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:

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

ARTICLE 44-C

MOVE NEW YORK FAIR PLAN

Section 1701. Definitions.
1702. Authorization and establishment of the Move New York Fair Plan.
1703. Move New York toll swap.
1704. Violations and enforcement.
1705. Disposition of revenue and penalties.
1706. Rulemaking authority.

§ 1701. Definitions. For the purposes of this article, the following 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. "City" means the city of New York.
2. "Department" means the department of transportation of the city.
3. "Electronic fee collection system" means a system of collecting fees which is capable of charging an account holder the appropriate fee by transmission of information from an electronic device in or on a vehicle to a device sensor, which information is used to charge the appropriate fee.
4. "Move New York mobility fund" means the fund of the same name established in section eighty-two of the state finance law.
5. "Move New York toll swap" means the imposition of tolls on currently free crossings that lead into that area within the borough of Manhattan south of but excluding 60th Street and the reduction of tolls on the metropolitan transportation authority's existing seven tolled bridges specified in subdivision four of section seventeen hundred three of this article.
6. "Operation date" means the date determined by the department and the Triborough bridge and tunnel authority for the beginning of the operation and enforcement of the Move New York toll swap, but in no case later than January first, two thousand twenty-one.
7. "Owner" means any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time a vehicle is operated: (a) is the beneficial or equitable owner of such vehicle; (b) has title to such vehicle; (c) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; (d) uses such vehicle in its vehicle renting and/or leasing business; or (e) is an owner of such vehicle as defined by section one hundred twenty-eight or subdivision (a) of section twenty-one hundred one of this chapter.
8. "Parking violations bureau" means the parking violations bureau created in the department pursuant to section 19-201 of the administrative code of the city.
9. "Vehicle-monitoring system" means a vehicle sensor installed at newly tolled crossings, pursuant to this article, to work in conjunction with photographic or other recording equipment which automatically produces one or more photographs, one or more microphotographs, a videotape, digital record or other recorded images of a vehicle entering or exiting the perimeter established by such new tolls.
§ 1702. Authorization and establishment of the Move New York Fair Plan. 1. The department and the metropolitan transportation authority are hereby authorized and shall, subject to the completion of any environmental review required by law or regulation, establish and administer the provisions of this article to be known as the Move New York Fair Plan subject to and conditional upon the establishment and continuation of tolls by the Triborough bridge and tunnel authority as set forth in this section.
2. The plan shall commence on the operation date as determined by agreement between the department and the Triborough bridge and tunnel authority.
3. Contracting and employment created through the implementation of this plan shall be required to comply with article fifteen-A of the executive law or the most current minority and women-owned business contracting provisions.
§ 1703. Move New York toll swap. 1. The department shall install and operate an electronic fee collection system and a vehicle-monitoring system or utilize any other technological means to effectuate the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) for failure to respond to written notice within thirty days ..... Fifty dollars

(b) for failure to respond to written notice within sixty days ..... One hundred dollars

(c) for failure to respond to written notice within ninety or more days ... One hundred fifty dollars

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

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

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

(a) the name and address of the person alleged to be liable as an owner for a violation of this article;

(b) the registration number of the vehicle involved in such violation;

(c) the date, time, and location or locations where such violation took place;

(d) the identification number of the vehicle-monitoring system or other document locator number;

(e) information advising the person charged of the manner and time in which he or she may contest the liability alleged in the notice; and

(f) a warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability, may subject the person to additional penalties, and that a default judgment may be issued thereon.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 1706. Rulemaking authority. The metropolitan transportation authority, the Triborough bridge and tunnel authority, the Move New York highway and transit authority and any agencies of the city, including the department, the city department of finance and the parking violations bureau, are empowered and authorized to promulgate any regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Three hundred million dollars per year to secure indebtedness of the metropolitan transportation authority of up to four billion five hundred sixty-six million dollars to be utilized as the Transit Gap Investment Fund-NYC to be used by the metropolitan transportation authority, the New York city transit authority and the New York city department of transportation in consultation with and approval by a Transit Gap Investment Fund-NYC board which shall consist of the following officials or, at the discretion of such officials, appointees who shall represent such officials: the governor, the speaker of the assembly, the temporary president of the senate, the mayor of the city of New York, each borough president of the city of New York, the New York city council speaker, and two representatives, one of whom shall be appointed by the Hudson Valley delegation of the state legislature, and one of whom shall be appointed by the Long Island delegation of the state legislature. The board shall additionally include the following ex officio, nonvoting members: the president of the transit workers union, the chair of the New York city transit riders council of the permanent citizens advisory council to the metropolitan transportation authority, the president of the regional planning association and a representative from the transit riders advocacy community such representative being appointed by the temporary president of the senate. The board shall, prior to voting on any spending proposals, hold at least one public meeting at which an opportunity for public comment on such proposals shall be provided.

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

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

(g-2) The remaining billion dollars shall be allocated by the metropolitan transportation authority and department of transportation of the city of New York in the following amounts: three hundred million dollars for the boroughs of Brooklyn and Queens, one hundred seventy-five million for the boroughs of the Bronx and Manhattan, and fifty million for the borough of Staten Island. Projects from funds dedicated pursuant to this subdivision shall be used for hyperlocal transit accessibility projects including, but not limited to, new bus shelters, subway station accessibility improvements and streetscape improvements consistent with the New York city department of transportation's vision zero goals. In every borough, each community board shall petition for its priority projects, and the final list in every borough shall be approved at the first borough board meeting subsequent to the establishment of the board. Funds shall be distributed evenly between community boards within a borough, within a ten percent margin differential. The minimum project size shall be up to the discretion of the managing agency.

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

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

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

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

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

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

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

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

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

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

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

obligations, including lease obligations, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses for which the metropolitan transportation authority or its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority is liable in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The metropolitan transportation authority and its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority are each authorized to include this pledge and agreement of the state in any agreement with the holders of such notes, bonds or other obligations, including lease obligations.

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

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

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

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

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

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

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

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

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

(i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable in accordance with section eleven hundred eleven-a, section eleven hundred eleven-b or section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (iii) the registrant was liable in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or (iv) the registrant was liable in accordance with section eleven hundred eighty-b of this chapter for a violation of subdivision (c) or (d) of section eleven hundred eighty of this chapter, or (v) the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for a violation of subdivision (c) or (d) of section eleven hundred eighty of this chapter; or (vi) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or (vii) the registrant was liable in accordance with article forty-four-C of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant

provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable in accordance with section eleven hundred eleven-b of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (iii) the registrant was liable in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section; or (iv) the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter or (v) the registrant was liable in accordance with section eleven hundred eighty-b of this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter; or (v) the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter; or (vi) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, **or (vii) the registrant was liable in accordance with article forty-four-C of this chapter,** the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final deci-

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

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section; or (iii) the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (iv) the registrant was liable in accordance with section eleven hundred eighty-b of this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter, or the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter; or (v) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, **or (vi) the registrant was liable in accordance with article forty-four-C of this chapter,** the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of

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

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (iii) the registrant was liable in accordance with section eleven hundred eighty-b of this chapter for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter, or the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter; or (iv) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, **or (v) the registrant was liable in accordance with article forty-four-C of this chapter,** the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

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

date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority, or the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, **or the registrant was liable in accordance with article forty-four-C of this chapter,** the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority, or the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, **or the registrant is liable in accord-**

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

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority, or the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or the registrant is liable in accordance with article forty-four-C of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority, **or the registrant is liable in accordance with article forty-four-C of this chapter,** the commissioner or his agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

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

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

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

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

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

(a) The amount of the diversion from dedicated mass transit funds;

(b) The amount diverted from each fund;

(c) The amount diverted expressed as current monthly transit fares;

(d) The cumulative amount of diversion from dedicated mass transit funds during the preceding five years;

(e) The date or dates when the diversion is to occur; and

(f) A detailed estimate of the impact of diversion from dedicated mass transit funds will have on the level of public transportation system service, maintenance, security, and the current capital program.

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

(a) increase the number and availability of express bus routes;

(b) reduce the cost of all express bus fares by one dollar;

(c) set the cost of all Long Island Rail Road and metro-north railroad trips taken wholly within New York with CityTicket to six dollars during peak hours and four dollars during non-peak hours;

(d) provide for the availability of CityTicket on weekdays in addition to weekends;

(e) provide for the availability of CityTicket for trips taken between stations within New York city and Far Rockaway and all trips taken between and including Fordham and Manhattan; and

(f) fund the freedom ticket proposal of the New York City Transit Riders Council contained in such council's December 2015 report entitled "Freedom Ticket: Southeast Queens Proof of Concept" and expand such pilot program to extend throughout New York city and include all Express Bus routes and stations of the metro-north railroad and Long Island Rail Roads located within New York city.

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

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

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

tive date of this section and at its own expense, contract with a certified public accounting firm for the provision of an independent, comprehensive, forensic audit of the authority. Such audit shall be performed in accordance with generally accepted government auditing standards. Such audit shall be independent of and in addition to the independent audit of the authority conducted pursuant to section twenty-eight hundred two of this chapter.

2. The certified independent public accounting firm providing the authority's independent, comprehensive, forensic audit shall be prohibited from providing audit services if the lead (or coordinating) audit partner (having primary responsibility for the audit), or the audit partner responsible for reviewing the audit, has performed audit services for the authority within any of the ten previous fiscal years of the authority.

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

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

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

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

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

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

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

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

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

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

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

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

(h) section ten of this act shall expire and be deemed repealed January 2, 2021.