

STATE OF NEW YORK

5136

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sens. GIANARIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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

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

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

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

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

11 § 720. Protection of critical infrastructure; metropolitan transporta-
12 tion authority facilities. 1. Notwithstanding any other provision of
13 law, the commissioner of the division of homeland security and emergency
14 services shall conduct a review and analysis of measures being taken by
15 the metropolitan transportation authority and any other agency or
16 authority of the state or any political subdivision thereof and, to the
17 extent practicable, of any federal entity, to protect the security of
18 critical infrastructure related to the transportation facilities, which
19 shall include those facilities set forth in subdivision seventeen of
20 section twelve hundred sixty-one of the public authorities law and shall
21 also include, for purposes of this section, bridges and tunnels of the
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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

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

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

1 of the public, and therefore, pursuant to section seven hundred eleven
2 of this article, this report is to be maintained and used in a manner
3 consistent with protocols established to preserve the confidentiality of
4 the information contained herein in a manner consistent with law."

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

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