Transit
33 Gap Investment Fund-NYC board, shall dedicate three billion five hundred
34 million dollars to network expansion projects. In dedicating such funds,
35 the board shall consider the following expansion projects: citywide
36 ferry capital construction (seventy million dollars), Sheridan express-
37 way conversion in the Bronx (seventy million dollars), Triboro RX
38 circumferential rapid transit (one billion dollars), bus rapid transit
39 on the North Shore of Staten Island (five hundred million dollars), bike
40 and pedestrian path widening at the Brooklyn bridge (nineteen million
41 dollars), and construction of such paths on the Verrazano bridge (fifty
42 million dollars), conversion of the Atlantic avenue line of the Long
43 Island Rail Road to a subway operated by New York city transit (seven
44 hundred fifty million dollars), initial work on phase 2 of the Second
45 Avenue subway (five hundred million dollars), Manhattan crosstown corri-
46 dor select bus service on 14th; 42nd; 57th and 96th streets (forty-six
47 million dollars), select bus service between 125th Street to LaGuardia
48 airport; on Webster avenue in the Bronx; along the Southern Brooklyn
49 east-west corridor; along the Southern Bronx east-west corridor; along
50 Woodside avenue in Queens; and along Utica avenue in Brooklyn (eighty-
51 three million dollars), G train extension to Queens plaza or Queensboro
52 plaza with a new pedestrian transfer between the two facilities (four
53 hundred million dollars); free out of station transfers between the G
54 and JMZ lines at the Broadway and Hewes stations; and free out of
55 station transfers between the G and L lines at the Broadway and Lorimer
56 stations (two million dollars), free out of station transfers between

1 the 3 line at Junius street station and the L line at Livonia avenue
2 station (one million dollars), and a feasibility study for reactivation
3 of commuter rail service on the lower Montauk branch of the Long Island
4 Rail Road (two million dollars).

5 (g-2) The remaining billion dollars shall be allocated by the metro-
6 politan transportation authority and department of transportation of the
7 city of New York in the following amounts: three hundred million dollars
8 for the boroughs of Brooklyn and Queens, one hundred seventy-five
9 million for the boroughs of the Bronx and Manhattan, and fifty million
10 for the borough of Staten Island. Projects from funds dedicated pursu-
11 ant to this subdivision shall be used for hyperlocal transit accessibil-
12 ity projects including, but not limited to, new bus shelters, subway
13 station accessibility improvements and streetscape improvements consist-
14 ent with the New York city department of transportation's vision zero
15 goals. In every borough, each community board shall petition for its
16 priority projects, and the final list in every borough shall be approved
17 at the first borough board meeting subsequent to the establishment of
18 the board. Funds shall be distributed evenly between community boards
19 within a borough, within a ten percent margin differential. The minimum
20 project size shall be up to the discretion of the managing agency.

21 (g-3) The Transit Gap Investment Fund-NYC shall be annually audited
22 until all moneys within the fund are depleted by both the state comp-
23 troller and the comptroller of the city of New York. All moneys within
24 the fund shall be expended or allocated within five years of receiving
25 bonded revenues.

26 (h) Twenty-three million five hundred thousand dollars all or a
27 portion of which may be used to secure indebtedness of up to three
28 hundred fifty million dollars to establish the Transit Gap Investment
29 Fund-Hudson Valley for transit capital projects in the counties of West-
30 chester, Putnam, Dutchess, Orange, and Rockland, including, but not
31 limited to, transforming the Tappan Zee express bus service into a bus
32 rapid transit line; supplementing existing county bus system operating
33 budgets with up to ten percent of additional funding; investing in trans-
34 it-oriented development and increased parking capacity at select
35 metro-north railroad stations; and establishing new express routes from
36 points originating west of the Hudson river into Manhattan's central
37 business district. Funds provided by this subdivision shall be
38 controlled by a board consisting of the following officials, or their
39 appointees: the governor, the speaker of the assembly, the temporary
40 president of the senate, and five members appointed by the Hudson Valley
41 delegation of the state legislature (each of whom shall represent one of
42 the five counties) and one member jointly appointed by the five county
43 executives. The board shall, prior to voting on any spending proposals,
44 hold at least one public meeting at which an opportunity for public
45 comment on such proposals shall be provided.

46 (i) Twenty-three million five hundred thousand dollars, all or a
47 portion of which may be used to secure indebtedness of up to three
48 hundred fifty million dollars to establish the Transit Gap Investment
49 Fund-Long Island to finance transit capital projects in the counties of
50 Nassau and Suffolk, including, but not limited to: supplementing exist-
51 ing county bus system operating budgets with up to ten percent of addi-
52 tional funding; investing in transit-oriented development and increased
53 parking capacity at Long Island Rail Road stations. Funds provided by
54 this subdivision shall be controlled by a board consisting of the
55 following officials, or their appointees: the governor, speaker of the
56 assembly, the temporary president of the senate, and two members

1 appointed by the Long Island delegation of the state legislature (each
2 of whom shall represent one of the two counties) and the two county
3 executives. The board shall, prior to voting on any spending proposals,
4 hold at least one public meeting at which an opportunity for public
5 comment on such proposals shall be provided.

6 (j) Any sums remaining in the fund shall be allocated three quarters
7 to the metropolitan transportation authority and one quarter to the city
8 department of transportation to be utilized in both cases for capital
9 purposes only in the first year there is a surplus and every year there-
10 after.

11 (k) In the event that there may be insufficient funds to be disbursed
12 pursuant to paragraphs (g), (h), and (i) of this subdivision, 86.5
13 percent of available funds shall be allocated to the Transit Gap Invest-
14 ment Fund-NYC, 6.75 percent of available funds shall be allocated to the
15 Transit Gap Investment Fund-Hudson Valley, and 6.75 Percent of available
16 funds shall be allocated to the Transit Gap Investment Fund-Long Island.

17 § 3. The public authorities law is amended by adding a new section
18 1279-d to read as follows:

19 § 1279-d. Move New York highway and transit authority. 1. Creation of
20 authority. There is hereby created a public benefit corporation that
21 shall be known as the "Move New York highway and transit authority".
22 The authority shall be a body corporate and politic constituting a
23 public benefit corporation. The members of the board of the metropolitan
24 transportation authority shall serve, ex officio, as the members of the
25 board of the Move New York highway and transit authority.

26 2. Duties of the authority. The Move New York highway and transit
27 authority shall have the sole duty of: (a) receiving revenue pursuant to
28 article forty-four-C of the vehicle and traffic law administered by the
29 department of transportation of the city of New York, any fees or fines
30 for violations thereof, and any funds realized by the rescission of the
31 tax exemption for New York county residents pursuant to section twelve
32 hundred twelve-A of the tax law; (b) disbursing such funds pursuant to
33 subdivision four of section eighty-two of the state finance law and in
34 accordance with subdivision five of such section; (c) issuing bonds,
35 notes and other obligations against revenue collected under paragraph
36 (a) of this subdivision; (d) furnishing an annual report on all receipts
37 and expenditures of the fund, and operation expenses of the plan estab-
38 lished by article forty-four-C of the vehicle and traffic law, to be
39 published on the website of the metropolitan transportation authority
40 and submitted to the governor, state legislature, and the mayor and
41 council of the city of New York; and (e) taking all necessary or conven-
42 ient measures to effectuate the provisions of this subdivision.

43 3. Powers of the authority. The authority shall possess all of the
44 powers of the metropolitan transportation authority as described in this
45 title as are necessary to fulfill these duties and responsibilities.

46 4. Agreement of the state. The state does hereby pledge to and agree
47 with the metropolitan transportation authority and its subsidiaries, New
48 York city transit authority and its subsidiaries, and Triborough bridge
49 and tunnel authority, and the holders of any notes, bonds or other obli-
50 gations, including lease obligations, issued or incurred, not to impair
51 the ability of, or interfere with the rights and powers vested in, the
52 metropolitan transportation authority and its subsidiaries, New York
53 city transit authority and its subsidiaries, and Triborough bridge and
54 tunnel authority by this title to fulfill the terms of any agreements
55 made by any of them with the holders thereof, or in any way impair the
56 rights and remedies of such holders until such notes, bonds or other

1 obligations, including lease obligations, together with the interest
2 thereon, with interest on any unpaid installments of interest, and all
3 costs and expenses for which the metropolitan transportation authority
4 or its subsidiaries, New York city transit authority and its subsid-
5 aries, and Triborough bridge and tunnel authority is liable in
6 connection with any action or proceeding by or on behalf of such hold-
7 ers, are fully met and discharged. The metropolitan transportation
8 authority and its subsidiaries, New York city transit authority and its
9 subsidiaries, and Triborough bridge and tunnel authority are each
10 authorized to include this pledge and agreement of the state in any
11 agreement with the holders of such notes, bonds or other obligations,
12 including lease obligations.

13 5. Maintenance of effort. Such amount of revenue generated pursuant to
14 article forty-four-C of the vehicle and traffic law will be used to
15 increase the level of funds that would otherwise be made available for
16 purposes specified by section eighty-two of the state finance law, and
17 not to supplant the amount to be provided to the metropolitan transpor-
18 tation authority or the New York city transit authority or any of their
19 subsidiaries provided by state or local law, rule or regulation.

20 § 4. Section 2985 of the public authorities law is amended by adding
21 three new subdivisions 15, 16 and 17 to read as follows:

22 15. In addition to any monetary liability that may be imposed pursuant
23 to this section and article forty-four-C of the vehicle and traffic law,
24 a public authority that operates a toll highway, bridge or tunnel facil-
25 ity is hereby authorized and empowered to impose an administrative fee
26 or fees on an owner, an operator or an account holder that has violated
27 toll collection regulations.

28 16. Any notice required to be sent pursuant to this section or article
29 forty-four-C of the vehicle and traffic law by first class mail may
30 instead be sent, with consent, by electronic means of communication. A
31 manual or automatic record of electronic communications prepared in this
32 ordinary course of business shall be adequate evidence of electronic
33 notice.

34 17. The Triborough bridge and tunnel authority, with respect to its
35 toll facilities and the Move New York highway and transit authority with
36 respect to new toll facilities established by article forty-four-C of
37 the vehicle and traffic law are authorized to adopt rules and regu-
38 lations to establish an administrative tribunal to adjudicate the
39 liability of owners for violation of toll collection regulations as
40 defined in and in accordance with the provisions of this section and
41 article forty-four-C of the vehicle and traffic law and the applicable
42 toll regulations of such authorities. Such tribunal shall have, with
43 respect to violation of toll collection regulations of such authorities,
44 non-exclusive jurisdiction over violations of the rules and regulations
45 which may from time to time be established by such authorities in
46 accordance with the provisions of this section and article forty-four-C
47 of the vehicle and traffic law. Violations shall be heard and determined
48 in the county in which the violation is alleged to have occurred or in
49 the county in which the public authority has its primary or regional
50 administrative offices and regulations may provide for the conduct of
51 hearings via videoconferencing.

52 § 5. Subdivision 4-d of section 510 of the vehicle and traffic law, as
53 added by chapter 379 of the laws of 1992, is amended to read as follows:

54 4-d. Suspension of registration for failure to answer or pay penalties
55 with respect to certain violations. Upon the receipt of a notification,
56 in the manner and form prescribed by the commissioner, from a court

1 [~~ex~~], an administrative tribunal, a public authority, or any other
2 public entity imposing violations, that an owner of a motor vehicle
3 failed to appear on the return date or dates or a new subsequent
4 adjourned date or dates or failed to pay any penalty imposed by a court
5 or failed to comply with the rules and regulations of an administrative
6 tribunal following entry of a final decision or decisions, in response
7 to five or more notices of liability or other process, issued within an
8 eighteen month period from any and all jurisdictions charging such owner
9 with a violation of toll collection regulations in accordance with the
10 provisions of section two thousand nine hundred eighty-five of the
11 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
12 chapter seven hundred seventy-four of the laws of nineteen hundred
13 fifty, or other comparable law, the commissioner or his or her agent
14 shall suspend the registration of the vehicle or vehicles involved in
15 the violation or the privilege of operation of any motor vehicle owned
16 by the registrant. Such suspension shall take effect no less than thirty
17 days from the date on which notice thereof is sent by the commissioner
18 to the person whose registration or privilege is suspended and shall
19 remain in effect until such registrant has appeared in response to such
20 notices of liability or has paid such penalty or in the case of an
21 administrative tribunal, the registrant has complied with the rules and
22 regulations following the entry of a final decision or decisions.

23 § 6. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
24 of the vehicle and traffic law, as amended by section 8 of chapter 222
25 of the laws of 2015, is amended to read as follows:

26 (i) If at the time of application for a registration or renewal there-
27 of there is a certification from a court, parking violations bureau,
28 traffic and parking violations agency or administrative tribunal of
29 appropriate jurisdiction that the registrant or his or her represen-
30 tative failed to appear on the return date or any subsequent adjourned
31 date or failed to comply with the rules and regulations of an adminis-
32 trative tribunal following entry of a final decision in response to a
33 total of three or more summonses or other process in the aggregate,
34 issued within an eighteen month period, charging either that: (i) such
35 motor vehicle was parked, stopped or standing, or that such motor vehi-
36 cle was operated for hire by the registrant or his or her agent without
37 being licensed as a motor vehicle for hire by the appropriate local
38 authority, in violation of any of the provisions of this chapter or of
39 any law, ordinance, rule or regulation made by a local authority; or
40 (ii) the registrant was liable in accordance with section eleven hundred
41 eleven-a, section eleven hundred eleven-b or section eleven hundred
42 eleven-d of this chapter for a violation of subdivision (d) of section
43 eleven hundred eleven of this chapter; or (iii) the registrant was
44 liable in accordance with section eleven hundred eleven-c of this chap-
45 ter for a violation of a bus lane restriction as defined in such
46 section, or (iv) the registrant was liable in accordance with section
47 eleven hundred eighty-b of this chapter for a violation of subdivision
48 (c) or (d) of section eleven hundred eighty of this chapter, or (v) the
49 registrant was liable in accordance with section eleven hundred eighty-c
50 of this chapter for a violation of subdivision (c) or (d) of section
51 eleven hundred eighty of this chapter; or (vi) the registrant was liable
52 in accordance with section eleven hundred eleven-e of this chapter for a
53 violation of subdivision (d) of section eleven hundred eleven of this
54 chapter, or (vii) the registrant was liable in accordance with article
55 forty-four-C of this chapter, the commissioner or his or her agent shall
56 deny the registration or renewal application until the applicant

1 provides proof from the court, traffic and parking violations agency or
2 administrative tribunal wherein the charges are pending that an appear-
3 ance or answer has been made or in the case of an administrative tribu-
4 nal that he or she has complied with the rules and regulations of said
5 tribunal following entry of a final decision. Where an application is
6 denied pursuant to this section, the commissioner may, in his or her
7 discretion, deny a registration or renewal application to any other
8 person for the same vehicle and may deny a registration or renewal
9 application for any other motor vehicle registered in the name of the
10 applicant where the commissioner has determined that such registrant's
11 intent has been to evade the purposes of this subdivision and where the
12 commissioner has reasonable grounds to believe that such registration or
13 renewal will have the effect of defeating the purposes of this subdivi-
14 sion. Such denial shall only remain in effect as long as the summonses
15 remain unanswered, or in the case of an administrative tribunal, the
16 registrant fails to comply with the rules and regulations following
17 entry of a final decision.

18 § 6-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
19 and traffic law, as amended by section 8-a of chapter 222 of the laws of
20 2015, is amended to read as follows:

21 a. If at the time of application for a registration or renewal thereof
22 there is a certification from a court or administrative tribunal of
23 appropriate jurisdiction that the registrant or his or her represen-
24 tative failed to appear on the return date or any subsequent adjourned
25 date or failed to comply with the rules and regulations of an adminis-
26 trative tribunal following entry of a final decision in response to a
27 total of three or more summonses or other process in the aggregate,
28 issued within an eighteen month period, charging either that: (i) such
29 motor vehicle was parked, stopped or standing, or that such motor vehi-
30 cle was operated for hire by the registrant or his or her agent without
31 being licensed as a motor vehicle for hire by the appropriate local
32 authority, in violation of any of the provisions of this chapter or of
33 any law, ordinance, rule or regulation made by a local authority; or
34 (ii) the registrant was liable in accordance with section eleven hundred
35 eleven-b of this chapter for a violation of subdivision (d) of section
36 eleven hundred eleven of this chapter; or (iii) the registrant was
37 liable in accordance with section eleven hundred eleven-c of this chap-
38 ter for a violation of a bus lane restriction as defined in such
39 section; or (iv) the registrant was liable in accordance with section
40 eleven hundred eleven-d of this chapter for a violation of subdivision
41 (d) of section eleven hundred eleven of this chapter or (v) the regis-
42 trant was liable in accordance with section eleven hundred eighty-b of
43 this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
44 section eleven hundred eighty of this chapter; or (v) the registrant was
45 liable in accordance with section eleven hundred eighty-c of this chap-
46 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
47 eleven hundred eighty of this chapter; or (vi) the registrant was liable
48 in accordance with section eleven hundred eleven-e of this chapter for a
49 violation of subdivision (d) of section eleven hundred eleven of this
50 chapter, or (vii) the registrant was liable in accordance with article
51 forty-four-C of this chapter, the commissioner or his or her agent shall
52 deny the registration or renewal application until the applicant
53 provides proof from the court or administrative tribunal wherein the
54 charges are pending that an appearance or answer has been made or in the
55 case of an administrative tribunal that he or she has complied with the
56 rules and regulations of said tribunal following entry of a final deci-

1 sion. Where an application is denied pursuant to this section, the
2 commissioner may, in his or her discretion, deny a registration or
3 renewal application to any other person for the same vehicle and may
4 deny a registration or renewal application for any other motor vehicle
5 registered in the name of the applicant where the commissioner has
6 determined that such registrant's intent has been to evade the purposes
7 of this subdivision and where the commissioner has reasonable grounds to
8 believe that such registration or renewal will have the effect of
9 defeating the purposes of this subdivision. Such denial shall only
10 remain in effect as long as the summonses remain unanswered, or in the
11 case of an administrative tribunal, the registrant fails to comply with
12 the rules and regulations following entry of a final decision.

13 § 6-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
14 and traffic law, as amended by section 8-b of chapter 222 of the laws of
15 2015, is amended to read as follows:

16 a. If at the time of application for a registration or renewal thereof
17 there is a certification from a court or administrative tribunal of
18 appropriate jurisdiction that the registrant or his or her represen-
19 tative failed to appear on the return date or any subsequent adjourned
20 date or failed to comply with the rules and regulations of an adminis-
21 trative tribunal following entry of a final decision in response to
22 three or more summonses or other process, issued within an eighteen
23 month period, charging that: (i) such motor vehicle was parked, stopped
24 or standing, or that such motor vehicle was operated for hire by the
25 registrant or his or her agent without being licensed as a motor vehicle
26 for hire by the appropriate local authority, in violation of any of the
27 provisions of this chapter or of any law, ordinance, rule or regulation
28 made by a local authority; or (ii) the registrant was liable in accord-
29 ance with section eleven hundred eleven-c of this chapter for a
30 violation of a bus lane restriction as defined in such section; or (iii)
31 the registrant was liable in accordance with section eleven hundred
32 eleven-d of this chapter for a violation of subdivision (d) of section
33 eleven hundred eleven of this chapter; or (iv) the registrant was liable
34 in accordance with section eleven hundred eighty-b of this chapter for a
35 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
36 hundred eighty of this chapter, or the registrant was liable in accord-
37 ance with section eleven hundred eighty-c of this chapter for a
38 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
39 hundred eighty of this chapter; or (v) the registrant was liable in
40 accordance with section eleven hundred eleven-e of this chapter for a
41 violation of subdivision (d) of section eleven hundred eleven of this
42 chapter, or (vi) the registrant was liable in accordance with article
43 forty-four-C of this chapter, the commissioner or his or her agent shall
44 deny the registration or renewal application until the applicant
45 provides proof from the court or administrative tribunal wherein the
46 charges are pending that an appearance or answer has been made or in the
47 case of an administrative tribunal that he or she has complied with the
48 rules and regulations of said tribunal following entry of a final deci-
49 sion. Where an application is denied pursuant to this section, the
50 commissioner may, in his or her discretion, deny a registration or
51 renewal application to any other person for the same vehicle and may
52 deny a registration or renewal application for any other motor vehicle
53 registered in the name of the applicant where the commissioner has
54 determined that such registrant's intent has been to evade the purposes
55 of this subdivision and where the commissioner has reasonable grounds to
56 believe that such registration or renewal will have the effect of

1 defeating the purposes of this subdivision. Such denial shall only
2 remain in effect as long as the summonses remain unanswered, or in the
3 case of an administrative tribunal, the registrant fails to comply with
4 the rules and regulations following entry of a final decision.

5 § 6-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
6 and traffic law, as amended by section 8-c of chapter 222 of the laws of
7 2015, is amended to read as follows:

8 a. If at the time of application for a registration or renewal thereof
9 there is a certification from a court or administrative tribunal of
10 appropriate jurisdiction that the registrant or his or her represen-
11 tative failed to appear on the return date or any subsequent adjourned
12 date or failed to comply with the rules and regulations of an adminis-
13 trative tribunal following entry of a final decision in response to
14 three or more summonses or other process, issued within an eighteen
15 month period, charging that: (i) such motor vehicle was parked, stopped
16 or standing, or that such motor vehicle was operated for hire by the
17 registrant or his or her agent without being licensed as a motor vehicle
18 for hire by the appropriate local authority, in violation of any of the
19 provisions of this chapter or of any law, ordinance, rule or regulation
20 made by a local authority; or (ii) the registrant was liable in accord-
21 ance with section eleven hundred eleven-d of this chapter for a
22 violation of subdivision (d) of section eleven hundred eleven of this
23 chapter; or (iii) the registrant was liable in accordance with section
24 eleven hundred eighty-b of this chapter for violations of subdivision
25 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
26 ter, or the registrant was liable in accordance with section eleven
27 hundred eighty-c of this chapter for violations of subdivision (b), (c),
28 (d), (f) or (g) of section eleven hundred eighty of this chapter; or
29 (iv) the registrant was liable in accordance with section eleven hundred
30 eleven-e of this chapter for a violation of subdivision (d) of section
31 eleven hundred eleven of this chapter, or (v) the registrant was liable
32 in accordance with article forty-four-C of this chapter, the commis-
33 sioner or his or her agent shall deny the registration or renewal applica-
34 tion until the applicant provides proof from the court or administrative
35 tribunal wherein the charges are pending that an appearance or answer
36 has been made or in the case of an administrative tribunal that he has
37 complied with the rules and regulations of said tribunal following entry
38 of a final decision. Where an application is denied pursuant to this
39 section, the commissioner may, in his or her discretion, deny a regis-
40 tration or renewal application to any other person for the same vehicle
41 and may deny a registration or renewal application for any other motor
42 vehicle registered in the name of the applicant where the commissioner
43 has determined that such registrant's intent has been to evade the
44 purposes of this subdivision and where the commissioner has reasonable
45 grounds to believe that such registration or renewal will have the
46 effect of defeating the purposes of this subdivision. Such denial shall
47 only remain in effect as long as the summonses remain unanswered, or in
48 the case of an administrative tribunal, the registrant fails to comply
49 with the rules and regulations following entry of a final decision.

50 § 6-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
51 and traffic law, as amended by section 8-d of chapter 222 of the laws of
52 2015, is amended to read as follows:

53 a. If at the time of application for a registration or renewal thereof
54 there is a certification from a court or administrative tribunal of
55 appropriate jurisdiction that the registrant or his or her represen-
56 tative failed to appear on the return date or any subsequent adjourned

1 date or failed to comply with the rules and regulations of an adminis-
2 trative tribunal following entry of a final decision in response to
3 three or more summonses or other process, issued within an eighteen
4 month period, charging that such motor vehicle was parked, stopped or
5 standing, or that such motor vehicle was operated for hire by the regis-
6 trant or his agent without being licensed as a motor vehicle for hire by
7 the appropriate local authority, in violation of any of the provisions
8 of this chapter or of any law, ordinance, rule or regulation made by a
9 local authority, or the registrant was liable in accordance with section
10 eleven hundred eighty-c of this chapter for violations of subdivision
11 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
12 ter, or the registrant was liable in accordance with section eleven
13 hundred eleven-d of this chapter for a violation of subdivision (d) of
14 section eleven hundred eleven of this chapter, or the registrant was
15 liable in accordance with section eleven hundred eleven-e of this chap-
16 ter for a violation of subdivision (d) of section eleven hundred eleven
17 of this chapter, or the registrant was liable in accordance with article
18 forty-four-C of this chapter, the commissioner or his or her agent shall
19 deny the registration or renewal application until the applicant
20 provides proof from the court or administrative tribunal wherein the
21 charges are pending that an appearance or answer has been made or in the
22 case of an administrative tribunal that he or she has complied with the
23 rules and regulations of said tribunal following entry of a final deci-
24 sion. Where an application is denied pursuant to this section, the
25 commissioner may, in his or her discretion, deny a registration or
26 renewal application to any other person for the same vehicle and may
27 deny a registration or renewal application for any other motor vehicle
28 registered in the name of the applicant where the commissioner has
29 determined that such registrant's intent has been to evade the purposes
30 of this subdivision and where the commissioner has reasonable grounds to
31 believe that such registration or renewal will have the effect of
32 defeating the purposes of this subdivision. Such denial shall only
33 remain in effect as long as the summonses remain unanswered, or in the
34 case of an administrative tribunal, the registrant fails to comply with
35 the rules and regulations following entry of a final decision.

36 § 6-e. Paragraph a of subdivision 5-a of section 401 of the vehicle
37 and traffic law, as amended by section 8-e of chapter 222 of the laws of
38 2015, is amended to read as follows:

39 a. If at the time of application for a registration or renewal thereof
40 there is a certification from a court or administrative tribunal of
41 appropriate jurisdiction that the registrant or his or her represen-
42 tative failed to appear on the return date or any subsequent adjourned
43 date or failed to comply with the rules and regulations of an adminis-
44 trative tribunal following entry of a final decision in response to
45 three or more summonses or other process, issued within an eighteen
46 month period, charging that such motor vehicle was parked, stopped or
47 standing, or that such motor vehicle was operated for hire by the regis-
48 trant or his or her agent without being licensed as a motor vehicle for
49 hire by the appropriate local authority, in violation of any of the
50 provisions of this chapter or of any law, ordinance, rule or regulation
51 made by a local authority, or the registrant was liable in accordance
52 with section eleven hundred eleven-d of this chapter for a violation of
53 subdivision (d) of section eleven hundred eleven of this chapter, or the
54 registrant was liable in accordance with section eleven hundred eleven-e
55 of this chapter for a violation of subdivision (d) of section eleven
56 hundred eleven of this chapter, or the registrant is liable in accord-

1 ance with article forty-four-C of this chapter, the commissioner or his
2 or her agent shall deny the registration or renewal application until
3 the applicant provides proof from the court or administrative tribunal
4 wherein the charges are pending that an appearance or answer has been
5 made or in the case of an administrative tribunal that he has complied
6 with the rules and regulations of said tribunal following entry of a
7 final decision. Where an application is denied pursuant to this
8 section, the commissioner may, in his or her discretion, deny a regis-
9 tration or renewal application to any other person for the same vehicle
10 and may deny a registration or renewal application for any other motor
11 vehicle registered in the name of the applicant where the commissioner
12 has determined that such registrant's intent has been to evade the
13 purposes of this subdivision and where the commissioner has reasonable
14 grounds to believe that such registration or renewal will have the
15 effect of defeating the purposes of this subdivision. Such denial shall
16 only remain in effect as long as the summonses remain unanswered, or in
17 the case of an administrative tribunal, the registrant fails to comply
18 with the rules and regulations following entry of a final decision.

19 § 6-f. Paragraph a of subdivision 5-a of section 401 of the vehicle
20 and traffic law, as amended by section 8-f of chapter 222 of the laws of
21 2015, is amended to read as follows:

22 a. If at the time of application for a registration or renewal thereof
23 there is a certification from a court or administrative tribunal of
24 appropriate jurisdiction that the registrant or his or her represen-
25 tative failed to appear on the return date or any subsequent adjourned
26 date or failed to comply with the rules and regulations of an adminis-
27 trative tribunal following entry of a final decision in response to
28 three or more summonses or other process, issued within an eighteen
29 month period, charging that such motor vehicle was parked, stopped or
30 standing, or that such motor vehicle was operated for hire by the regis-
31 trant or his or her agent without being licensed as a motor vehicle for
32 hire by the appropriate local authority, in violation of any of the
33 provisions of this chapter or of any law, ordinance, rule or regulation
34 made by a local authority, or the registrant was liable in accordance
35 with section eleven hundred eleven-e of this chapter for a violation of
36 subdivision (d) of section eleven hundred eleven of this chapter, or the
37 registrant is liable in accordance with article forty-four-C of this
38 chapter, the commissioner or his or her agent shall deny the registra-
39 tion or renewal application until the applicant provides proof from the
40 court or administrative tribunal wherein the charges are pending that an
41 appearance or answer has been made or in the case of an administrative
42 tribunal that he has complied with the rules and regulations of said
43 tribunal following entry of a final decision. Where an application is
44 denied pursuant to this section, the commissioner may, in his or her
45 discretion, deny a registration or renewal application to any other
46 person for the same vehicle and may deny a registration or renewal
47 application for any other motor vehicle registered in the name of the
48 applicant where the commissioner has determined that such registrant's
49 intent has been to evade the purposes of this subdivision and where the
50 commissioner has reasonable grounds to believe that such registration or
51 renewal will have the effect of defeating the purposes of this subdivi-
52 sion. Such denial shall only remain in effect as long as the summonses
53 remain unanswered, or in the case of an administrative tribunal, the
54 registrant fails to comply with the rules and regulations following
55 entry of a final decision.

1 § 6-g. Paragraph a of subdivision 5-a of section 401 of the vehicle
2 and traffic law, as separately amended by chapters 339 and 592 of the
3 laws of 1987, is amended to read as follows:

4 a. If at the time of application for a registration or renewal thereof
5 there is a certification from a court or administrative tribunal of
6 appropriate jurisdiction that the registrant or his representative
7 failed to appear on the return date or any subsequent adjourned date or
8 failed to comply with the rules and regulations of an administrative
9 tribunal following entry of a final decision in response to three or
10 more summonses or other process, issued within an eighteen month period,
11 charging that such motor vehicle was parked, stopped or standing, or
12 that such motor vehicle was operated for hire by the registrant or his
13 agent without being licensed as a motor vehicle for hire by the appro-
14 priate local authority, in violation of any of the provisions of this
15 chapter or of any law, ordinance, rule or regulation made by a local
16 authority, or the registrant is liable in accordance with article
17 forty-four-C of this chapter, the commissioner or his agent shall deny
18 the registration or renewal application until the applicant provides
19 proof from the court or administrative tribunal wherein the charges are
20 pending that an appearance or answer has been made or in the case of an
21 administrative tribunal that he has complied with the rules and regu-
22 lations of said tribunal following entry of a final decision. Where an
23 application is denied pursuant to this section, the commissioner may, in
24 his discretion, deny a registration or renewal application to any other
25 person for the same vehicle and may deny a registration or renewal
26 application for any other motor vehicle registered in the name of the
27 applicant where the commissioner has determined that such registrant's
28 intent has been to evade the purposes of this subdivision and where the
29 commissioner has reasonable grounds to believe that such registration or
30 renewal will have the effect of defeating the purposes of this subdivi-
31 sion. Such denial shall only remain in effect as long as the summonses
32 remain unanswered, or in the case of an administrative tribunal, the
33 registrant fails to comply with the rules and regulations following
34 entry of a final decision.

35 § 7. The opening paragraph of paragraph 1 of subdivision (a) of
36 section 1212-A of the tax law, as amended by chapter 196 of the laws of
37 1995, is amended to read as follows:

38 a tax on receipts from every sale of the service of providing parking,
39 garaging or storing for motor vehicles by persons operating a garage
40 (other than a garage which is part of premises occupied solely as a
41 private one or two family dwelling), parking lot or other place of busi-
42 ness engaged in providing parking, garaging or storing for motor vehi-
43 cles, in any county within such city with a population density in excess
44 of fifty thousand persons per square mile, at the rate of eight per
45 centum, on receipts from every sale of such services[~~, except receipts~~
46 ~~from the sale of such services to an individual resident of such county~~
47 ~~when such services are rendered on a monthly or longer term basis at the~~
48 ~~principal location for the parking, garaging or storing of a motor vehi-~~
49 ~~cle owned or leased (but only in the case of a lease for a term of one~~
50 ~~year or more) by such individual resident]. The population of a county
51 shall be determined by reference to the latest federal census.~~

52 § 8. Section 182 of the executive law, as amended by section 1 of part
53 J of chapter 56 of the laws of 2011, is amended to read as follows:

54 § 182. Diversion of funds dedicated to the metropolitan transportation
55 authority or the New York city transit authority and any of their
56 subsidiaries to the general fund of the state or to any other purpose,

1 is prohibited. 1. The director of the budget shall be prohibited from
2 diverting revenues derived from taxes and fees paid by the public into
3 any fund created by law including, but not limited to sections eighty-
4 two, eighty-eight-a [~~and~~], eighty-nine-c and ninety-two-ff of the state
5 finance law and chapter twenty-five of the laws of two thousand nine for
6 the purpose of funding the metropolitan transportation authority or the
7 New York city transit authority and any of their subsidiaries into the
8 general fund of the state or into any other fund maintained for the
9 support of another governmental purpose. No diversion of funds can occur
10 contrary to this section by an administrative act of the director of the
11 budget or any other person in the executive branch [~~unless the governor~~
12 ~~declares a fiscal emergency, and communicates such emergency to the~~
13 ~~temporary president of the senate and speaker of the assembly, and a~~
14 ~~statute is enacted into law authorizing a diversion that would otherwise~~
15 ~~be prohibited by this section~~].

16 2. If any diversion of funds occurs by passage of legislation during a
17 regular or extraordinary session of the legislature, the director of the
18 budget shall create and include with the budget or legislation diverting
19 funds, a diversion impact statement which shall include the following
20 information:

- 21 (a) The amount of the diversion from dedicated mass transit funds;
- 22 (b) The amount diverted from each fund;
- 23 (c) The amount diverted expressed as current monthly transit fares;
- 24 (d) The cumulative amount of diversion from dedicated mass transit
25 funds during the preceding five years;
- 26 (e) The date or dates when the diversion is to occur; and
- 27 (f) A detailed estimate of the impact of diversion from dedicated mass
28 transit funds will have on the level of public transportation system
29 service, maintenance, security, and the current capital program.

30 § 9. Notwithstanding any other law, rule, regulation to the contrary,
31 the metropolitan transportation authority shall, as a part of its 2015-
32 2019 capital program with funding provided pursuant to paragraph (f) of
33 subdivision 5 of section 82 of the state finance law:

- 34 (a) increase the number and availability of express bus routes;
- 35 (b) reduce the cost of all express bus fares by one dollar;
- 36 (c) set the cost of all Long Island Rail Road and metro-north railroad
37 trips taken wholly within New York with CityTicket to six dollars during
38 peak hours and four dollars during non-peak hours;
- 39 (d) provide for the availability of CityTicket on weekdays in addition
40 to weekends;
- 41 (e) provide for the availability of CityTicket for trips taken between
42 stations within New York city and Far Rockaway and all trips taken
43 between and including Fordham and Manhattan; and
- 44 (f) fund the freedom ticket proposal of the New York City Transit
45 Riders Council contained in such council's December 2015 report entitled
46 "Freedom Ticket: Southeast Queens Proof of Concept" and expand such
47 pilot program to extend throughout New York city and include all Express
48 Bus routes and stations of the metro-north railroad and Long Island Rail
49 Roads located within New York city.

50 For the purposes of this section "CityTicket" shall mean the fare
51 option so denominated and provided by the metropolitan transportation
52 authority.

53 § 10. The public authorities law is amended by adding a new section
54 1265-c to read as follows:

55 § 1265-c. Independent forensic audit. 1. Notwithstanding any other
56 provision of law, the authority shall, within sixty days of the effec-

1 tive date of this section and at its own expense, contract with a certi-
2 fied public accounting firm for the provision of an independent, compre-
3 hensive, forensic audit of the authority. Such audit shall be performed
4 in accordance with generally accepted government auditing standards.
5 Such audit shall be independent of and in addition to the independent
6 audit of the authority conducted pursuant to section twenty-eight
7 hundred two of this chapter.

8 2. The certified independent public accounting firm providing the
9 authority's independent, comprehensive, forensic audit shall be prohib-
10 ited from providing audit services if the lead (or coordinating) audit
11 partner (having primary responsibility for the audit), or the audit
12 partner responsible for reviewing the audit, has performed audit
13 services for the authority within any of the ten previous fiscal years
14 of the authority.

15 3. The certified independent accounting firm performing the audit
16 pursuant to this section shall be prohibited from performing any non-au-
17 dit services for the authority contemporaneously with the audit.

18 4. It shall be prohibited for the certified independent public
19 accounting firm to perform for the authority any audit service if the
20 chief executive officer, comptroller, chief financial officer, chief
21 accounting officer or any other person serving in an equivalent position
22 in the authority was an employee, consultant or independent contractor
23 of that certified independent public accounting firm and participated in
24 any capacity in the audit of the authority at any time in the past.

25 5. The certified independent public accounting firm contracted to
26 perform the independent comprehensive, forensic audit of the authority
27 shall, on or before January first, two thousand twenty-one, report its
28 findings, conclusions and recommendations to the governor, the state
29 comptroller, the temporary president of the senate, the speaker of the
30 assembly, the chair and ranking minority member of the senate finance
31 committee, the chair and ranking minority member of the assembly ways
32 and means committee, the chairs and ranking minority members of the
33 senate and the assembly corporations, authorities and commissions
34 committees, and the chairs and ranking minority members of the senate
35 and the assembly transportation committees.

36 § 11. This act shall take effect immediately provided, however, that
37 section seven of this act shall take effect on the first of January next
38 succeeding the date on which it shall have become a law; and provided
39 further:

40 (a) the amendments to subparagraph (i) of paragraph a of subdivision
41 5-a of section 401 of the vehicle and traffic law made by section six of
42 this act shall not affect the expiration of such paragraph and shall be
43 deemed to expire therewith, when upon such date the provisions of
44 section six-a of this act shall take effect;

45 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
46 the vehicle and traffic law made by section six-a of this act shall not
47 affect the expiration of such paragraph and shall be deemed to expire
48 therewith, when upon such date the provisions of section six-b of this
49 act shall take effect;

50 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
51 the vehicle and traffic law made by section six-b of this act shall not
52 affect the expiration of such paragraph and shall be deemed to expire
53 therewith, when upon such date the provisions of section six-c of this
54 act shall take effect;

55 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
56 the vehicle and traffic law made by section six-c of this act shall not

1 affect the expiration of such paragraph and shall be deemed to expire
2 therewith, when upon such date the provisions of section six-d of this
3 act shall take effect;

4 (e) the amendments to paragraph a of subdivision 5-a of section 401 of
5 the vehicle and traffic law made by section six-d of this act shall not
6 affect the expiration of such paragraph and shall be deemed to expire
7 therewith, when upon such date the provisions of section six-e of this
8 act shall take effect;

9 (f) the amendments to paragraph a of subdivision 5-a of section 401 of
10 the vehicle and traffic law made by section six-e of this act shall not
11 affect the expiration of such paragraph and shall be deemed to expire
12 therewith, when upon such date the provisions of section six-f of this
13 act shall take effect;

14 (g) the amendments to paragraph a of subdivision 5-a of section 401 of
15 the vehicle and traffic law made by section six-f of this act shall not
16 affect the expiration of such paragraph and shall be deemed to expire
17 therewith, when upon such date the provisions of section six-g of this
18 act shall take effect; and

19 (h) section ten of this act shall expire and be deemed repealed Janu-
20 ary 2, 2021.