

# STATE OF NEW YORK

4491

2019-2020 Regular Sessions

## IN SENATE

March 13, 2019

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to requiring transit projects to include installation of elevators in stations where none currently exists

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

1 Section 1. Section 1266-c of the public authorities law is amended by  
2 adding a new subdivision 4-a to read as follows:

3 4-a. (a) All transit projects involving a subway passenger station  
4 that does not have an available elevator shall include the installation  
5 of an elevator that will provide individuals in wheelchairs accessibil-  
6 ity to an area of the station where passengers enter and exit a subway  
7 servicing such passenger station; provided, however, that if it is  
8 determined that the installation of an elevator is not feasible, leaving  
9 such passenger station out of compliance with the Americans with disa-  
10 bilities act, either the metropolitan transportation authority or the  
11 New York city transit authority shall, in the request for project  
12 approval, provide a written statement to the metropolitan transportation  
13 authority capital board explaining why the installation of such elevator  
14 is not feasible. If the installation of such elevator is not feasible  
15 due to cost or funding issues, the metropolitan transportation authority  
16 capital board shall not approve such project.

17 (b) All transit projects involving a subway passenger station that has  
18 an available elevator shall examine such elevator to determine whether  
19 it is in need of repair. If such elevator is found to be in need of  
20 repair, such project shall include the repair or rehabilitation of such  
21 elevator; provided, however, that if it is determined that the repair or  
22 rehabilitation of such elevator is not feasible, leaving such passenger  
23 station out of compliance with the Americans with disabilities act,  
24 either the metropolitan transportation authority or the New York city

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

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1 transit authority shall, in the request for project approval, provide a  
2 written statement to the metropolitan transportation authority capital  
3 board explaining why the repair or rehabilitation of such elevator is  
4 not feasible. If the repair or rehabilitation of such elevator is not  
5 feasible due to cost or funding issues, the metropolitan transportation  
6 authority capital board shall not approve such project.

7 (c) Any transit project that is disapproved pursuant to paragraph (a)  
8 or (b) of this subdivision may be resubmitted for approval; provided  
9 that approval shall be granted only if such resubmitted transit project  
10 would bring the subway passenger station into compliance with the Ameri-  
11 cans with disabilities act.

12 § 2. This act shall take effect immediately and shall apply to all  
13 transit projects that have not been reviewed by metropolitan transporta-  
14 tion authority capital board prior to such effective date.