

# STATE OF NEW YORK

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80

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. HOYLMAN, BIAGGI, GOUNARDES, KRUEGER, LIU, MYRIE, SALAZAR -- 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:

1 Section 1. Subdivision 1 of section 1202 of the public authorities  
2 law, as amended by section 12 of part 0 of chapter 61 of the laws of  
3 2000, is amended to read as follows:  
4 1. The purposes of the authority shall be the acquisition of the tran-  
5 sit facilities operated by the board of transportation of the city, the  
6 operation of transit facilities in accordance with the provisions of  
7 this title for the convenience and safety of the public on a basis which  
8 will enable the operations thereof, exclusive of capital costs, to be  
9 self-sustaining and continuously operated on a daily twenty-four hour  
10 basis unless a declared state of emergency is in effect, and, in coordi-  
11 nation with the metropolitan transportation authority and the Triborough  
12 bridge and tunnel authority, the continuance, further development and  
13 improvement of commuter transportation and other services related there-

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

LBD02393-01-1

1 to within the metropolitan commuter transportation district and the  
2 development and implementation of a unified mass transportation policy  
3 for such district.

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

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

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

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

47 § 4. This act shall take effect immediately.