

Subject: GalleryWatch

Date: Friday, March 28, 2008 at 2:29:55 PM Central Standard Time

From:

S T A T E O F N E W Y O R K

7243

I N S E N A T E

March 24, 2008

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing a congestion pricing program in the city of New York; to amend the public authorities law, in relation to establishing a metropolitan transportation authority traffic congestion mitigation fund; to amend the tax law, in relation to eliminating an exemption from the parking tax for certain residents of the city of New York; to amend the vehicle and traffic law, in relation to establishing residential parking systems in the city of New York; to amend the public officers law, in relation to confidentiality of certain public records; to amend the New York city charter and the administrative code of the city of New York, in relation to a transit enhancement fund and providing for the repeal of certain provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 article 44-B to read as follows:
3 ARTICLE 44-B
4 TRAFFIC MITIGATION
5 SECTION 1700. LEGISLATIVE FINDINGS AND DECLARATION.
6 1701. SHORT TITLE.
7 1702. DEFINITIONS.
8 1703. ESTABLISHMENT OF CONGESTION PRICING PROGRAM.
9 1704. CONGESTION PRICING FEES.
10 1705. CONGESTION PRICING FEE COLLECTION PROGRAM.
11 1706. AGREEMENT BETWEEN THE CITY AND THE METROPOLITAN TRANSPORTATION AUTHORITY.
12 1707. VIOLATIONS AND ENFORCEMENT.
13 1708. DISPOSITION OF REVENUE AND PENALTIES.
14 1709. ENVIRONMENTAL STUDY AND MITIGATION.
15 1710. RULEMAKING AUTHORITY.
16

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.

LBD12063-01-8

1 S 1700. LEGISLATIVE FINDINGS AND DECLARATION. THE LEGISLATURE HEREBY
2 FINDS AND DECLARES THAT: (A) TRAFFIC CONGESTION IN NEW YORK CITY'S BUSI-
3 NESS DISTRICT HAS A SEVERE ADVERSE IMPACT ON PUBLIC HEALTH, THE ENVIRON-
4 MENT OF NEW YORK CITY AND ADJOINING AREAS, AND OVERALL EMPLOYMENT AND
5 JOB DEVELOPMENT; (B) SUCH ADVERSE HEALTH IMPACTS ARE EXACERBATED BY
6 OTHER SOURCES OF ENVIRONMENTAL POLLUTION IN AND AROUND NEW YORK CITY,
7 INCLUDING POLLUTION FROM COMMERCIAL AND RESIDENTIAL BUILDINGS; (C)
8 ACTION MUST BE TAKEN TO ADDRESS THESE PROBLEMS AS SOON AS POSSIBLE; (D)
9 THE FEDERAL GOVERNMENT HAS COMMITTED FUNDING TO FINANCE A SOLUTION TO
10 SUCH CONGESTION; AND (E) THE NEW YORK CITY TRAFFIC CONGESTION MITIGATION
11 COMMISSION, CREATED BY THIS LEGISLATURE, HAS RECOMMENDED A WORTHY AND
12 VIABLE PLAN TO ADDRESS TRAFFIC CONGESTION IN NEW YORK CITY'S BUSINESS
13 DISTRICT. THE LEGISLATURE THEREFORE FINDS AND DECLARES THAT THERE SHOULD
14 BE A TRAFFIC CONGESTION MITIGATION PLAN WITHIN THE CITY OF NEW YORK AS
15 RECOMMENDED BY THE NEW YORK CITY TRAFFIC CONGESTION MITIGATION COMMIS-
16 SION.

17 S 1701. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
18 THE "TRAFFIC MITIGATION ACT".

19 S 1702. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 1. "AUTHORIZED EMERGENCY VEHICLES" SHALL HAVE THE MEANING AS PROVIDED
22 IN SECTION ONE HUNDRED ONE OF THIS CHAPTER.

23 2. "BUS" MEANS A MOTOR VEHICLE HAVING A SEATING CAPACITY OF FIFTEEN OR
24 MORE PASSENGERS IN ADDITION TO THE DRIVER AND USED FOR THE TRANSPORTA-
25 TION OF PERSONS, BUT SHALL NOT INCLUDE ANY MOTOR VEHICLES, REGARDLESS OF
26 SEATING, THAT ARE TRANSIT VEHICLES OR SCHOOL VEHICLES.

27 3. "CONGESTION PRICING FEE" MEANS THE FEE CHARGED FOR TRAVELING INTO
28 THE CONGESTION PRICING ZONE AS DESCRIBED IN SECTION SEVENTEEN HUNDRED
29 FOUR OF THIS ARTICLE.

30 4. "CONGESTION PRICING PROGRAM" MEANS THE PROGRAM FOR CHARGING VEHI-
31 CLES THAT ENTER THE CONGESTION PRICING ZONE A FEE.

32 5. "CONGESTION PRICING ZONE" MEANS THE AREA AS DESCRIBED IN SECTION
33 SEVENTEEN HUNDRED THREE OF THIS ARTICLE FOR WHICH A VEHICLE SHALL BE
34 CHARGED A CONGESTION PRICING FEE FOR ENTRY TO SUCH ZONE.

35 6. "CITY" MEANS THE CITY OF NEW YORK.

36 7. "DEPARTMENT OF FINANCE" MEANS THE DEPARTMENT OF FINANCE OF THE CITY
37 OF NEW YORK.

38 8. "ELECTRONIC FEE COLLECTION SYSTEM" MEANS A SYSTEM OF COLLECTING
39 FEES WHICH IS CAPABLE OF CHARGING AN ACCOUNT HOLDER THE APPROPRIATE FEE
40 BY TRANSMISSION OF INFORMATION FROM AN ELECTRONIC DEVICE IN OR ON A
41 VEHICLE TO A DEVICE SENSOR, WHICH INFORMATION IS USED TO CHARGE THE
42 APPROPRIATE FEE.

43 9. "LIVERY VEHICLE" MEANS ANY FOR-HIRE VEHICLE REGULATED BY THE NEW
44 YORK CITY TAXI AND LIMOUSINE COMMISSION OTHER THAN A TAXI.

45 10. "NEW YORK CITY TRAFFIC CONGESTION MITIGATION COMMISSION" SHALL
46 MEAN THE COMMISSION ESTABLISHED BY CHAPTER THREE HUNDRED EIGHTY-FOUR OF
47 THE LAWS OF TWO THOUSAND SEVEN.

48 11. "OPERATION DATE" MEANS THE DATE DETERMINED BY THE CITY, PURSUANT
49 TO AN AGREEMENT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY AS
50 PROVIDED IN SECTION SEVENTEEN HUNDRED SIX OF THIS ARTICLE, FOR THE
51 BEGINNING OF THE OPERATION AND ENFORCEMENT OF THE CONGESTION PRICING
52 PROGRAM.

53 12. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS
54 CHAPTER.

1 13. "PARKING VIOLATIONS BUREAU" MEANS THE PARKING VIOLATIONS BUREAU
2 CREATED IN THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 19-201 OF THE
3 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

4 14. "PASSENGER VEHICLES" MEANS MOTOR VEHICLES DESIGNED AND USED FOR
5 CONVEYING NOT MORE THAN FOURTEEN PEOPLE AND SHALL INCLUDE CARS RENTED
6 FOR HIRE, EXCLUDING BUSES, TAXIS AND LIVERY VEHICLES SUBJECT TO THE
7 SURCHARGE, AND SHALL INCLUDE MOTORCYCLES.

8 15. "PHOTO-MONITORING SYSTEM" MEANS A SYSTEM OF VEHICLE SENSORS
9 INSTALLED WITHIN THE CONGESTION PRICING ZONE TO WORK IN CONJUNCTION WITH
10 PHOTOGRAPHIC EQUIPMENT WHICH AUTOMATICALLY PRODUCES ONE OR MORE PHOTO-
11 GRAPHS, ONE OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE, A DIGITAL RECORDING
12 OR OTHER RECORDED IMAGES OF A VEHICLE ENTERING THE CONGESTION PRICING
13 ZONE.

14 16. "SAFETY, TRAFFIC AND PARKING CONTROL, AND INSPECTION VEHICLES"
15 MEANS VEHICLES OPERATED BY THE CITY, THE STATE, THE METROPOLITAN TRANS-
16 PORTATION AUTHORITY AND ITS AFFILIATES AND SUBSIDIARIES, THE PORT
17 AUTHORITY OF NEW YORK AND NEW JERSEY AND THE FEDERAL GOVERNMENT AS PART
18 OF OFFICIAL PUBLIC SAFETY, TRAFFIC AND PARKING CONTROL, AND ROADWAY-,
19 TRANSIT- OR TRANSPORTATION-RELATED CONSTRUCTION, MAINTENANCE, REPAIR, OR
20 SUPERVISORY AND INSPECTION DUTIES.

21 17. "SANITATION VEHICLES" MEANS VEHICLES OPERATED BY THE CITY AS PART
22 OF OFFICIAL REFUSE COLLECTION, STREET CLEANING, SNOW REMOVAL, OR SAND
23 SPREADING DUTIES.

24 18. "SCHOOL VEHICLE" MEANS A VEHICLE THAT IS OWNED OR OPERATED BY A
25 PUBLIC OR GOVERNMENTAL AGENCY OR PRIVATE SCHOOL AND IS BEING OPERATED
26 FOR THE TRANSPORTATION OF PUPILS, TEACHERS AND OTHER PERSONS ACTING IN A
27 SUPERVISORY CAPACITY, TO OR FROM SCHOOL OR SCHOOL ACTIVITIES OR PRIVATE-
28 LY OWNED AND BEING OPERATED ON A REGULAR BASIS FOR COMPENSATION FOR THE
29 TRANSPORTATION OF PUPILS, TEACHERS AND OTHER PERSONS ACTING IN A SUPER-
30 VISORY CAPACITY TO OR FROM SCHOOL OR SCHOOL ACTIVITIES.

31 19. "TAXI" MEANS A MOTOR VEHICLE DISPLAYING A VALID TAXI MEDALLION
32 ISSUED BY THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.

33 20. "TRAFFIC CONGESTION MITIGATION FUND" MEANS THE DESIGNATED FUND OF
34 THE METROPOLITAN TRANSPORTATION AUTHORITY CREATED BY SECTION TWELVE
35 HUNDRED SEVENTY-G OF THE PUBLIC AUTHORITIES LAW.

36 21. "TRANSIT VEHICLE" MEANS ANY BUS OR OTHER PASSENGER VEHICLE OWNED
37 OR OPERATED BY THE METROPOLITAN TRANSPORTATION AUTHORITY OR ANY OTHER
38 PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY FOR THE PURPOSE OF TRANSPORTING
39 PASSENGERS AS WELL AS OTHER NON-REVENUE VEHICLES OWNED AND OPERATED BY
40 THE METROPOLITAN TRANSPORTATION AUTHORITY AND SHALL FURTHER MEAN ALL
41 PARA-TRANSIT VEHICLES OPERATING UNDER CONTRACT WITH THE METROPOLITAN
42 TRANSPORTATION AUTHORITY.

43 22. "TRUCK" MEANS ANY VEHICLE OR COMBINATION OF VEHICLES DESIGNED
44 PRIMARILY FOR THE TRANSPORTATION OF PROPERTY.

45 23. "URBAN PARTNERSHIP AGREEMENT" SHALL MEAN THE AGREEMENT EXECUTED ON
46 AUGUST EIGHTH, TWO THOUSAND SEVEN BETWEEN THE UNITED STATES DEPARTMENT
47 OF TRANSPORTATION AND THE STATE OF NEW YORK, THE CITY OF NEW YORK AND
48 THE METROPOLITAN TRANSPORTATION AUTHORITY.

49 S 1703. ESTABLISHMENT OF CONGESTION PRICING PROGRAM. 1. THE CITY,
50 PURSUANT TO THE AGREEMENT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY
51 AS PROVIDED IN SECTION SEVENTEEN HUNDRED SIX OF THIS ARTICLE, SHALL
52 ESTABLISH A CONGESTION PRICING PROGRAM AS DESCRIBED IN THIS ARTICLE.

53 2. THE CONGESTION PRICING PROGRAM SHALL OPERATE WITHIN THE CONGESTION
54 PRICING ZONE, WHICH SHALL INCLUDE ANY ROADWAYS, BRIDGES OR RAMPS THAT
55 ARE LOCATED WITHIN, OR ENTER INTO, THE GEOGRAPHIC AREA IN THE BOROUGH OF
56 MANHATTAN SOUTH OF AND INCLUSIVE OF 60TH STREET TO THE EXTENT PRACTICA-

1 BLE BUT SHALL NOT INCLUDE ANY ROADWAYS NORTH OF THE SOUTHERN SIDE OF
2 61ST STREET. THE CITY DEPARTMENT OF TRANSPORTATION SHALL, BY RULE, FIX
3 THE NORTHERN BOUNDARY OF THE CONGESTION PRICING ZONE, CONSISTENT WITH
4 THIS SUBDIVISION.

5 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FIVE OF SECTION
6 SEVENTEEN HUNDRED FOUR OF THIS ARTICLE, THE CITY, PURSUANT TO AGREEMENT
7 WITH THE METROPOLITAN TRANSPORTATION AUTHORITY AND UNDER RULES AND REGU-
8 LATIONS ESTABLISHED BY THE CITY'S TAXI AND LIMOUSINE COMMISSION, SHALL
9 BE AUTHORIZED TO IMPOSE AND COLLECT A SURCHARGE OF ONE DOLLAR PER TRIP
10 ON TAXIS AND LIVERY VEHICLES PICKING UP OR DISCHARGING PASSENGERS WITHIN
11 THE CONGESTION PRICING ZONE BETWEEN 6:00 A.M. AND 6:00 P.M., MONDAY
12 THROUGH FRIDAY, EXCEPT FOR HOLIDAYS AS ESTABLISHED BY RULES OF THE
13 DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK.

14 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CITY, PURSUANT TO
15 THE AGREEMENT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDED IN
16 SECTION SEVENTEEN HUNDRED SIX OF THIS ARTICLE, SHALL INSTALL AND OPERATE
17 AN ELECTRONIC FEE COLLECTION SYSTEM AND A PHOTO-MONITORING SYSTEM AT
18 POINTS OF MOTOR VEHICLE INGRESS TO THE CONGESTION PRICING ZONE.

19 S 1704. CONGESTION PRICING FEES. 1. UPON THE OPERATION DATE, THE
20 CITY, AS AGENT OF THE METROPOLITAN TRANSPORTATION AUTHORITY, PURSUANT TO
21 THE AGREEMENT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDED IN
22 SECTION SEVENTEEN HUNDRED SIX OF THIS ARTICLE, SHALL CHARGE AND COLLECT
23 A SINGLE CONGESTION PRICING FEE PER DAY FROM THE OWNER OF ANY VEHICLE
24 ENTERING THE CONGESTION PRICING ZONE BETWEEN 6:00 A.M. AND 6:00 P.M.,
25 MONDAY THROUGH FRIDAY, EXCEPT FOR HOLIDAYS AS ESTABLISHED BY RULES OF
26 THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK, ACCORDING TO
27 THE FOLLOWING RATE SCHEDULE:

28 (A) FOR TRUCKS WITH A MAXIMUM GROSS WEIGHT EQUAL TO OR GREATER THAN
29 SEVEN THOUSAND POUNDS, EXCEPT FOR BUSES: TWENTY-ONE DOLLARS FOR ENTERING
30 THE CONGESTION PRICING ZONE. PROVIDED, HOWEVER, THAT THE FEE FOR ENTER-
31 ING THE CONGESTION PRICING ZONE SHALL NOT EXCEED SEVEN DOLLARS FOR
32 TRUCKS WITH A MAXIMUM GROSS WEIGHT EQUAL TO OR GREATER THAN SEVEN THOU-
33 SAND POUNDS UTILIZING REDUCED EMISSIONS TECHNOLOGIES AS DETERMINED BY
34 THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK.

35 (B) FOR ALL OTHER VEHICLES, INCLUDING PASSENGER VEHICLES, BUSES, AND
36 TRUCKS WITH A GROSS WEIGHT OF LESS THAN SEVEN THOUSAND POUNDS: EIGHT
37 DOLLARS FOR ENTERING THE CONGESTION PRICING ZONE.

38 2. A VEHICLE SHALL BE CHARGED EACH DAY FOR NO MORE THAN ONE ENTRY INTO
39 THE CONGESTION PRICING ZONE.

40 3. FOR VEHICLES THAT ARE EQUIPPED WITH AN ELECTRONIC DEVICE THAT
41 PARTICIPATES IN THE ELECTRONIC FEE COLLECTION SYSTEM, THE CITY, AS AGENT
42 FOR THE METROPOLITAN TRANSPORTATION AUTHORITY, PURSUANT TO THE AGREEMENT
43 WITH THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDED IN SECTION
44 SEVENTEEN HUNDRED SIX OF THIS ARTICLE, SHALL AUTOMATICALLY DEDUCT FROM
45 THE CONGESTION PRICING FEE CHARGED TO THE OWNER OF A VEHICLE ENTERING
46 THE CONGESTION PRICING ZONE AN AMOUNT EQUAL TO THE CUMULATIVE AMOUNT OF
47 TOLLS OR OTHER CHARGES THAT THE OWNER OF THE VEHICLE PAID ON THE SAME
48 DAY TO CROSS THE FOLLOWING BRIDGES AND TUNNELS: THE GEORGE WASHINGTON
49 BRIDGE, THE HENRY HUDSON BRIDGE, THE TRIBOROUGH BRIDGE, THE BRONX-WHITE-
50 STONE BRIDGE, THE THROGS NECK BRIDGE, THE VERRAZANO-NARROWS BRIDGE, THE
51 MARINE PARKWAY-GIL HODGES MEMORIAL BRIDGE, THE CROSS BAY VETERANS MEMO-
52 RIAL BRIDGE, GOETHALS BRIDGE, OUTERBRIDGE CROSSING, BAYONNE BRIDGE, THE
53 LINCOLN TUNNEL, THE HOLLAND TUNNEL, THE BROOKLYN-BATTERY TUNNEL, THE
54 QUEENS-MIDTOWN TUNNEL, AND ANY OTHER BRIDGE, TUNNEL, OR CROSSING INTO

55 THE BOROUGH OF MANHATTAN THAT CHARGES A TOLL OR OTHER CHARGE ON OR AFTER
56 THE EFFECTIVE DATE OF THIS ARTICLE. OWNERS SHALL NOT BE ENTITLED TO A

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1 CREDIT TO THE EXTENT SUCH DEDUCTION RESULTS IN A NEGATIVE AMOUNT. VEHI-
2 CLES NOT EQUIPPED WITH AN ELECTRONIC DEVICE THAT PARTICIPATES IN THE
3 ELECTRONIC FEE COLLECTION SYSTEM SHALL NOT RECEIVE THE DEDUCTIONS IN THE
4 CONGESTION PRICING FEE DESCRIBED IN THIS SUBDIVISION.

5 4. FOR VEHICLES THAT ARE NOT EQUIPPED WITH AN ELECTRONIC DEVICE THAT
6 PARTICIPATES IN THE ELECTRONIC FEE COLLECTION SYSTEM, THE CITY, AS AGENT
7 FOR THE METROPOLITAN TRANSPORTATION AUTHORITY, PURSUANT TO THE AGREEMENT
8 WITH THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDED IN SECTION
9 SEVENTEEN HUNDRED SIX OF THIS ARTICLE, SHALL AUTOMATICALLY ADD TO THE
10 CONGESTION PRICING FEE CHARGED TO THE OWNER OF A VEHICLE ENTERING THE
11 CONGESTION PRICING ZONE IN AN AMOUNT EQUAL TO ONE DOLLAR.

12 5. THE FOLLOWING VEHICLES SHALL BE EXEMPT FROM ANY CONGESTION PRICING
13 FEES PROVIDED THEY ARE EQUIPPED WITH AN ELECTRONIC DEVICE THAT PARTIC-
14 IPATES IN THE ELECTRONIC FEE COLLECTION SYSTEM, OR ARE PRE-REGISTERED BY
15 AGREEMENT WITH THE CITY: AUTHORIZED EMERGENCY VEHICLES, SAFETY, TRAFFIC
16 AND PARKING CONTROL, AND INSPECTION VEHICLES, SANITATION VEHICLES,
17 SCHOOL VEHICLES, TAXIS, LIVERY VEHICLES SUBJECT TO THE CHARGE DESCRIBED
18 IN SUBDIVISION THREE OF SECTION SEVENTEEN HUNDRED THREE OF THIS ARTICLE,
19 TRANSIT VEHICLES, VEHICLES WITH LICENSE PLATES ISSUED BY THE COMMISSION-
20 ER PURSUANT TO SECTION FOUR HUNDRED FOUR-A OF THIS CHAPTER, AND VEHICLES
21 OWNED OR OPERATED BY ANY FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZA-
22 TION OR ITS REPRESENTATIVES, OFFICERS OR EMPLOYEES IF THE UNITED STATES
23 DEPARTMENT OF STATE NOTIFIES THE CITY THAT SUCH VEHICLES ARE EXEMPT.

24 6. IF THE OWNER OF ANY VEHICLE SUBJECT TO A CONGESTION PRICING FEE
25 PURSUANT TO THIS ARTICLE, WHO DOES NOT ACTUALLY PAY SUCH A FEE PURSUANT
26 TO THE ELECTRONIC FEE COLLECTION SYSTEM, FAILS TO PAY THE CITY, AS AGENT
27 FOR THE METROPOLITAN TRANSPORTATION AUTHORITY PURSUANT TO THE AGREEMENT
28 WITH THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDED IN SECTION
29 SEVENTEEN HUNDRED SIX OF THIS ARTICLE, WITHIN FORTY-EIGHT HOURS AFTER
30 THE END OF THE CALENDAR DAY IN WHICH THE VEHICLE HAS INCURRED A
31 CONGESTION PRICING FEE PURSUANT TO THIS SECTION, SUCH OWNER SHALL BE
32 LIABLE FOR A CHARGE IN AN AMOUNT, INCLUSIVE OF THE CONGESTION PRICING
33 FEE, NOT TO EXCEED SIXTY-FIVE DOLLARS. THE DEPARTMENT OF TRANSPORTATION
34 OF THE CITY OF NEW YORK SHALL PROMULGATE RULES GOVERNING SUCH CHARGES,
35 INCLUDING, BUT NOT LIMITED TO, RULES ESTABLISHING A SCHEDULE OF CHARGES,
36 NOTIFICATION REQUIREMENTS, AND PROCEDURES FOR THE RESOLUTION OF DISPUTES
37 OVER THE CONGESTION PRICING FEE AND CHARGES IMPOSED.

38 7. IT SHALL BE A VIOLATION OF THIS SECTION FOR THE OWNER OF ANY VEHI-
39 CLE SUBJECT TO A CONGESTION PRICING FEE PURSUANT TO THIS ARTICLE, WHEN
40 NOT ACTUALLY PAYING SUCH A FEE PURSUANT TO THE ELECTRONIC FEE COLLECTION
41 SYSTEM, TO FAIL TO PAY SUCH FEE TO THE CITY, AS AGENT FOR THE METROPOL-
42 ITAN TRANSPORTATION AUTHORITY PURSUANT TO THE AGREEMENT WITH THE METRO-
43 POLITAN TRANSPORTATION AUTHORITY PROVIDED IN SECTION SEVENTEEN HUNDRED
44 SIX OF THIS ARTICLE, WITHIN THIRTY DAYS AFTER THE END OF THE CALENDAR
45 DAY IN WHICH THE VEHICLE HAS INCURRED A CONGESTION PRICING FEE PURSUANT
46 TO THIS SECTION.

47 8. THE CITY SHALL: (A) TAKE APPROPRIATE STEPS TO ADDRESS PRIVACY
48 CONCERNS OF DRIVERS ENTERING THE CONGESTION PRICING ZONE AND TO MITIGATE
49 SUCH CONCERNS BY ESTABLISHING CONTROLS ON STORAGE AND SHARING OF VEHICLE
50 DATA. THESE STEPS SHALL INCLUDE COMPLYING WITH PRIVACY STANDARDS OF THE
51 E-ZPASS INTERAGENCY GROUP, E-ZPASS CUSTOMER SERVICE CENTERS, APPLICABLE
52 CITY AND STATE LAWS REGARDING SHARING OF VEHICLE AND PRIVATE INFORMATION

53 WITH THIRD PARTIES AND ADDITIONAL MEASURES TO PROTECT PRIVACY, INCLUDING
54 DELETION OF VEHICLE DATA NO LONGER REQUIRED FOR BILLING INQUIRIES OR
55 NON-PAYMENT ENFORCEMENT, REMOVAL OF VEHICLE INFORMATION FROM DATA MAIN-
56 TAINED FOR RESEARCH PURPOSES AND DEVELOPMENT OF AN ANONYMOUS PAYMENT

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1 OPTION; (B) PRIOR TO THE OPERATION DATE, SUBMIT TO THE GOVERNOR AND THE
2 LEGISLATURE A PLAN DETAILING HOW IT SHALL INCREASE, IN COORDINATION WITH
3 THE CONGESTION PRICING PROGRAM, THE ENFORCEMENT OF EXISTING STATE AND
4 LOCAL VEHICLE AND TRAFFIC LAWS, RULES AND REGULATIONS AND REDUCE THE
5 ABUSE OF GOVERNMENT-ISSUED PARKING PLACARDS; AND (C) INCREASE FEES FOR
6 ON-STREET PARKING IN PARKING METER ZONES THAT ARE WITHIN THE CONGESTION
7 PRICING ZONE.

8 S 1705. CONGESTION PRICING FEE COLLECTION PROGRAM. 1. NOTWITHSTANDING
9 ANY OTHER PROVISION OF LAW, THE CITY, AS AGENT FOR THE METROPOLITAN
10 TRANSPORTATION AUTHORITY, PURSUANT TO THE AGREEMENT WITH THE METROPOL-
11 ITAN TRANSPORTATION AUTHORITY PROVIDED IN SECTION SEVENTEEN HUNDRED SIX
12 OF THIS ARTICLE, SHALL: (A) ESTABLISH A CONGESTION PRICING FEE
13 COLLECTION PROGRAM; (B) COLLECT CONGESTION PRICING FEES AUTOMATICALLY
14 FROM THE OWNER OF A VEHICLE HOLDING AN ACCOUNT THROUGH AN ELECTRONIC FEE
15 COLLECTION SYSTEM; (C) CREATE A MECHANISM FOR THE OWNER OF A VEHICLE NOT
16 PARTICIPATING IN THE ELECTRONIC FEE COLLECTION SYSTEM TO PAY CONGESTION
17 PRICING FEES DIRECTLY TO THE CITY, BOTH BEFORE AND WITHIN FORTY-EIGHT
18 HOURS AFTER A VEHICLE TRAVELS INTO THE CONGESTION PRICING ZONE, AND SUCH
19 MECHANISM SHALL INCLUDE A WIDE RANGE OF PAYMENT OPTIONS, SUCH AS PAYMENT
20 IN PERSON, AT DESIGNATED LOCATIONS, ON THE INTERNET OR VIA PHONE.

21 2. ALL CONGESTION PRICING FEES COLLECTED BY THE CITY, AS AGENT FOR THE
22 METROPOLITAN TRANSPORTATION AUTHORITY, SHALL AT ALL TIMES BE THE PROPER-
23 TY OF THE METROPOLITAN TRANSPORTATION AUTHORITY.

24 S 1706. AGREEMENT BETWEEN THE CITY AND THE METROPOLITAN TRANSPORTATION
25 AUTHORITY. 1. THE CITY AND THE METROPOLITAN TRANSPORTATION AUTHORITY
26 SHALL ENTER INTO AN AGREEMENT, AND SHALL BE AUTHORIZED TO ALTER SUCH
27 AGREEMENT FROM TIME TO TIME, THAT PROVIDES FOR THE DESIGN, CONSTRUCTION,
28 OPERATION, MAINTENANCE, AND FINANCING OF THE CONGESTION PRICING PROGRAM
29 AND THE SYSTEMS BY WHICH CONGESTION PRICING FEES ARE COLLECTED. SUCH AN
30 AGREEMENT SHALL PROVIDE THAT THE CITY SHALL BE RESPONSIBLE FOR THE
31 CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE CONGESTION PRICING
32 PROGRAM AND THE SYSTEMS BY WHICH CONGESTION PRICING FEES ARE COLLECTED,
33 EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, AND THAT THE METROPOLITAN
34 TRANSPORTATION AUTHORITY SHALL REIMBURSE THE CITY FOR THE COSTS OF PLAN-
35 NING, DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE CONGESTION
36 PRICING PROGRAM AND THE CONGESTION PRICING FEE COLLECTION PROGRAM, LESS
37 ANY FEDERAL MONEY RECEIVED FOR SUCH PURPOSES, AS PROVIDED IN SUCH AGREE-
38 MENT FROM THE FEES COLLECTED. SUCH AN AGREEMENT SHALL FURTHER PROVIDE
39 THAT THE CITY SHALL COLLECT CONGESTION PRICING FEES AS AGENT FOR THE
40 METROPOLITAN TRANSPORTATION AUTHORITY, AND THAT SUCH FEES SHALL AT ALL
41 TIMES BE THE PROPERTY OF THE METROPOLITAN TRANSPORTATION AUTHORITY. THE
42 CITY SHALL NOT ACT AS AN AGENT OF THE AUTHORITY FOR ANY PURPOSE OTHER
43 THAN THE COLLECTION OF SUCH FEES. SUCH AGREEMENT SHALL FURTHER PROVIDE
44 THAT THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK SHALL
45 HANDLE THE RESOLUTION OF DISPUTES OVER CHARGES DESCRIBED IN SUBDIVISION
46 SIX OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE AND THAT THE
47 DEPARTMENT OF FINANCE OR THE PARKING VIOLATIONS BUREAU SHALL ADJUDICATE
48 ALL VIOLATIONS OF THIS ARTICLE AS PROVIDED IN THIS ARTICLE, AND THAT ALL
49 CHARGES, FINES AND PENALTIES COLLECTED PURSUANT TO THIS ARTICLE BY THE
50 DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK, THE DEPARTMENT OF

51 FINANCE OR THE PARKING VIOLATIONS BUREAU SHALL BE THE PROPERTY AT ALL
52 TIMES OF THE METROPOLITAN TRANSPORTATION AUTHORITY; PROVIDED, HOWEVER,
53 THAT THE METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY SHALL ENTER
54 INTO AN AGREEMENT PROVIDING FOR THE REIMBURSEMENT TO THE DEPARTMENT OF
55 TRANSPORTATION OF THE CITY OF NEW YORK FOR THE COSTS OF RESOLVING
56 DISPUTES OVER CHARGES DESCRIBED IN SUBDIVISION SIX OF SECTION SEVENTEEN

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1 HUNDRED FOUR OF THIS ARTICLE, IN AN AMOUNT NOT TO EXCEED CHARGES
2 COLLECTED PURSUANT TO THIS ARTICLE, AND THE REIMBURSEMENT TO THE DEPART-
3 MENT OF FINANCE OR THE PARKING VIOLATIONS BUREAU FOR THE COSTS OF ADJU-
4 DICATIONS OF VIOLATIONS DESCRIBED IN SUBDIVISION SEVEN OF SECTION SEVEN-
5 TEEN HUNDRED FOUR OF THIS ARTICLE, IN AN AMOUNT NO TO EXCEED FINES AND
6 PENALTIES COLLECTED PURSUANT TO THIS ARTICLE. THE CITY AND THE METROPOL-
7 ITAN TRANSPORTATION AUTHORITY ARE AUTHORIZED TO ENTER INTO THIRD-PARTY
8 AGREEMENTS WITH ANY PARTIES THE CITY AND THE METROPOLITAN TRANSPORTATION
9 AUTHORITY DETERMINE ARE NECESSARY OR CONVENIENT FOR THE DESIGN,
10 CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE CONGESTION PRICING
11 PROGRAM AND CONGESTION PRICING FEE COLLECTION PROGRAM.

12 2. THE CITY MAY PROCURE CONTRACTS TO DESIGN, CONSTRUCT, OPERATE, MAIN-
13 TAIN, AND IMPLEMENT THE CONGESTION PRICING PROGRAM AND THE CONGESTION
14 PRICING FEE COLLECTION PROGRAM THROUGH THE AWARD OF ONE OR MORE
15 CONTRACTS PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH THE RULES
16 OF THE CITY'S PROCUREMENT POLICY BOARD IN EFFECT ON THE EFFECTIVE DATE
17 OF THIS SUBDIVISION.

18 3. NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, THE CITY MAY ENTER
19 INTO A CONTRACT, EITHER DIRECTLY OR THROUGH THE METROPOLITAN TRANSPORTA-
20 TION AUTHORITY, WITH THE AUTHORITY'S E-ZPASS SERVICES CONTRACTOR FOR THE
21 PROVISION OF E-ZPASS AND RELATED SERVICES PURSUANT TO ANY PROCESS IN
22 ACCORDANCE WITH THE RULES OF THE CITY'S PROCUREMENT POLICY BOARD IN
23 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION.

24 S 1707. VIOLATIONS AND ENFORCEMENT. 1. NOTWITHSTANDING ANY OTHER
25 PROVISION OF LAW, VIOLATIONS OF THIS ARTICLE SHALL BE ADJUDICATED PURSU-
26 ANT TO THIS SECTION. THE OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENAL-
27 TY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED
28 WITH THE PERMISSION OF THE OWNER, EXPRESSED OR IMPLIED, IN VIOLATION OF
29 SUBDIVISION SEVEN OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE, AND
30 SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A PHOTO-MONI-
31 TORING SYSTEM OR OTHER CREDIBLE EVIDENCE.

32 2. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED OR
33 CONTRACTED BY THE CITY, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF
34 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE, DIGITAL RECORDING OR OTHER
35 RECORDED IMAGES PRODUCED BY A PHOTO-MONITORING SYSTEM SHALL BE PRIMA
36 FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICRO-
37 PHOTOGRAPHS, VIDEOTAPE, DIGITAL RECORDING OR OTHER RECORDED IMAGES
38 EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN ANY
39 PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT TO
40 THIS SECTION.

41 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OWNER LIABLE FOR A
42 VIOLATION AS DESCRIBED IN SUBDIVISION SEVEN OF SECTION SEVENTEEN HUNDRED
43 FOUR OF THIS ARTICLE SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORD-
44 ANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE PROMULGATED BY THE
45 DEPARTMENT OF FINANCE; PROVIDED, HOWEVER, THAT SUCH FINES AND PENALTIES
46 SHALL NOT EXCEED ONE HUNDRED FIFTEEN DOLLARS; PROVIDED FURTHER THAT AN
47 OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED
48 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A

49 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD. THE DEPARTMENT OF
50 FINANCE OR THE PARKING VIOLATIONS BUREAU SHALL ADJUDICATE LIABILITY
51 IMPOSED BY THIS SECTION.

52 4. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION OR PURSUANT TO
53 SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE SHALL
54 NOT BE DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF
55 THE OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED

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1 NOR SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR
2 VEHICLE INSURANCE COVERAGE.

3 5. A NOTICE OF LIABILITY FOR A VIOLATION SHALL BE SENT BY FIRST CLASS
4 MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION AS
5 DESCRIBED IN SUBDIVISION SEVEN OF SECTION SEVENTEEN HUNDRED FOUR OF THIS
6 ARTICLE. PERSONAL SERVICE ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL
7 OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSI-
8 NESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. THE
9 NOTICE OF LIABILITY FOR A VIOLATION SHALL CONTAIN THE FOLLOWING INFORMA-
10 TION:

11 (A) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE AS AN
12 OWNER FOR A VIOLATION DESCRIBED IN SUBDIVISION SEVEN OF SECTION SEVEN-
13 TEEN HUNDRED FOUR OF THIS ARTICLE;

14 (B) THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION;

15 (C) THE DATE, TIME, AND LOCATION OR LOCATIONS WHERE SUCH VIOLATION
16 TOOK PLACE;

17 (D) THE IDENTIFICATION NUMBER OF THE PHOTO-MONITORING SYSTEM OR OTHER
18 DOCUMENT LOCATOR NUMBER;

19 (E) INFORMATION ADVISING THE PERSON CHARGED OF THE MANNER AND TIME IN
20 WHICH HE OR SHE MAY CONTEST THE LIABILITY ALLEGED IN THE NOTICE; AND

21 (F) A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST IN
22 THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY,
23 MAY SUBJECT THE PERSON TO ADDITIONAL PENALTIES, AND THAT A DEFAULT JUDG-
24 MENT MAY BE ISSUED THEREON.

25 6. IF THE EVIDENCE OF THE VIOLATION IS DERIVED FROM AN OFFICIAL SOURCE
26 OTHER THAN THE PHOTO-MONITORING SYSTEM, SUCH AS FROM AN EMPLOYEE OF THE
27 POLICE DEPARTMENT OF THE CITY OF NEW YORK, THE NOTICE SHALL CONTAIN
28 SUFFICIENT INFORMATION DETAILING THE NAME AND TITLE OF THE CITY EMPLOYEE
29 WHO OBSERVED THE VIOLATION IN ADDITION TO THE INFORMATION DESCRIBED IN
30 SUBDIVISION FIVE OF THIS SECTION.

31 7. IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION
32 FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE POLICE
33 DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN
34 ALLEGATION OF LIABILITY FOR A VIOLATION AS DESCRIBED IN SUBDIVISION
35 SEVEN OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE THAT THE VEHICLE
36 HAD BEEN REPORTED TO THE POLICE AS STOLEN AND HAD NOT BEEN RECOVERED BY
37 THE TIME THE VIOLATION OCCURRED. FOR PURPOSES OF ASSERTING THE DEFENSE
38 PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT A CERTIFIED
39 COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS
40 MAIL TO THE DEPARTMENT OF FINANCE OR PARKING VIOLATIONS BUREAU.

41 8. (A) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
42 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION SHALL
43 NOT BE LIABLE FOR THE VIOLATION AS DESCRIBED IN SUBDIVISION SEVEN OF
44 SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE PROVIDED THAT:

45 (I) PRIOR TO THE VIOLATION THE LESSOR HAS FILED WITH THE DEPARTMENT OF
46 FINANCE OR THE PARKING VIOLATIONS BUREAU AND PAID THE REQUIRED FILING
47 FEE IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE

49 (II) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE DEPART-
50 MENT OF FINANCE OR THE PARKING VIOLATIONS BUREAU OF THE DATE AND TIME OF
51 A LIABILITY, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE
52 ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO THE DEPARTMENT OF
53 FINANCE OR THE PARKING VIOLATIONS BUREAU THE CORRECT NAME AND ADDRESS OF
54 THE LESSEE OF THE VEHICLE IDENTIFIED IN THE NOTICE OF LIABILITY AT THE
55 TIME OF SUCH VIOLATION, TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION
56 CONTAINED IN THE RENTAL LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE

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1 REASONABLY REQUIRED BY THE DEPARTMENT OF FINANCE OR THE PARKING
2 VIOLATIONS BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR
3 SUCH PURPOSE.

4 (B) FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS
5 SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN
6 THIS SECTION.

7 (C) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS SUBDIVISION,
8 THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED
9 TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS ARTICLE, SHALL BE
10 SUBJECT TO LIABILITY PURSUANT TO SUBDIVISION SEVEN OF SECTION SEVENTEEN
11 HUNDRED FOUR OF THIS ARTICLE AND SHALL BE SENT A NOTICE OF LIABILITY
12 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

13 9. IF THE OWNER LIABLE FOR A VIOLATION AS DESCRIBED IN SUBDIVISION
14 SEVEN OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE WAS NOT THE
15 OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY
16 MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

17 10. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A
18 VEHICLE SHALL BE SUBJECT TO A PENALTY IMPOSED PURSUANT TO THIS SECTION
19 IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITHOUT THE
20 CONSENT OF THE OWNER, EXPRESS OR IMPLIED, AT THE TIME SUCH OPERATOR
21 COMMITTED A VIOLATION AS DESCRIBED IN SUBDIVISION SEVEN OF SECTION
22 SEVENTEEN HUNDRED FOUR OF THIS ARTICLE. FOR THE PURPOSES OF THIS SUBDI-
23 VISION, THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE
24 WAS OPERATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME
25 SUCH OPERATOR COMMITTED A VIOLATION AS DESCRIBED IN SUBDIVISION SEVEN OF
26 SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE.

27 11. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
28 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION SIX OF
29 SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE.

30 S 1708. DISPOSITION OF REVENUE AND PENALTIES. 1. ALL CONGESTION PRIC-
31 ING FEES COLLECTED BY THE CITY, AS AGENT FOR THE METROPOLITAN TRANSPOR-
32 TATION AUTHORITY PURSUANT TO THE AGREEMENT WITH THE METROPOLITAN TRANS-
33 PORTATION AUTHORITY PROVIDED IN SECTION SEVENTEEN HUNDRED SIX OF THIS
34 ARTICLE, SHALL AT ALL TIMES BE THE PROPERTY OF THE METROPOLITAN TRANS-
35 PORTATION AUTHORITY AND SHALL BE PAID TO THE TRAFFIC CONGESTION MITI-
36 GATION FUND OF THE METROPOLITAN TRANSPORTATION AUTHORITY.

37 2. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL CHARGES COLLECTED BY
38 THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK AS DESCRIBED IN
39 SUBDIVISION SIX OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE OR
40 FINES AND PENALTIES COLLECTED BY THE DEPARTMENT OF FINANCE OR THE PARK-
41 ING VIOLATIONS BUREAU FOR A VIOLATION AS DESCRIBED IN SUBDIVISION SEVEN
42 OF SECTION SEVENTEEN HUNDRED FOUR OF THIS ARTICLE PURSUANT TO THE
43 PROVISIONS OF SECTION SEVENTEEN HUNDRED SEVEN OF THIS ARTICLE SHALL ALL
44 AT TIMES BE THE PROPERTY OF THE METROPOLITAN TRANSPORTATION AUTHORITY
45 AND SHALL BE PAID TO THE TRAFFIC CONGESTION MITIGATION FUND OF THE

46 METROPOLITAN TRANSPORTATION AUTHORITY; PROVIDED, HOWEVER, THAT THE
47 METROPOLITAN TRANSPORTATION AUTHORITY SHALL REIMBURSE THE DEPARTMENT OF
48 TRANSPORTATION OF THE CITY OF NEW YORK FOR THE COSTS OF RESOLVING
49 DISPUTES OVER CHARGES DESCRIBED IN SUBDIVISION SIX OF SECTION SEVENTEEN
50 HUNDRED FOUR OF THIS ARTICLE AND REIMBURSE THE DEPARTMENT OF FINANCE OR
51 THE PARKING VIOLATIONS BUREAU FOR THE COSTS OF ADJUDICATION AS PROVIDED
52 IN THE AGREEMENT BETWEEN THE METROPOLITAN TRANSPORTATION AUTHORITY AND
53 THE CITY DESCRIBED IN SECTION SEVENTEEN HUNDRED SIX OF THIS ARTICLE.
54 S 1709. ENVIRONMENTAL STUDY AND MITIGATION. THE LEGISLATURE HEREBY
55 DECLARES THAT THE CONGESTION PRICING PROGRAM DESCRIBED IN THIS ARTICLE
56 IS DESIGNED TO IMPROVE THE ENVIRONMENT, INCLUDING AIR QUALITY, AND MITI-

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1 GATE TRAFFIC IN THE STATE. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS
2 SECTION OR ANY OTHER PROVISION OF LAW OR ANYTHING IN THIS SECTION TO THE
3 CONTRARY, THE ENVIRONMENTAL REVIEW PROCESS SHALL BE STRUCTURED TO ENABLE
4 THE CITY TO MEET THE DEADLINE OF MARCH THIRTY-FIRST, TWO THOUSAND NINE
5 ESTABLISHED IN THE URBAN PARTNERSHIP AGREEMENT EXECUTED BETWEEN THE
6 UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE STATE, THE CITY OF
7 NEW YORK, AND THE AUTHORITY.

8 1. THE FOURTEEN PUBLIC HEARINGS HELD BY THE NEW YORK CITY TRAFFIC
9 CONGESTION MITIGATION COMMISSION SHALL SERVE AS THE INITIAL PUBLIC
10 COMMENT PHASE FOR THE ENVIRONMENTAL REVIEW PROCESS. THE INTERIM REPORT
11 TO SUCH COMMISSION OF JANUARY TENTH, TWO THOUSAND EIGHT, SHALL SERVE AS
12 THE ALTERNATIVE ANALYSIS FOR THE ENVIRONMENTAL REVIEW PROCESS.

13 2. THE CONGESTION PRICING PROGRAM DESCRIBED IN THIS ARTICLE SHALL
14 SERVE AS THE PREFERRED ALTERNATIVE FOR THE ENVIRONMENTAL REVIEW PROCESS.

15 3. THE CITY SHALL HOLD PUBLIC HEARINGS TO SOLICIT COMMENTS ON THE
16 SCOPE OF THE ENVIRONMENTAL REVIEW, POTENTIALLY SIGNIFICANT ADVERSE
17 IMPACTS OF THE PROJECT AND MITIGATION MEASURES TO ADDRESS THOSE IMPACTS,
18 IF ANY. THE CITY SHALL RELEASE A SCOPING DOCUMENT IDENTIFYING ANY
19 POTENTIALLY SIGNIFICANT ADVERSE IMPACTS, IF ANY, FOR FURTHER ANALYSIS
20 AND REVIEW.

21 4. TO THE EXTENT ANY POTENTIALLY SIGNIFICANT ADVERSE IMPACTS ARE IDEN-
22 TIFIED, THE CITY SHALL CONDUCT AN ANALYSIS OF SUCH IMPACTS, DEVELOP
23 POSSIBLE MITIGATION MEASURES, AND OUTLINE A DETAILED MONITORING PLAN FOR
24 EACH POTENTIAL IMPACT.

25 5. THE CITY SHALL RELEASE A DRAFT ENVIRONMENTAL IMPACT STATEMENT
26 SUMMARIZING THE POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS
27 AND THE POSSIBLE MITIGATION MEASURES AND MONITORING PLAN. THE CITY SHALL
28 RELEASE THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND HOLD A PUBLIC HEAR-
29 ING ON THE STATEMENT PRIOR TO THE OPERATION DATE.

30 6. THE CITY, AFTER INCORPORATING PUBLIC COMMENTS, SHALL RELEASE A
31 FINAL ENVIRONMENTAL IMPACT STATEMENT PRIOR TO THE OPERATION DATE. THE
32 CITY, WITHIN TEN DAYS AFTER THE PUBLIC RELEASE OF THE FINAL ENVIRON-
33 MENTAL IMPACT STATEMENT, SHALL RELEASE A FINDINGS STATEMENT REGARDING
34 THE CITY'S DECISION ON AN APPROPRIATE MONITORING PLAN AND POTENTIAL
35 MITIGATION MEASURES.

36 7. THE CITY SHALL ESTABLISH AND IMPLEMENT A MONITORING PROGRAM PRIOR
37 TO THE OPERATION DATE TO MONITOR THE TRAFFIC, AIR QUALITY, NOISE, PARK-
38 ING AND OTHER ENVIRONMENTAL IMPACTS OF THE CONGESTION PRICING PROGRAM
39 AND RELEASE ANNUAL REPORTS ON THESE IMPACTS. THE CITY SHALL MAKE A
40 PRELIMINARY REPORT ON SUCH IMPACTS WITHIN SIX MONTHS FROM THE OPERATION
41 DATE AND MAKE SUCH REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET.

42 8. THE CITY SHALL IMPLEMENT MITIGATION MEASURES FOR SIGNIFICANT
43 ADVERSE IMPACTS, IF ANY, IDENTIFIED BY THE MONITORING PROGRAM AND SHALL

44 SOLICIT PUBLIC COMMENT ON PROPOSED MITIGATION PLANS. THE CITY SHALL
45 INITIATE MITIGATION PLANS, IF NECESSARY, WITHIN SIX MONTHS FROM THE
46 OPERATION DATE. THE CITY SHALL ALSO IDENTIFY, IF ANY, NEIGHBORHOOD PARK-
47 ING IMPACTS. MITIGATION MEASURES THAT THE CITY SHALL CONSIDER IF NEIGH-
48 BORHOOD PARKING IMPACTS ARE IDENTIFIED INCLUDE, BUT ARE NOT NECESSARILY
49 LIMITED TO, TRAFFIC IMPROVEMENTS, EXPANDED USE OF MUNI-METERS, CHANGES
50 TO PARKING REGULATIONS AND A RESIDENTIAL PARKING PERMIT PROGRAM.

51 9. THE CITY SHALL COMPLETE THE COMMUNITY PLANNING PROCESS ALREADY
52 UNDERWAY WITH RESPECT TO A CITYWIDE PARKING POLICY AND A RESIDENTIAL
53 PARKING PERMIT PROGRAM PRIOR TO THE OPERATION DATE. THE CITY SHALL
54 ENSURE THAT NEIGHBORHOODS ADJACENT TO THE CONGESTION PRICING ZONE ARE
55 PROVIDED AN OPPORTUNITY TO OPT INTO THE RESIDENTIAL PARKING PERMIT

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1 PROGRAM, AS PROVIDED IN SECTION SIXTEEN HUNDRED FORTY-M OF THIS TITLE,
2 PRIOR TO THE OPERATION DATE.

3 10. THE AUTHORITY SHALL PROVIDE FOR TRANSIT PROJECTS DESIGNED TO MITI-
4 GATE PROJECTED IMMEDIATE EFFECTS ON RIDERSHIP OCCASIONED BY THE IMPOSI-
5 TION OF CONGESTION PRICING FEES PRIOR TO THE OPERATION DATE.

6 S 1710. RULEMAKING AUTHORITY. ANY AGENCIES OF THE CITY, INCLUDING THE
7 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF FINANCE AND THE PARKING
8 VIOLATIONS BUREAU, ARE EMPOWERED AND AUTHORIZED TO PROMULGATE ANY REGU-
9 LATIONS NECESSARY OR IN AID OF THEIR POWERS AND DUTIES PURSUANT TO THIS
10 ARTICLE.

11 S 2. The public authorities law is amended by adding a new section
12 1270-g to read as follows:

13 S 1270-G. TRAFFIC CONGESTION MITIGATION FUND. 1. THE AUTHORITY SHALL
14 ESTABLISH A FUND TO BE KNOWN AS THE "TRAFFIC CONGESTION MITIGATION FUND"
15 WHICH SHALL BE KEPT SEPARATE FROM AND SHALL NOT BE COMMINGLED WITH ANY
16 OTHER MONEYS OF THE AUTHORITY. THE FUND SHALL CONSIST OF ALL MONEYS PAID
17 TO THE AUTHORITY BY THE CITY OF NEW YORK PURSUANT TO ARTICLE
18 FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

19 2. MONEYS IN THE FUND SHALL FIRST BE PAID:
20 (A) TO THE CITY OF NEW YORK TO REIMBURSE THE CITY OF NEW YORK FOR THE
21 COSTS OF OPERATING THE CONGESTION PRICING PROGRAM AND THE CONGESTION
22 PRICING FEE COLLECTION PROGRAM DESCRIBED IN ARTICLE FORTY-FOUR-B OF THE
23 VEHICLE AND TRAFFIC LAW.

24 (B) PURSUANT TO AN AGREEMENT BETWEEN THE CITY OF NEW YORK AND THE
25 AUTHORITY AS PROVIDED IN SECTION SEVENTEEN HUNDRED SIX OF THE VEHICLE
26 AND TRAFFIC LAW, TO THE CITY OF NEW YORK AND THE AUTHORITY TO REIMBURSE
27 THE CITY OF NEW YORK AND THE AUTHORITY FOR ANY EXPENDITURES MADE BY THE
28 CITY AND THE AUTHORITY, AS APPLICABLE: (I) FOR THE INITIAL COSTS OF
29 DESIGNING, PLANNING, CONSTRUCTING AND BUILDING THE CONGESTION PRICING
30 PROGRAM AND THE ELECTRONIC OR OTHER FEE COLLECTION SYSTEM DESCRIBED IN
31 ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW; (II) FOR THE CAPI-
32 TAL COSTS OF THE AUTHORITY OF IMPLEMENTING TRANSIT PROJECTS DESIGNED TO
33 MITIGATE PROJECTED IMMEDIATE EFFECTS ON RIDERSHIP AS A RESULT OF THE
34 CONGESTION PRICING PROGRAM DESCRIBED IN ARTICLE FORTY-FOUR-B OF THE
35 VEHICLE AND TRAFFIC LAW THAT HAVE NOT BEEN SATISFIED FROM MONEYS
36 RECEIVED FROM AN URBAN PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES
37 DEPARTMENT OF TRANSPORTATION AND THE STATE, THE CITY OF NEW YORK, OR THE
38 AUTHORITY; AND (III) FOR THE INITIAL OPERATING COSTS PRIOR TO IMPLEMENT-
39 ING SUCH TRANSIT PROJECTS AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS
40 PARAGRAPH.

41 3. SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, THE
42 REMAINING MONEYS IN THE FUND AFTER THE PAYMENTS TO THE CITY OF NEW YORK

43 AND THE AUTHORITY AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION MAY BE
44 PLEDGED BY THE AUTHORITY TO SECURE AND BE APPLIED TO THE PAYMENT OF ITS
45 BONDS, NOTES OR OTHER OBLIGATIONS SPECIFIED BY THE AUTHORITY OR OTHER-
46 WISE COMMITTED ONLY IN CONNECTION WITH CAPITAL INVESTMENTS FOR SYSTEM
47 IMPROVEMENTS, EXPANSION AND STATE OF GOOD REPAIR PROJECTS, EXCLUDING
48 NORMAL REPLACEMENT. SUCH PROJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO,
49 NEW BUSES AND BUS FACILITIES, BUS RAPID TRANSIT ROUTES, PARK-AND-RIDE
50 FACILITIES, COMMUTER RAIL IMPROVEMENTS AND SUBWAY EXPANSION AND REHABIL-
51 ITATION. CONGESTION PRICING REVENUES SHALL NOT BE USED FOR ANY OTHER
52 PURPOSE. PRIORITY IN THE DISTRIBUTION OF FUNDING SHALL BE GIVEN TO
53 THOSE AREAS IN NEED OF ADDITIONAL TRANSIT INVESTMENTS. FUNDS SHALL BE
54 USED FOR BOTH NEW CAPITAL EXPENDITURES AND FOR DEBT SERVICE ASSOCIATED
55 WITH THOSE EXPENDITURES.

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1 4. THE USE OF CONGESTION PRICING REVENUES FOR TRANSIT CAPITAL EXPENDI-
2 TURES SHALL BE SUBJECT TO APPROVAL BY THE AUTHORITY'S CAPITAL PROGRAM
3 REVIEW BOARD, AS PROVIDED BY LAW. PROVIDED, HOWEVER, THAT ONLY FOR THE
4 APPROVAL OF THE PLAN SUBMITTED BY MARCH THIRTY-FIRST, TWO THOUSAND EIGHT
5 BY THE AUTHORITY FOR THIS FUND ONLY, A REPRESENTATIVE OF THE NEW YORK
6 CITY COUNCIL SPEAKER SHALL BE PROVIDED WITH THE SAME RIGHTS AND PRIVI-
7 LEGES OF THE BOARD MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOMMEN-
8 DATION OF THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF
9 THE ASSEMBLY. THE FUNDS IN THE TRAFFIC CONGESTION MITIGATION FUND SHALL
10 NOT BE USED TO OFFSET ANY FUNDING OBLIGATIONS TO THE AUTHORITY BY ANY
11 GOVERNMENTAL ENTITY. FOR CAPITAL EXPENSES DERIVED FROM THIS FUND, THE
12 AUTHORITY SHALL FOLLOW ALL LEGALLY APPLICABLE PREVAILING WAGE LAWS. IN
13 ADDITION, THE AUTHORITY SHALL CONTINUE TO BE RESPONSIVE TO LOCAL GOVERN-
14 MENT AND COMMUNITY CONCERNS AND TO CONDUCT ALL PUBLIC HEARINGS AS
15 PROVIDED IN LAW.

16 5. THE AUTHORITY SHALL REPORT ANNUALLY ON ALL RECEIPTS AND EXPENDI-
17 TURES OF THE FUNDS, INCLUDING TAXI SURCHARGE REVENUES. THE REPORT SHALL
18 DETAIL OPERATING EXPENSES OF THE PROGRAM, ENHANCEMENT PLANS, AND ALL
19 FUND EXPENDITURES. THE REPORT AND ALL CAPITAL PLAN AMENDMENTS RELATING
20 TO THE FUND SHALL BE READILY AVAILABLE TO THE PUBLIC, AND SHALL BE POST-
21 ED ON THE AUTHORITY'S WEBSITE AND BE SUBMITTED TO THE GOVERNOR, STATE
22 LEGISLATURE, THE MAYOR AND COUNCIL OF THE CITY OF NEW YORK, AND THE
23 AUTHORITY'S CAPITAL PROGRAM REVIEW BOARD.

24 S 3. The vehicle and traffic law is amended by adding a new section
25 1640-m to read as follows:

26 S 1640-M. RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF NEW YORK.
27 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE
28 DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK IS AUTHORIZED TO
29 PROMULGATE RULES TO PROVIDE FOR A RESIDENTIAL PARKING PERMIT SYSTEM IN
30 THE CITY OF NEW YORK IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

31 2. THE RESIDENTIAL PARKING PERMIT SYSTEM SHALL PROVIDE FOR THE ESTAB-
32 LISHMENT OF PERMIT-ONLY PARKING ZONES. IT SHALL FURTHER PROVIDE FOR
33 PERIODS OF AT LEAST NINETY MINUTES EACH WEEKDAY DURING WHICH ONLY RESI-
34 DENTS WHO HAVE OBTAINED AN ANNUAL PERMIT FOR CURBSIDE PARKING IN ANY
35 PERMIT-ONLY PARKING ZONE SHALL BE PERMITTED TO PARK THEIR VEHICLES IN
36 SUCH PERMIT-ONLY PARKING ZONE. DURING SUCH PERIODS, APPROXIMATELY FIFTY
37 PERCENT OF THE TOTAL BLOCK FACE AREA IN ANY PERMIT-ONLY PARKING ZONE MAY
38 BE ALLOCATED FOR PARKING BY RESIDENTS WITH ANNUAL PERMITS. RESIDENTS IN
39 PERMIT-ONLY PARKING ZONES MAY OBTAIN ANNUAL PERMITS FOR RESIDENTIAL
40 PARKING BY PROVIDING PROOF TO THE DEPARTMENT OF TRANSPORTATION OF THE
41 CITY OF NEW YORK OF VEHICLE REGISTRATION AT A RESIDENCE WITHIN THE

42 PARTICULAR PERMIT-ONLY PARKING ZONE. SUCH DEPARTMENT SHALL CHARGE NO FEE
43 TO RESIDENTS FOR APPLYING FOR AND USING ANNUAL PERMITS FOR RESIDENTIAL
44 PARKING IN PERMIT-ONLY PARKING ZONES.

45 3. PROCEDURES FOR ESTABLISHING A PERMIT-ONLY PARKING ZONE SHALL BE AS
46 FOLLOWS: (A) ANY PERSON MAY SUBMIT A WRITTEN REQUEST FOR THE ESTABLISH-
47 MENT OF A PERMIT-ONLY PARKING ZONE TO THE COMMUNITY BOARD, USING A STAN-
48 DARD REQUEST FORM PROVIDED BY THE DEPARTMENT OF TRANSPORTATION OF THE
49 CITY OF NEW YORK. SUCH FORM SHALL ALLOW FOR THE ADDITION OF PETITION
50 SIGNATURES IN SUPPORT OF THE REQUEST AND SHALL REQUIRE THAT PETITIONERS
51 IDENTIFY THE NEED FOR AND THE PROPOSED AREA OF THE PERMIT-ONLY PARKING
52 ZONE.

53 (B) THE COMMUNITY BOARD RECEIVING A REQUEST FOR THE ESTABLISHMENT OF A
54 PERMIT-ONLY PARKING ZONE MAY HOLD A PUBLIC MEETING DURING WHICH THE
55 REQUEST MAY BE CONSIDERED. THE COMMUNITY BOARD MAY ADJUST THE REQUEST TO
56 MEET COMMUNITY NEEDS AND TO COMPLY WITH ANY RULES PROMULGATED BY THE

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1 DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK. THE COMMUNITY
2 BOARD SHALL NOT APPROVE A REQUEST FOR A PERMIT-ONLY PARKING ZONE UNLESS
3 IT HAS HELD A PUBLIC MEETING ON THE REQUEST.

4 (C) IF THE COMMUNITY BOARD APPROVES THE REQUEST, IT SHALL SUBMIT A
5 PROPOSAL TO THE CITY COUNCILMEMBER OR COUNCILMEMBERS IN WHOSE DISTRICT
6 OR DISTRICTS THE PERMIT-ONLY PARKING ZONE HAS BEEN PROPOSED FOR REVIEW
7 AND APPROVAL.

8 (D) PROPOSALS FOR PERMIT-ONLY PARKING ZONES APPROVED BY THE RELEVANT
9 CITY COUNCILMEMBER OR COUNCILMEMBERS SHALL BE SUBMITTED TO THE DEPART-
10 MENT OF TRANSPORTATION OF THE CITY OF NEW YORK FOR REVIEW AND APPROVAL
11 BASED ON CRITERIA THAT SHALL INCLUDE THE RESIDENTIAL NATURE, SIZE AND
12 GEOGRAPHIC INTEGRITY OF THE ZONE, THE DEGREE OF SURVEYED DEMAND FOR
13 ON-STREET PARKING AND THE PRESENCE OF DESTINATIONS GENERATING SIGNIF-
14 ICANT DEMAND FOR ON-STREET PARKING.

15 (E) PROPOSALS FOR PERMIT-ONLY PARKING ZONES APPROVED BY THE DEPARTMENT
16 OF TRANSPORTATION OF THE CITY OF NEW YORK SHALL BE SUBMITTED TO THE
17 BOROUGH PRESIDENT FOR FINAL APPROVAL. NO PERMIT-ONLY PARKING ZONE SHALL
18 BE ESTABLISHED ABSENT FINAL APPROVAL BY THE BOROUGH PRESIDENT.

19 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FEES COLLECTED PURSUANT
20 TO REGULATIONS AUTHORIZED BY THIS SECTION SHALL BE CREDITED TO THE TRAN-
21 SIT ENHANCEMENT FUND OF THE CITY OF NEW YORK, AS ESTABLISHED BY PARA-
22 GRAPH FOUR OF SUBDIVISION D OF SECTION TWENTY-NINE HUNDRED THREE OF THE
23 NEW YORK CITY CHARTER.

24 S 4. The opening paragraph of paragraph 1 of subdivision (a) of
25 section 1212-A of the tax law, as amended by chapter 196 of the laws of
26 1995, is amended to read as follows:

27 a tax on receipts from every sale of the service of providing parking,
28 garaging or storing for motor vehicles by persons operating a garage
29 (other than a garage which is part of premises occupied solely as a
30 private one or two family dwelling), parking lot or other place of busi-
31 ness engaged in providing parking, garaging or storing for motor vehi-
32 cles, in any county within such city with a population density in excess
33 of fifty thousand persons per square mile, at the rate of eight per
34 centum, on receipts from every sale of such services, except receipts
35 from the sale of such services, OTHER THAN THOSE SERVICES PROVIDED AT
36 LOCATIONS WHOLLY WITHIN THE GEOGRAPHIC AREA OF THE CONGESTION PRICING
37 ZONE AS SUCH TERM IS DESCRIBED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE
38 AND TRAFFIC LAW, to an individual resident of such county when such
39 services are rendered on a monthly or longer-term basis at the principal

40 location for the parking, garaging or storing of a motor vehicle owned
41 or leased (but only in the case of a lease for a term of one year or
42 more) by such individual resident. The population of a county shall be
43 determined by reference to the latest federal census.

44 S 5. Subdivision (c) of section 1261 of the tax law is amended by
45 adding a new paragraph 5-a to read as follows:

46 (5-A) HOWEVER, BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND EIGHT, THE
47 COMMISSIONER OR THE COMMISSIONER'S DELEGATE SHALL CERTIFY TO THE COMP-
48 TROLLER THE NET COLLECTIONS FROM THE ADDITIONAL RATE OF TAX WHICH THE
49 CITY OF NEW YORK IS AUTHORIZED TO IMPOSE PURSUANT TO PARAGRAPH ONE OF
50 SUBDIVISION (A) OF SECTION TWELVE HUNDRED TWELVE-A OF THIS ARTICLE. THE
51 COMMISSIONER OR THE COMMISSIONER'S DELEGATE SHALL NOT BE HELD LIABLE FOR
52 ANY INACCURACY IN SUCH CERTIFICATE. PROVIDED, THAT ANY CERTIFICATION
53 MADE BY THE COMMISSIONER OR THE COMMISSIONER'S DELEGATE MAY BE BASED ON
54 SUCH INFORMATION AS MAY BE AVAILABLE TO THE COMMISSIONER AT THE TIME
55 SUCH CERTIFICATE MUST BE MADE UNDER THIS PARAGRAPH, MAY BE ESTIMATED ON
56 THE BASIS OF PERCENTAGES OR OTHER INDICES CALCULATED FROM DISTRIBUTIONS

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1 FOR PRIOR PERIODS, AND SHALL BE SUBJECT TO THE ADJUSTMENT PROVISIONS
2 CONCERNING OVERPAYMENT OR UNDERPAYMENT IN PARAGRAPH SIX OF THIS SUBDIVI-
3 SION. BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND EIGHT, THE COMPTROLLER
4 SHALL PAY A CERTAIN PERCENTAGE OF THESE NET COLLECTIONS TO THE APPROPRI-
5 ATE FISCAL OFFICER OF THE CITY OF NEW YORK FOR DEPOSIT INTO THE FUND
6 ESTABLISHED IN PARAGRAPH FOUR OF SUBDIVISION D OF SECTION TWO THOUSAND
7 NINE HUNDRED THREE OF THE CHARTER OF THE CITY OF NEW YORK, USING A
8 PERCENTAGE TO BE CERTIFIED BY THE APPROPRIATE FISCAL OFFICER TO THE
9 COMPTROLLER NO LATER THAN AUGUST FIFTEENTH, TWO THOUSAND EIGHT. THE
10 APPROPRIATE FISCAL OFFICER MAY UPDATE THE PERCENTAGE AND CERTIFY THIS
11 UPDATED PERCENTAGE TO THE COMPTROLLER ON AN ANNUAL BASIS. SUCH PERCENT-
12 AGE SHALL BE CALCULATED BY THE APPROPRIATE FISCAL OFFICER OF THE CITY OF
13 NEW YORK BASED ON TAXES, PENALTIES AND INTEREST IMPOSED PURSUANT TO
14 PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION TWELVE HUNDRED TWELVE-A OF
15 THIS ARTICLE IN THE GEOGRAPHIC AREA OF THE CONGESTION PRICING ZONE AS
16 SUCH TERM IS DESCRIBED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAF-
17 FIC LAW AND ON INDIVIDUAL RESIDENTS OF THE BOROUGH OF MANHATTAN.

18 S 6. Subdivision 1 of section 235 of the vehicle and traffic law, as
19 amended by chapter 379 of the laws of 1992, is amended to read as
20 follows:

21 1. Notwithstanding any inconsistent provision of any general, special
22 or local law or administrative code to the contrary, in any city which
23 heretofore or hereafter is authorized to establish an administrative
24 tribunal to hear and determine complaints of traffic infractions consti-
25 tuting parking, standing or stopping violations, or to adjudicate the
26 liability of owners for violations of subdivision (d) of section eleven
27 hundred eleven of this chapter in accordance with section eleven hundred
28 eleven-a of this chapter, {or} to adjudicate the liability of owners for
29 violations of toll collection regulations as defined in and in accord-
30 ance with the provisions of section two thousand nine hundred eighty-
31 five of the public authorities law and sections sixteen-a, sixteen-b and
32 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
33 hundred fifty, OR TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS
34 OF THE CONGESTION PRICING PROGRAM IN THE CITY OF NEW YORK AS DEFINED IN
35 AND IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE FORTY-FOUR-B OF THIS
36 CHAPTER, such tribunal and the rules and regulations pertaining thereto
37 shall be constituted in substantial conformance with the following

38 sections.

39 S 7. Subdivision 1 of section 236 of the vehicle and traffic law, as
40 amended by chapter 379 of the laws of 1992, is amended to read as
41 follows:

42 1. Creation. In any city as hereinbefore or hereafter authorized such
43 tribunal when created shall be known as the parking violations bureau
44 and shall have jurisdiction of traffic infractions which constitute a
45 parking violation and, where authorized by local law adopted pursuant to
46 subdivision (a) of section eleven hundred eleven-a of this chapter,
47 shall adjudicate the liability of owners for violations of subdivision
48 (d) of section eleven hundred eleven of this chapter in accordance with
49 such section eleven hundred eleven-a, and shall adjudicate the liability
50 of owners for violations of toll collection regulations as defined in
51 and in accordance with the provisions of section two thousand nine
52 hundred eighty-five of the public authorities law and sections
53 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
54 of the laws of nineteen hundred fifty, AND SHALL ADJUDICATE THE LIABIL-
55 ITY OF OWNERS FOR VIOLATIONS OF THE CONGESTION PRICING PROGRAM IN THE
56 CITY OF NEW YORK AS DEFINED IN AND IN ACCORDANCE WITH THE PROVISIONS OF

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1 ARTICLE FORTY-FOUR-B OF THIS CHAPTER. Such tribunal, except in a city
2 with a population of one million or more, shall also have jurisdiction
3 of abandoned vehicle violations. For the purposes of this article, a
4 parking violation is the violation of any law, rule or regulation
5 providing for or regulating the parking, stopping or standing of a vehi-
6 cle. In addition for purposes of this article, "commissioner" shall mean
7 and include the commissioner of traffic of the city or an official
8 possessing authority as such a commissioner.

9 S 8. Subdivision 11 of section 237 of the vehicle and traffic law, as
10 added by chapter 379 of the laws of 1992, is amended and a new subdivi-
11 sion 12 is added to read as follows:

12 11. To adjudicate the liability of owners for violations of toll
13 collection regulations as defined in and in accordance with the
14 provisions of section two thousand nine hundred eighty-five of the
15 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
16 of chapter seven hundred seventy-four of the laws of nineteen hundred
17 fifty{.};

18 12. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF THE
19 CONGESTION PRICING PROGRAM IN THE CITY OF NEW YORK AS DEFINED IN AND IN
20 ACCORDANCE WITH THE PROVISIONS OF ARTICLE FORTY-FOUR-B OF THIS CHAPTER.

21 S 9. Paragraph f of subdivision 1 of section 239 of the vehicle and
22 traffic law, as amended by chapter 379 of the laws of 1992, is amended
23 to read as follows:

24 f. "Notice of violation" means a notice of violation as defined in
25 subdivision nine of section two hundred thirty-seven of this article,
26 but shall not be deemed to include a notice of liability issued pursuant
27 to authorization set forth in section eleven hundred eleven-a of this
28 chapter and shall not be deemed to include a notice of liability issued
29 pursuant to section two thousand nine hundred eighty-five of the public
30 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
31 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND
32 SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO
33 SECTION SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER.

34 S 10. Subdivision 4 of section 239 of the vehicle and traffic law, as
35 amended by chapter 379 of the laws of 1992, is amended to read as

36 follows:

37 4. Applicability. The provisions of paragraph b of subdivision two and
38 subdivision three of this section shall not be applicable to determi-
39 nations of owner liability for the failure of an operator to comply with
40 subdivision (d) of section eleven hundred eleven of this chapter and
41 shall not be applicable to determinations of owner liability imposed
42 pursuant to section two thousand nine hundred eighty-five of the public
43 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
44 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND
45 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR
46 VIOLATIONS OF ARTICLE FORTY-FOUR-B OF THIS CHAPTER.

47 S 11. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
48 law, as amended by chapter 379 of the laws of 1992, are amended to read
49 as follows:

50 1. Notice of hearing. Whenever a person charged with a parking
51 violation enters a plea of not guilty or a person alleged to be liable
52 in accordance with section eleven hundred eleven-a of this chapter for a
53 violation of subdivision (d) of section eleven hundred eleven of this
54 chapter contests such allegation, or a person alleged to be liable in
55 accordance with the provisions of section two thousand nine hundred
56 eighty-five of the public authorities law {or}, OF sections sixteen-a,

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1 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
2 laws of nineteen hundred fifty, OR OF ARTICLE FORTY-FOUR-B OF THIS CHAP-
3 TER, the bureau shall advise such person personally by such form of
4 first class mail as the director may direct of the date on which he must
5 appear to answer the charge at a hearing. The form and content of such
6 notice of hearing shall be prescribed by the director, and shall contain
7 a warning to advise the person so pleading or contesting that failure to
8 appear on the date designated, or on any subsequent adjourned date,
9 shall be deemed an admission of liability, and that a default judgment
10 may be entered thereon.

11 1-a. Fines and penalties. Whenever a plea of not guilty has been
12 entered, or the bureau has been notified that an allegation of liability
13 in accordance with section eleven hundred eleven-a of this chapter or an
14 allegation of liability in accordance with section two thousand nine
15 hundred eighty-five of the public authorities law or sections sixteen-a,
16 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
17 laws of nineteen hundred fifty OR AN ALLEGATION OF LIABILITY IN ACCORD-
18 ANCE WITH SECTION SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER, is being
19 contested, by a person in a timely fashion and a hearing upon the merits
20 has been demanded, but has not yet been held, the bureau shall not issue
21 any notice of fine or penalty to that person prior to the date of the
22 hearing.

23 S 12. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
24 cle and traffic law, as amended by chapter 379 of the laws of 1992, are
25 amended to read as follows:

26 a. Every hearing for the adjudication of a charge of parking violation
27 or an allegation of liability in accordance with section eleven hundred
28 eleven-a of this chapter or an allegation of liability in accordance
29 with section two thousand nine hundred eighty-five of the public author-
30 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
31 seven hundred seventy-four of the laws of nineteen hundred fifty OR AN
32 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION SEVENTEEN HUNDRED
33 SEVEN OF THIS CHAPTER, shall be held before a hearing examiner in

34 accordance with rules and regulations promulgated by the bureau.

35 g. A record shall be made of a hearing on a plea of not guilty or of a
36 hearing at which liability in accordance with section eleven hundred
37 eleven-a of this chapter is contested or of a hearing at which liability
38 in accordance with section two thousand nine hundred eighty-five of the
39 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
40 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
41 is contested OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION
42 SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER IS CONTESTED. Recording devices
43 may be used for the making of the record.

44 S 13. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
45 law, as amended by chapter 379 of the laws of 1992, are amended to read
46 as follows:

47 1. The hearing examiner shall make a determination on the charges,
48 either sustaining or dismissing them. Where the hearing examiner deter-
49 mines that the charges have been sustained he may examine either the
50 prior parking violations record or the record of liabilities incurred in
51 accordance with section eleven hundred eleven-a of this chapter or the
52 record of liabilities incurred in accordance with section two thousand
53 nine hundred eighty-five of the public authorities law or sections
54 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
55 of the laws of nineteen hundred fifty of the person charged OR THE
56 RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH SECTION SEVENTEEN

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1 HUNDRED SEVEN OF THIS CHAPTER, as applicable prior to rendering a final
2 determination. Final determinations sustaining or dismissing charges
3 shall be entered on a final determination roll maintained by the bureau
4 together with records showing payment and nonpayment of penalties.

5 2. Where an operator or owner fails to enter a plea to a charge of a
6 parking violation or contest an allegation of liability in accordance
7 with section eleven hundred eleven-a of this chapter or fails to contest
8 an allegation of liability in accordance with section two thousand nine
9 hundred eighty-five of the public authorities law or sections sixteen-a,
10 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
11 laws of nineteen hundred fifty OR FAILS TO CONTEST AN ALLEGATION OF
12 LIABILITY IN ACCORDANCE WITH SECTION SEVENTEEN HUNDRED SEVEN OF THIS
13 CHAPTER, or fails to appear on a designated hearing date or subsequent
14 adjourned date or fails after a hearing to comply with the determination
15 of a hearing examiner, as prescribed by this article or by rule or regu-
16 lation of the bureau, such failure to plead or contest, appear or comply
17 shall be deemed, for all purposes, an admission of liability and shall
18 be grounds for rendering and entering a default judgment in an amount
19 provided by the rules and regulations of the bureau. However, after the
20 expiration of the original date prescribed for entering a plea and
21 before a default judgment may be rendered, in such case the bureau shall
22 pursuant to the applicable provisions of law notify such operator or
23 owner, by such form of first class mail as the commission may direct;
24 (1) of the violation charged, or liability in accordance with section
25 eleven hundred eleven-a of this chapter alleged or liability in accord-
26 ance with section two thousand nine hundred eighty-five of the public
27 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
28 ter seven hundred seventy-four of the laws of nineteen hundred fifty
29 alleged OR LIABILITY IN ACCORDANCE WITH SECTION SEVENTEEN HUNDRED SEVEN
30 OF THIS CHAPTER, (2) of the impending default judgment, (3) that such
31 judgment will be entered in the Civil Court of the city in which the

32 bureau has been established, or other court of civil jurisdiction or any
33 other place provided for the entry of civil judgments within the state
34 of New York, and (4) that a default may be avoided by entering a plea or
35 contesting an allegation of liability in accordance with section eleven
36 hundred eleven-a of this chapter or contesting an allegation of liabil-
37 ity in accordance with section two thousand nine hundred eighty-five of
38 the public authorities law or sections sixteen-a, sixteen-b and
39 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
40 hundred fifty OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE
41 WITH SECTION SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER, as appropriate, or
42 making an appearance within thirty days of the sending of such notice.
43 Pleas entered and allegations contested within that period shall be in
44 the manner prescribed in the notice and not subject to additional penal-
45 ty or fee. Such notice of impending default judgment shall not be
46 required prior to the rendering and entry thereof in the case of opera-
47 tors or owners who are non-residents of the state of New York. In no
48 case shall a default judgment be rendered or, where required, a notice
49 of impending default judgment be sent, more than two years after the
50 expiration of the time prescribed for entering a plea or contesting an
51 allegation. When a person has demanded a hearing, no fine or penalty
52 shall be imposed for any reason, prior to the holding of the hearing. If
53 the hearing examiner shall make a determination on the charges, sustain-
54 ing them, he shall impose no greater penalty or fine than those upon
55 which the person was originally charged.

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1 S 14. Subparagraph (i) of paragraph a of subdivision 5-a of section
2 401 of the vehicle and traffic law, as amended by chapter 496 of the
3 laws of 1990 and as designated by chapter 373 of the laws of 1994, is
4 amended to read as follows:

5 (i) If at the time of application for a registration or renewal there-
6 of there is a certification from a court, parking violations bureau,
7 traffic and parking violations agency or administrative tribunal of
8 appropriate jurisdiction or administrative tribunal of appropriate
9 jurisdiction that the registrant or his representative failed to appear
10 on the return date or any subsequent adjourned date or failed to comply
11 with the rules and regulations of an administrative tribunal following
12 entry of a final decision in response to a total of three or more
13 summonses or other process in the aggregate, issued within an eighteen
14 month period, charging either that (i) such motor vehicle was parked,
15 stopped or standing, or that such motor vehicle was operated for hire by
16 the registrant or his agent without being licensed as a motor vehicle
17 for hire by the appropriate local authority, in violation of any of the
18 provisions of this chapter or of any law, ordinance, rule or regulation
19 made by a local authority or (ii) the registrant was liable in accord-
20 ance with section eleven hundred eleven-a of this chapter for a
21 violation of subdivision (d) of section eleven hundred eleven of this
22 chapter OR (III) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION
23 SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER, the commissioner or his agent
24 shall deny the registration or renewal application until the applicant
25 provides proof from the court, traffic and parking violations agency or
26 administrative tribunal wherein the charges are pending that an appear-
27 ance or answer has been made or in the case of an administrative tribu-
28 nal that he has complied with the rules and regulations of said tribunal
29 following entry of a final decision. Where an application is denied
30 pursuant to this section, the commissioner may, in his discretion, deny

31 a registration or renewal application to any other person for the same
32 vehicle and may deny a registration or renewal application for any other
33 motor vehicle registered in the name of the applicant where the commis-
34 sioner has determined that such registrant's intent has been to evade
35 the purposes of this subdivision and where the commissioner has reason-
36 able grounds to believe that such registration or renewal will have the
37 effect of defeating the purposes of this subdivision. Such denial shall
38 only remain in effect as long as the summonses remain unanswered, or in
39 the case of an administrative tribunal, the registrant fails to comply
40 with the rules and regulations following entry of a final decision.

41 S 15. The opening paragraph of subdivision 1 of section 1809 of the
42 vehicle and traffic law, as amended by section 2 of part M of chapter 62
43 of the laws of 2003, is amended to read as follows:

44 Whenever proceedings in an administrative tribunal or a court of this
45 state result in a conviction for an offense under this chapter or a
46 traffic infraction under this chapter, or a local law, ordinance, rule
47 or regulation adopted pursuant to this chapter, other than a traffic
48 infraction involving standing, stopping, or parking or violations by
49 pedestrians or bicyclists, or other than an adjudication of liability of
50 an owner for a violation of subdivision (d) of section eleven hundred
51 eleven of this chapter in accordance with section eleven hundred
52 eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION IN ACCORDANCE
53 WITH SECTION SEVENTEEN HUNDRED SEVEN OF THIS CHAPTER, there shall be
54 levied a crime victim assistance fee and a mandatory surcharge, in addi-
55 tion to any sentence required or permitted by law, in accordance with
56 the following schedule:

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1 S 16. Paragraph (c) of subdivision 1 of section 1809 of the vehicle
2 and traffic law, as amended by section 2 of part M of chapter 62 of the
3 laws of 2003, is amended to read as follows:

4 (c) Whenever proceedings in an administrative tribunal or a court of
5 this state result in a conviction for an offense under this chapter
6 other than a crime pursuant to section eleven hundred ninety-two of this
7 chapter, or a traffic infraction under this chapter, or a local law,
8 ordinance, rule or regulation adopted pursuant to this chapter, other
9 than a traffic infraction involving standing, stopping, or parking or
10 violations by pedestrians or bicyclists, or other than an adjudication
11 of liability of an owner for a violation of subdivision (d) of section
12 eleven hundred eleven of this chapter in accordance with section eleven
13 hundred eleven-a of this chapter or other than an infraction pursuant to
14 article nine of this chapter or other than an adjudication of liability
15 of an owner for a violation of toll collection regulations pursuant to
16 section two thousand nine hundred eighty-five of the public authorities
17 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
18 hundred seventy-four of the laws of nineteen hundred fifty, OR OTHER
19 THAN AN ADJUDICATION IN ACCORDANCE WITH SECTION SEVENTEEN HUNDRED SEVEN
20 OF THIS CHAPTER, there shall be levied a crime victim assistance fee in
21 the amount of five dollars and a mandatory surcharge, in addition to any
22 sentence required or permitted by law, in the amount of forty-five
23 dollars.

24 S 17. Subdivision 2 of section 87 of the public officers law is
25 amended by adding a new paragraph (k) to read as follows:

26 (K) IDENTIFY MOTOR VEHICLE TRAVEL, INCLUDING BUT NOT LIMITED TO PHOTO-
27 GRAPHS, MICROPHOTOGRAPHS OR VIDEOTAPE, PRODUCED UNDER AUTHORITY OF ARTI-
28 CLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW.

29 S 18. Subdivision d of section 2903 of the New York city charter, as
30 amended by vote of the electors of such city at a general election held
31 on November 8, 1988, paragraph 1 as amended by local law number 14 of
32 the city of New York for the year 1989, is amended to read as follows:

33 d. Mass transportation facilities. The commissioner shall:

34 (1) prepare or review plans and recommendations with respect to the
35 nature, location, construction, operation and financing of roads, high-
36 ways, bridges, tunnels, subways or other facilities for mass transporta-
37 tion other than aviation facilities for use in whole or in part within
38 the city whether or not the funds provided for such facilities are
39 derived from the city treasury;

40 (2) develop and coordinate planning and programming for all forms of
41 mass transportation within the city of New York whether or not said
42 transportation is within the sole operating jurisdiction of the city of
43 New York; {and}

44 (3) make recommendations to the mayor, the metropolitan transportation
45 authority, the New York city transit authority, the port authority of
46 New York and New Jersey and other city, state and federal authorities
47 and agencies concerning the mass transit needs of the city of New York;

48 AND

49 (4) MANAGE THE USE OF FUNDS IN THE TRANSIT ENHANCEMENT FUND. THERE IS
50 HEREBY ESTABLISHED A SPECIAL FUND TO BE KNOWN AS THE "TRANSIT ENHANCE-
51 MENT FUND". AFTER JULY FIRST, TWO THOUSAND EIGHT, IF THE COMMISSIONER
52 INCREASES FEES FOR PARKING IN PARKING METER ZONES IN THE GEOGRAPHIC AREA
53 SOUTH OF AND INCLUSIVE OF 60TH STREET, THE DIFFERENCE BETWEEN THE FEES
54 CHARGED IN SUCH ZONES PRIOR TO SEPTEMBER FIRST, TWO THOUSAND EIGHT AND
55 THE FEES CHARGED IN SUCH ZONES AFTER SUCH DATE SHALL BE PAID INTO THE
56 TRANSIT ENHANCEMENT FUND. SUCH FUND SHALL ALSO INCLUDE SUCH REVENUE AS

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1 PROVIDED BY STATE LAW. THE REVENUES OF SUCH FUND, DERIVED AS SPECIFIED
2 IN THIS PARAGRAPH OR PURSUANT TO OTHER PROVISIONS OF LAW, UPON AUTHORI-
3 ZATION OF THE COUNCIL, SHALL BE USED SOLELY TO PROVIDE ADDITIONAL TRANS-
4 IT, PEDESTRIAN, BICYCLE AND PARKING MANAGEMENT IMPROVEMENTS, INCLUDING,
5 BUT NOT LIMITED TO, EXPANDED FERRY SERVICE, BUS SIGNALIZATION, BUS RAPID
6 TRANSIT INVESTMENTS, BICYCLE FACILITIES AND PEDESTRIAN ENHANCEMENTS.

7 S 19. Subdivision (d) of section 11-2051 of the administrative code of
8 the city of New York, as amended by local law number 74 of the city of
9 New York for the year 1996, is amended to read as follows:

10 (d) The tax imposed by this subchapter shall not apply to any sale of
11 services, OTHER THAN THOSE SERVICES PROVIDED AT LOCATIONS WHOLLY WITHIN
12 THE GEOGRAPHIC AREA OF THE CONGESTION PRICING ZONE AS SUCH TERM IS
13 DESCRIBED IN ARTICLE FORTY-FOUR-B OF THE VEHICLE AND TRAFFIC LAW, to an
14 individual resident of the county in which such tax is imposed when such
15 services are rendered on a monthly or longer-term basis at the principal
16 location for the parking, garaging or storing of a motor vehicle owned
17 or leased (but only in the case of a lease for a term of one year or
18 more) by such individual resident. For purposes of this subdivision, the
19 term "individual resident" means a natural person who maintains in such
20 county a permanent place of abode which is such person's primary resi-
21 dence; the term "motor vehicle" means a motor vehicle which is regis-
22 tered pursuant to the vehicle and traffic law at the address of the
23 primary residence referred to in this subdivision, or which is regis-
24 tered pursuant to the vehicle and traffic law and leased to an individ-
25 ual resident at the address of the primary residence referred to in this
26 subdivision, and which is not used in carrying on any trade, business or

27 commercial activity; and the term "lease for a term of one year or more"
28 shall not include any lease the term of which is less than one year,
29 irrespective of the fact that the cumulative period for which such lease
30 may be in effect is one year or more as the result of the right to exer-
31 cise an option to renew or other like provision.

32 S 20. Subdivision (b) of section 11-2053 of the administrative code of
33 the city of New York is amended to read as follows:

34 (b) {All} EXCEPT AS PROVIDED IN PARAGRAPH FIVE-A OF SUBDIVISION (C)
35 OF SECTION TWELVE HUNDRED SIXTY-ONE OF THE TAX LAW, ALL payments to the
36 commissioner of finance pursuant to subdivision (a) of this section
37 shall be credited to and deposited in the general fund of this city.

38 S 21. This act shall take effect immediately; provided, however,
39 that:

40 (a) sections four and nineteen of this act shall take effect September
41 first, two thousand eight, except that any actions necessary to imple-
42 ment the provisions of such sections, including the promulgation or
43 amendment of any rules necessary, may be taken prior to such effective
44 date;

45 (b) sections five and twenty of this act shall take effect on the same
46 date and in the same manner as a chapter of the laws of 2008 amending
47 the tax law and other laws relating to imposing sales and compensating
48 use taxes in a city of one million or more, as proposed in legislative
49 bill numbers S.6810-A and A.9810-A takes effect;

50 (c) the amendments to section 235 of the vehicle and traffic law made
51 by section six of this act shall not affect the expiration of such
52 section and shall expire therewith; the amendments to subdivision 1 of
53 section 236 of the vehicle and traffic law made by section seven of this
54 act shall not affect the expiration of such subdivision and shall expire
55 therewith; the amendments to paragraph f of subdivision 1 of section 239
56 of the vehicle and traffic law made by section nine of this act shall

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1 not affect the expiration of such paragraph and shall expire therewith;
2 the amendments to subdivision 4 of section 239 of the vehicle and traf-
3 fic law made by section ten of this act shall not affect the repeal of
4 such subdivision and shall be deemed repealed therewith; the amendments
5 to subdivisions 1 and 1-a of section 240 of the vehicle and traffic law
6 made by section eleven of this act shall not affect the expiration of
7 such subdivisions and shall expire therewith; the amendments to para-
8 graphs a and g of subdivision 2 of section 240 of the vehicle and traf-
9 fic law made by section twelve of this act shall not affect the expira-
10 tion of such paragraphs and shall expire therewith; the amendments to
11 subdivisions 1 and 2 of section 241 of the vehicle and traffic law made
12 by section thirteen of this act shall not affect the expiration of such
13 subdivisions and shall expire therewith; and the amendments to paragraph
14 a of subdivision 5-a of section 401 of the vehicle and traffic law made
15 by section fourteen of this act shall not affect the expiration of such
16 paragraph and shall expire therewith; the amendments to subdivision 1 of
17 section 1809 of the vehicle and traffic law made by sections fifteen and
18 sixteen of this act shall not affect the expiration of such subdivision
19 and shall expire therewith; and

20 (d) article 44-B of the vehicle and traffic law, as added by section
21 one of this act, establishing the congestion pricing program and
22 congestion pricing fees shall expire and be deemed repealed 36 months
23 after the city of New York begins implementation of such program and
24 begins to collect such fees; provided, however that such article shall

25 be extended by the capital program review board upon the approval by
26 such board of the capital plan to be submitted by the metropolitan
27 transportation authority by March 31, 2008, as set forth in section
28 1270-g of the public authorities law, as added by section two of this
29 act. The capital program review board shall notify the legislative bill
30 drafting commission upon the extension of such program in order that the
31 commission may maintain an accurate and timely effective data base of
32 the official text of the laws of the state of New York in furtherance of
33 effectuating the provisions of section 44 of the legislative law and
34 section 70-b of the public officers law.