

# STATE OF NEW YORK

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6062--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 31, 2023

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Introduced by M. of A. RAJKUMAR, ROZIC, COLTON, COOK, JEAN-PIERRE, OTIS  
-- Multi-Sponsored by -- M. of A. HYNDMAN, SIMON -- read once and  
referred to the Committee on Governmental Operations -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the executive law, in relation to creation of security  
measures for the transportation facilities of the metropolitan trans-  
portation authority

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

1 Section 1. Paragraph (q) of subdivision 2 of section 709 of the execu-  
2 tive law, as amended by section 14 of part B of chapter 56 of the laws  
3 of 2010, is amended to read as follows:

4 (q) request from any department, division, office, commission or other  
5 agency of the state or any political subdivision thereof, or any public  
6 authority or public benefit corporation, and the same are authorized to  
7 provide, such assistance, services and data as may be required by the  
8 division of homeland security and emergency services in carrying out the  
9 purposes of this article, subject to applicable laws, rules, and regu-  
10 lations;

11 § 2. The executive law is amended by adding a new section 720 to read  
12 as follows:

13 § 720. Protection of critical infrastructure; metropolitan transporta-  
14 tion authority facilities. 1. Notwithstanding any other provision of  
15 law, the commissioner of the division of homeland security and emergency  
16 services shall conduct a review and analysis of measures being taken by  
17 the metropolitan transportation authority and any other agency or  
18 authority of the state or any political subdivision thereof and, to the  
19 extent practicable, of any federal entity, to protect the security of  
20 critical infrastructure related to the transportation facilities, which  
21 shall include those facilities set forth in subdivision seventeen of

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

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1 section twelve hundred sixty-one of the public authorities law and shall  
2 also include, for purposes of this section, bridges and tunnels of the  
3 metropolitan transportation authority and of all subsidiaries of such  
4 authority. The commissioner of the division of homeland security and  
5 emergency services shall have the authority to review any audits or  
6 reports related to the security of such critical infrastructure, includ-  
7 ing audits or reports conducted at the request of the metropolitan  
8 transportation authority or any other agency or authority of the state  
9 or any political subdivision thereof or, to the extent practicable, of  
10 any federal entity. The operators of such transportation facilities  
11 shall, in compliance with any federal and state requirements regarding  
12 the dissemination of such information, provide access to the commission-  
13 er of the division of homeland security and emergency services to such  
14 audits or reports regarding such critical infrastructure provided,  
15 however, that exclusive custody and control of such audits and reports  
16 shall remain solely with the operators of such transportation facili-  
17 ties. For the purposes of this article, the term "critical infrastruc-  
18 ture" has the meaning ascribed to that term in subdivision five of  
19 section eighty-six of the public officers law.

20 2. (a) On or before December thirty-first, two thousand twenty-five,  
21 and not later than three years after such date, and every five years  
22 thereafter, the commissioner of the division of homeland security and  
23 emergency services shall report to the governor, the temporary president  
24 of the senate, the speaker of the assembly and the board of any such  
25 affected transportation authority. Such report shall review the securi-  
26 ty measures being taken regarding critical infrastructure related to  
27 transportation facilities, as defined in subdivision seventeen of  
28 section twelve hundred sixty-one of the public authorities law, assess  
29 the effectiveness thereof, and include recommendations to the legisla-  
30 ture or the metropolitan transportation authority, if the commissioner  
31 of the division of homeland security and emergency services determines  
32 that additional measures are required to be implemented, considering  
33 among other factors, the unique characteristics of each transportation  
34 facility. On or before April thirtieth, two thousand twenty-five, the  
35 commissioner of the division of homeland security and emergency services  
36 shall make a preliminary report to the governor, the temporary president  
37 of the senate, the speaker of the assembly and the board of any such  
38 affected transportation authority.

39 (b) Before the receipt of such report identified in paragraph (a) of  
40 this subdivision, each recipient of such report shall develop confiden-  
41 tiality protocols, which shall be binding upon the recipient who issues  
42 the protocols and anyone to whom the recipient shows a copy of the  
43 report, in consultation with the commissioner of the division of home-  
44 land security and emergency services for the maintenance and use of such  
45 report so as to ensure the confidentiality of the report and all infor-  
46 mation contained therein, provided, however, that such protocols shall  
47 not be binding upon a person who is provided access to such report or  
48 any information contained therein pursuant to section eighty-nine of the  
49 public officers law after a final determination that access to such  
50 report or any information contained therein could not be denied pursuant  
51 to subdivision two of section eighty-seven of the public officers law.  
52 The commissioner of the division of homeland security and emergency  
53 services shall also develop protocols for his or her office related to  
54 the maintenance and use of such report so as to ensure the confiden-  
55 tiality of the report and all information contained therein. On each report,  
56 the commissioner of the division of homeland security and emergency

1 services shall prominently display the following statement: "This report  
2 may contain information that if disclosed could endanger the life or  
3 safety of the public, and therefore, pursuant to section seven hundred  
4 eleven of this article, this report is to be maintained and used in a  
5 manner consistent with protocols established to preserve the confiden-  
6 tiality of the information contained herein in a manner consistent with  
7 law."

8 (c) The metropolitan transportation authority shall have the  
9 discretion to require that the recommendations of the commissioner of  
10 the division of homeland security and emergency services be implemented  
11 by any operator of a transportation facility.

12 § 3. This act shall take effect on the ninetieth day after it shall  
13 have become a law.