STATE OF NEW YORK

2978

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to computing the service payment paid to certain public transportation systems

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

Section 1. Subdivision 3 of section 18-b of the transportation law, as added by chapter 56 of the laws of 1975, paragraph (iv) as added by chapter 791 of the laws of 1975, is amended to read as follows:

3. [~~The~~] **a. Except as set forth in paragraph b of this subdivision, the** quarterly service payment made to any public transportation system shall not be greater than a sum computed in one of the following manners:

(i) In the case of commuter rail, by adding the certified number of commuter rail passengers multiplied by two cents per passenger and the certified number of commuter rail vehicle or car miles multiplied by twenty-five cents per vehicle or car mile.

(ii) In the case of subway or rapid transit, by adding the certified number of subway or rapid transit passengers multiplied by two cents per passenger and the certified numbers of subway or rapid transit vehicle or car miles multiplied by eight cents per vehicle or car mile.

(iii) In the case of bus lines, by adding the certified number of bus passengers multiplied by two cents per passenger and the certified number of bus miles multiplied by seven cents per bus mile. For the purposes of computing quarterly service payments only mileage accumulated in revenue service shall be used. [~~Whenever~~] **Except as set forth in paragraph b of this subdivision, whenever** it is determined by the commissioner that the amount of money appropriated for service payments is less than the total amount of money for which all public transportation systems are eligible, the commissioner may establish on a quarterly

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

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or annual basis, a maximum service payment limit which is lower than that provided for in this section.

(iv) In the case of commuter ferry lines with the authorization for payment thereof for the fiscal year nineteen hundred seventy-five--nineteen hundred seventy-six to be in the discretion of the commissioner, by adding the certified number of annual ferry passengers multiplied by two cents per passenger, times the certified number of annual nautical ferry miles, times two-one hundred thousandths. [~~For~~] Except as set forth in paragraph b of this subdivision, for the purposes of computing quarterly service payments only mileage accumulated in revenue service shall be used.

b. In the case of bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority or the Capital District Transportation Authority, the service payment made to each applicant that makes application therefor shall be the amount equal to the sum of the applicant's share of base aid determined in accordance with subparagraph (i) of this paragraph, the amount of discretionary aid payable to the applicant as determined by the commissioner in accordance with subparagraph (ii) of this paragraph and the applicant's share of performance aid determined in accordance with subparagraph (iii) of this paragraph.

"Applicant" shall mean the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority and the Capital District Transportation Authority.

"Applicant share" shall mean respective amount of base aid, discretionary aid or performance aid payable to an applicant and computed in accordance with subparagraphs (i), (ii) and (iii) of this paragraph.

"Base aid" shall mean eighty percent of the aggregate amount of money appropriated for service payments for bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority or the Capital District Transportation Authority.

"Discretionary aid" shall mean five percent of the aggregate amount of money appropriated for service payments for bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority or the Capital District Transportation Authority.

"Performance aid" shall mean fifteen percent of the aggregate amount of money appropriated for service payments for bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority or the Capital District Transportation Authority.

"Service area" shall mean the geographic area served by bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the applicant.

"Service payment" shall mean the amount of state assistance made available to an eligible public transportation system by the commissioner, within the provisions and limits of this section and appropriations.

(i) Base aid. The applicant's share of base aid shall be the sum of: (A) the applicant's allocable share of ridership; (B) the applicant's allocable share of service area; and (C) the applicant's allocable share of population of service area.

"Allocable share of population of service area" shall mean the product of: (A) a percentage equal to the population of the service area of the applicant divided by the aggregate population of the service areas of all applicants; and (B) the amount equal to seven and one-half percent of base aid.

"Allocable share of ridership" shall mean with respect to each applicant the product of: (A) a percentage equal to an applicant's ridership divided by the aggregate ridership of all applicants; and (B) the amount equal to eighty-five percent of base aid.

"Allocable share of service area" shall mean the product of: (A) a percentage equal to the aggregate square miles of an applicant's service area divided by the aggregate square miles of the service areas of all applicants; and (B) the amount equal to seven and one-half percent of base aid.

(ii) Discretionary aid. The commissioner shall determine the share of discretionary aid payable to each applicant.

(iii) Performance aid. The applicant's share of performance aid shall be an amount equal to the sum of the applicant's percentage share of each category. The applicant's percentage share of each category shall be computed based on the rank order assigned to the applicant for each category.

"Bus vehicle" shall mean a bus vehicle provided or contracted for the provision of (under joint support arrangement) mass transportation services by the applicant.

"Category" shall mean with respect to performance aid: (A) total expenses to ridership; (B) total expenses to total vehicle hours; (C) service payment to total expenses; (D) fare affordability; (E) ridership to revenue vehicle miles; and (F) customer satisfaction.

"Customer satisfaction" shall mean the percentage of satisfaction of applicant's customers as measured by customer surveys conducted annually by an independent person with sampling and methods customarily used and reasonably determined by the commissioner to be sufficient to measure customer satisfaction. Customer surveys shall measure the satisfaction of customers by the percentages of customers surveyed reporting that they are not satisfied, somewhat satisfied, satisfied or very satisfied in the areas of: (A) overall performance; (B) bus on time arrival; (C) driver courtesy and helpfulness; (D) buses stopping and not passing by; (E) cleanliness of buses; (F) clarity and timeliness of announcements of stops; (G) ease of paying fare; (H) ease of purchasing passes; (I) ease of reading route maps and bus schedules; and (J) ease of contacting applicant. The percentages of satisfaction in each area shall be reported by the applicant to the commissioner pursuant to paragraph c of subdivision four of this section. The portion of performance aid allocable to the category of customer satisfaction shall equal the product of: (X) the percentage share assigned to the applicant based on its rank order in the category of customer satisfaction; and (Y) the amount equal to fifteen percent of aggregate performance aid.

"Deadhead mileage" shall have the meaning given to such term in the regulations of the commissioner.

"Expenses" shall mean the aggregate expenses, as may be determined by the commissioner, either directly or indirectly incurred by the applicant from, or in connection with, the operation of public transportation services during the applicant's fiscal year, including but not necessarily limited to: transportation expenses (wages, fringe benefits, fuel, oil, etc.); maintenance and garage expenses (repairs, tires, etc.); station expenses (supplies and expenses relating thereto); traffic expenses (tickets, advertising, etc.); insurance and safety expenses; marketing, advertising and other reasonable expenses directly related to the provision of public transportation service and a reasonable portion of general administration expenses including auditing costs. Capital expenses, and depreciation on the portion of plant assets purchased with government funds, are not considered allowable expenses for the purposes of this program.

"Fare" shall mean the highest one-way cash fare paid by an adult passenger upon boarding a bus vehicle.

"Fare affordability" shall mean the ratio determined by dividing the fare by median income of the applicant's service area. The portion of performance aid allocable to the category of fare affordability shall equal the product of: (A) the percentage share assigned to the applicant based on its rank order in the category of fare affordability; and (B) the amount equal to ten percent of aggregate performance aid.

"Median income" shall mean the average of the median income reported by the United States census bureau in the most recent United States census for all census tracts within the service area.

"Population of service area" shall mean the population of the service area as estimated in July of the applicant's fiscal year by the United States census bureau or if the United States census bureau shall estimate population of the service area in a different month than July, such month.

"Rank order" shall mean the rank of one, two, three, or four assigned to each applicant for each category. There shall be assigned to each applicant a rank order from one to four in each of the following categories with the lowest ratio in each category being assigned a rank order of one, the next lowest in each category being assigned a rank order of two, the highest ratio in each category being assigned a rank order of four and so on: ratio of total expenses to ridership; ratio of total expenses to total vehicle hours; ratio of service payment to total expenses; and fare affordability. There shall be assigned to each applicant a rank order from one to four in the category of ratio of ridership to revenue vehicle miles with the lowest ratio in such category being assigned a rank order of four, the next lowest ratio in such category being assigned a rank order of three, the highest ratio in such category being assigned a rank order of one and so on. There shall be assigned to each applicant a rank order from one to four in the category of customer satisfaction with the applicant reporting the highest percentage of satisfied or very satisfied customers in the area of total performance being assigned a rank order of one, the applicant reporting the next highest percentage of satisfied or very satisfied customers in the area of total performance being assigned a rank order of two, and so on. Each applicant shall receive a percentage share of performance aid allocated to a category based on the rank order assigned to such category as follows:

Rank Order	Percentage Share of Category
1	31%
2	27%

3	23%
4	19%

"Revenue vehicle mile" shall mean the movement of one bus vehicle providing mass transportation services for a distance of one mile of revenue service. Deadhead mileage is not eligible for calculating service payments.

"Ridership" shall mean the aggregate number of passengers who board bus vehicles during the fiscal year of the applicant. Passengers are counted each time they board bus vehicles no matter how many bus vehicles they use to travel from their origin to their destination.

"Ridership to revenue vehicle miles" shall mean the ratio determined by dividing ridership by aggregate revenue vehicle miles during the applicant's fiscal year. The portion of performance aid allocable to the category of ridership to revenue vehicle miles shall equal the product of: (A) the percentage share assigned to the applicant based on its rank order in the category of ridership to revenue vehicle miles; and (B) the amount equal to twenty percent of aggregate performance aid.

"Service payment to total expenses" shall mean the ratio determined by dividing the annual service payment received by the applicant during its fiscal year divided by expenses for such fiscal year. The portion of performance aid allocable to the category of service payment to total expenses shall equal the product of: (A) the percentage share assigned to the applicant based on its rank order in the category of service payment to total expenses; and (B) the amount equal to fifteen percent of aggregate performance aid.

"Total expenses to ridership" shall mean the ratio determined by dividing expenses by ridership. The portion of performance aid allocable to the category of total expenses to ridership shall equal the product of: (A) the percentage share assigned to the applicant based on its rank order in the category of total expenses to ridership; and (B) the amount equal to twenty percent of aggregate performance aid.

"Total expenses to total vehicle hours" shall mean the ratio determined by dividing expenses by aggregate vehicle hours during the applicant's fiscal year. The portion of performance aid allocable to the category of total expenses to total vehicle hours shall equal the product of: (A) the percentage share assigned to the applicant based on its rank order in the category of total expenses to total vehicle hours; and (B) the amount equal to twenty percent of performance aid.

"Vehicle hours" shall mean the hours a bus vehicle travels from the time it pulls out from its garage to go into revenue service to the time it pulls in from revenue service.

§ 2. Subdivision 4 of section 18-b of the transportation law, as added by chapter 56 of the laws of 1975, is amended to read as follows:

4. a. [~~All~~] Except as set forth in paragraph c of this subdivision, all service payments shall be made upon an application of the public transportation system. Such application shall be filed between the second and the seventeenth day of the first month of each quarter. Upon application, the chief executive officer of each public transportation system shall certify to the commissioner, the total number of passengers such system estimates that it will carry and the total number of vehicle or car miles such system estimates that its equipment will travel in revenue service during the quarter for which such installment is to be paid.

Upon receipt and approval of such application and certifications the commissioner shall, by the tenth day of the next succeeding month, pay to the public transportation operator, the quarterly service payment.

b. [~~The~~] **Except as set forth in paragraph c of this subdivision, the** chief executive officer of each public transportation system receiving a quarterly service payment pursuant to this section shall certify to the commissioner, within fifteen days after the end of the quarter for which a service payment was received, the actual total number of passengers carried by the system during such quarter and the actual total vehicle or car miles the system's equipment traveled in revenue service during such quarter, and based upon such actual totals, the commissioner shall make such adjustments as may be appropriate in the amount of the service payment for such system for the succeeding quarter.

c. In the case of bus lines provided or contracted for the provision of (under joint support arrangement) mass transportation services by the Rochester Genesee Regional Transportation Authority, the Central New York Regional Transportation Authority, the Niagara Frontier Transportation Authority or the Capital District Transportation Authority, all service payments shall be made upon application of the public transportation system. Such application shall be filed within ninety days after the end of each fiscal year of the public transportation system accompanied by the audited annual financial report of the public transportation system. The application shall contain the information required by paragraph b of subdivision three of this section and shall compute the public transportation system's share of base aid and performance aid. The chief executive officer of each public transportation system shall certify to the commissioner the information set forth in the application and applicant's share of base aid and performance aid computed therein. Upon receipt of the application and certification the commissioner shall determine the applicant's share of discretionary aid to be paid to the public transportation system. The quarterly service payment for the following fiscal year of the public transportation system shall be equal to the sum of one-quarter of the applicant's share of base aid and performance aid based on the information set forth in the application and one-quarter of the applicant's share of discretionary aid determined by the commissioner. The commissioner shall, by the tenth day of April, July, October and January in the next succeeding fiscal year of the public transportation system, pay to the public transportation system, the quarterly service payment.

§ 3. This act shall take effect immediately.