STATE OF NEW YORK

3020

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

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

AN ACT to amend the transportation law, in relation to requiring military courtesy centers in all airports

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

Section 1. Legislative intent. In recognition of the service provided by active servicemembers and veterans, who often spent long hours away from their homes while working to defend our freedoms, it is the intent of this legislature to offer space in airports for members of the military to relax and rest. Therefore, every commercial airport in the state, regardless of authority or ownership, must offer space for active servicemembers and veterans to relax and rest while traveling, subject to the conditions set forth by the commissioner of transportation.

§ 2. The transportation law is amended by adding a new section 14-n to read as follows:

§ 14-n. Airport military courtesy centers. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "military courtesy center" shall mean a club, lounge, or courtesy room housed within an airport for purposes of providing a distinct room or suite to serve the rest and recreational needs of traveling active servicemembers and veterans. Military courtesy centers may be maintained by any authorized municipality, by an airport or commercial air carrier, by nonprofit organizations, veterans' service agencies or organizations, by state expenses from any appropriation for the maintenance of military courtesy centers, or by any combination thereof;

(b) "airport" shall have the same meaning as such term is defined in subdivision five of section two hundred forty of the general business law, including privately-owned airports and public use airports as contemplated under sections fourteen-h and fourteen-l of this article;

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

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(c) "active servicemember" shall mean a person serving in active duty in the United States army, navy, marine corps, air force, coast guard or reserves component, or who is serving in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia; and

(d) "veteran" shall mean a person who was a member of the armed forces of the United States and received an honorable discharge or was released therefrom under honorable conditions.

2. (a) Notwithstanding any provision of law to the contrary, in order to enhance comfort for traveling veterans and active servicemembers, the commissioner shall ensure that each airport located in New York state provide at least one military courtesy center upon new terminal construction or the replacement, expansion, or reconstruction or renovation of an existing terminal or aviation capital facility.

(b) Airports shall not be required to provide a military courtesy center if there is a demonstrated lack of need as determined by factors certified and approved by the commissioner, including without limitation:

(i) minimal current and projected active servicemember and veteran travel volumes;

(ii) design features would have an adverse impact on, or be contrary to, public safety;

(iii) the cost would be fiscally prohibitive to the airport and the airport either conducts fewer than one million emplanements per year or generates less than one million dollars in gross revenues; or

(iv) the airport provided an airport rest area or service center which is staffed by the United Service Organization or other veterans service agencies before December thirty-first, two thousand nineteen.

3. (a) The commissioner shall determine the manner by which proof of active duty or veteran status shall be submitted for purposes of gaining entry to a military courtesy center.

(b) Military courtesy centers shall be suitably marked and signs indicating their location shall be posted within the airport.

(c) Military courtesy centers shall include, at a minimum, electrical outlets, seating, internet access, telephones and televisions.

4. (a) The commissioner is authorized to establish an exemption or waiver process for airports to demonstrate a lack of need pursuant to paragraph (b) of subdivision two of this section, provided that the commissioner shall publish a written report documenting the reasons for granting the exemption or waiver and how those reasons comply with paragraph (b) of subdivision two of this section. Further, no less than thirty days prior to granting any such exemption or waiver, the commissioner shall solicit public commentary from members of the public and organizations representing active servicemembers and veterans, including without limitation the United Service Organization, state division of veterans' affairs, and local veterans service agencies or organizations with jurisdiction over the territory in which the airport is located. Additionally, the commissioner shall advertise its consideration of this waiver and solicit public commentary by posting the notice on its homepage and in advertising in two local newspapers of general circulation no less than sixty days before releasing its written report.

(b) The commissioner shall permit airports to enter into agreements for the installation of vending machines dispensing such food, drink and other articles as he or she deems appropriate or desirable, provided that alcohol shall not be permitted. Net revenues generated pursuant to such agreements shall be appropriated to the aviation purpose account of

the state capital projects fund or to the state veterans' counseling services program.

5. (a) This section shall not be construed to replace or supersede airport security standards required by the United States department of homeland security or transportation security administration or safety standards required by the United States department of transportation or federal aviation administration.

(b) This section shall not be construed as an interference with, or breach of, agreements entered into pursuant to section three hundred fifty-two of the general municipal law.

§ 3. Clause (H) of subparagraph (ii) of paragraph (c) of subdivision 2 of section 14-m of the transportation law, as added by section 1 of part F of chapter 1 of the laws of 2004, is amended to read as follows:

(H) create an emergency locator map, which may be hand-drawn generally to scale, identifying areas such as runways, ramp areas, fence lines, gates, **military courtesy centers,** hydrants, emergency shelters, buildings and hazardous materials sites, and provide copies of such map to emergency response agencies serving such airport, to law enforcement agencies having jurisdiction over such airport, and appropriate airport personnel. Whenever there is a physical change involving such areas, such map shall be revised and resubmitted to the aforementioned emergency response and law enforcement agencies and airport personnel within sixty days of such change; and

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that, effective immediately, the commissioner of transportation is authorized and directed to promulgate, amend, or repeal regulations and take other actions necessary to implement this act on or before such effective date.