STATE OF NEW YORK

8328

IN SENATE

May 11, 2020

Introduced by Sen. HOYLMAN -- 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 the New York City transit authority to operate its facilities and level of service on a daily twenty-four hour basis unless a declared state of emergency is in effect, requiring the New York City transit authority or the metropolitan transportation authority subway system to require that the levels of service furnished upon the rapid transit facilities maintained in the city of New York provide continuous service for twenty-four hours a day when a declared state of emergency is not in effect, and requiring the metropolitan transportation authority to require the New York City transit authority railroad facilities and levels of service to be operated and maintained on a daily twenty-four hour basis unless a declared state of emergency is in effect

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

Section 1. Subdivision 1 of section 1202 of the public authorities law, as amended by section 12 of part O of chapter 61 of the laws of 2000, is amended to read as follows:

1. The purposes of the authority shall be the acquisition of the transit facilities operated by the board of transportation of the city, the operation of transit facilities in accordance with the provisions of this title for the convenience and safety of the public on a basis which will enable the operations thereof, exclusive of capital costs, to be self-sustaining **and continuously operated on a daily twenty-four hour basis unless a declared state of emergency is in effect**, and, in coordination with the metropolitan transportation authority and the Triborough bridge and tunnel authority, the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district and the development and implementation of a unified mass transportation policy for such district.

§ 2. Section 1205 of the public authorities law is amended by adding a new subdivision 9 to read as follows:

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

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9. Subject to the provisions of this section and any other applicable provisions of law, the authority or the metropolitan transportation authority shall require that the levels of service furnished upon the rapid transit facilities it maintains in the city of New York shall provide continuous daily service for twenty-four hours a day except when a declared state of emergency is in effect. In the event of a reduction in service during a declared state of emergency, there shall be no substantial or general change in the levels of service furnished upon such rapid transit facilities after the emergency has been lifted relative to the time before such state of emergency declaration except upon the approval of a majority of the entire board of the authority and approval of a majority of the entire board of the metropolitan transportation authority. No substantial or general changes in the levels of service or complete or partial closing of a passenger station within the city of New York shall occur except in accordance with this article.

§ 3. Subdivision 1 of section 1264 of the public authorities law, as amended by section 2 of subpart B of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

1. The purposes of the authority shall be the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with the provisions of this title. It shall be the further purpose of the authority, consistent with its status as the ex officio board of both the New York city transit authority and the [~~triborough~~] **Triborough** bridge and tunnel authority, to develop and implement a unified mass transportation policy for such district in an efficient and cost-effective manner that includes **maintenance of continuous operations of the New York City transit authority railroad facilities and levels of service on a daily twenty-four hour basis unless a declared state of emergency is in effect and** the use of design-build contracting on all projects over twenty-five million dollars in cost except where a waiver is granted by the New York state budget director pursuant to a request in writing from the metropolitan transportation authority. For purposes of granting a waiver pursuant to this section, such review shall consider whether the design build contracting method is appropriate for the project that such waiver is sought for, and the amount of savings and efficiencies that could be achieved using such method. The determination for such waiver shall be made in writing within forty-five days from request or shall be deemed granted.

§ 4. This act shall take effect immediately.