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:

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

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

(b) All transit projects involving a subway passenger station that has an available elevator shall examine such elevator to determine whether it is in need of repair. If such elevator is found to be in need of repair, such project shall include the repair or rehabilitation of such elevator; provided, however, that if it is determined that the repair or rehabilitation of such elevator is not feasible, leaving such passenger station out of compliance with the Americans with disabilities act, 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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transit authority shall, in the request for project approval, provide a written statement to the metropolitan transportation authority capital board explaining why the repair or rehabilitation of such elevator is not feasible. If the repair or rehabilitation of such elevator is not feasible due to cost or funding issues, the metropolitan transportation authority capital board shall not approve such project.

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

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