



Wednesday, October 24, 2007

Bill Summary - A09369

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A09369 Summary:

BILL NO A09369

SAME AS Same as S 6410

SPONSOR Lancman

COSPNSR Jaffee, Nolan, Pheffer, Scarborough, Dinowitz, Young, Zebrowski K, McKevitt, Miller, Walker

MLTSPNSR

Amd Tax L, generally; add SS12-140 & 19-180, NYC Ad Cd; amd S236, add S1111-b, V & T L; add S1265-b, Pub Auth L; add S16-d, Chap 774 of 1950; amd S14, add S23, Transp L

Establishes certain tax credits for employers who encourage teleworking and certain amounts paid for certain reimbursements for transportation; imposes owner liability for failure of operator to comply with bus lane restrictions; eliminates certain tolls and authorizes the establishment of high occupancy vehicle in express routes parking lots and lanes; makes an appropriation therefor.

A09369 Actions:

BILL NO A09369

08/03/2007 referred to ways and means

A09369 Votes:

A09369 Memo:

BILL NUMBER:A9369

TITLE OF BILL: An act to amend the tax law, in relation to certain tax credits for employers who encourage teleworking and certain amounts paid for certain reimbursements for transportation; to amend

the administrative code of the city of New York, in relation to teleworking programs and authorizing the establishment of high occupancy vehicle in express routes parking lots and lanes; to amend the vehicle and traffic law, in relation to imposing owner liability for failure of operator to comply with express bus lane restrictions; to amend the public authorities law and chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to car pool only electronic toll collection system lanes; to amend the transportation law, in relation to creating a statewide telecommuting support program and authorizing the establishment of high occupancy vehicle in express routes and lanes; creating a temporary state commission to study and investigate traffic congestion in the city of New York; and making an appropriation therefor

PURPOSE OR GENERAL IDEA OF THE BILL: This bill propose s a set of incentives to encourage New Yorkers to reduce congestion in Manhattan: (1) by increasing telecommuting; (2) by increasing car pooling; (3) by shifting commercial traffic to non-rush hours; and (4) by massively expanding express bus service in the outer boroughs. The bill also empowers traffic enforcement agents to issue summonses for "blocking the box," a prime cause of gridlock in Manhattan, and creates a twenty-member commission to study traffic congestion in New York City without any preconceived agenda pushing congestion pricing to the exclusion of other approaches.

SUMMARY OF SPECIFIC PROVISIONS: The bill amends the Tax Law by adding a new sections 29,30,187-0, 187-p, 210(41), 210(42), 606(qq), 606(rr), 1310(g), 1310(h), 1456(u), 1456(v), 1511(y) and 1511(z), and amends Tax Law section 606(i)(1)(B), to provide employers tax credits for establishing and maintaining telecommuting programs and for providing financial incentives to employees to use public or alternative transportation; adds new Tax Law section 606(ss) to provide certain tax credits to individuals who car pool; adds new Tax Law section 606(tt) to provide certain tax credits to businesses which make non-rush hour deliveries; adds new Tax Law sections 120 1-a(d) and 120 1-a(e) to authorize New York City to offer similar tax credits to employers to establish and maintain telecommuting and encourage employees to use public or alternative transportation; amends the New York City Administrative Code ("NYCAC") by adding section 12-140 to require New York City agencies to establish telecommuting programs; adds new NYCAC section 19-180 and state Transportation Law section 23 to require the New York City and New York State Departments of Transportation, respectively, to establish high occupancy vehicle (car pool) lanes on roadways leading into Manhattan, where practicable; adds new Vehicle and Traffic Law section 236(2-a) to make "blocking the box" a parking violation and therefore subject to enforcement by a traffic agent; adds new Vehicle and Traffic Law section 1111-b authorize New York City to establish camera enforced bus rapid transit lanes; adds new Public Authorities Law section 1265-b and new section 16-d to Chapter 774 of the laws of 1950 to require the placement of

"car pool only" EZPass booths and tolled roadways into Manhattan for use during certain hours; adds new Transportation Law section 14(31-a) to establish a statewide telecommuting assistance program for employers; establishes a state commission to study congestion in New York City; and appropriates \$500 million from the local assistance account of the general fund to the Metropolitan Transportation Authority to increase and expand express bus service into Manhattan.

JUSTIFICATION: Congestion is a genuine problem in New York City, requiring thoughtful solutions which don't unnecessarily tax New Yorkers. New York City Mayor Michael Bloomberg's approach to congestion reduction is all stick and no carrot; all punishment and no incentive. Instead of threatening to beat New Yorkers over the head with a \$2,000 a year stick if they drive into Manhattan, this bill proposes a set of incentives - carrots - to encourage New Yorkers to reduce congestion in Manhattan during rush hours, and gives New York City, New York State and the relevant public authorities the tools necessary to improve the flow of traffic into Manhattan.

LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS: Currently being determined.

EFFECTIVE DATE: 120 days after enactment.

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

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2007-2008 Regular Sessions

I N A S S E M B L Y

August 3, 2007

Introduced by M. of A. LANCMAN, JAFFEE, NOLAN, PHEFFER, SCARBOROUGH, DINOWITZ, YOUNG, K. ZEBROWSKI, McKEVITT, MILLER, WALKER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to certain tax credits for employers who encourage teleworking and certain amounts paid for certain reimbursements for transportation; to amend the administrative code of the city of New York, in relation to teleworking programs and authorizing the establishment of high occupancy vehicle in express routes parking lots and lanes; to amend the vehicle and traffic law, in relation to imposing owner liability for failure of operator to comply with express bus lane restrictions; to amend the public authorities law and chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to car pool only electronic toll collection system lanes; to amend the transportation law, in relation to creating a statewide telecommuting support program and authorizing the establishment of high occupancy vehicle in express routes and lanes; creating a temporary state commission to study and investigate traffic congestion in the city of New York; and making an appropriation therefor

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

1 Section 1. The tax law is amended by adding two new sections 29 and 30
2 to read as follows:

3 S 29. INCOME TAX CREDITS FOR TELEWORKING; DEFINITIONS; POWERS AND
4 DUTIES. (A) AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
5 FOLLOWING MEANINGS:

6 (1) "ELIGIBLE TELEWORK STARTUP EXPENSES" MEANS EXPENSES INCURRED
7 DURING THE CALENDAR YEAR PURSUANT TO A TELEWORK AGREEMENT, UP TO A LIMIT
8 OF ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH PARTICIPATING EMPLOYEE, TO

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

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1 ENABLE A PARTICIPATING EMPLOYEE TO BEGIN TO TELEWORK, WHICH EXPENSES ARE
2 NOT OTHERWISE THE SUBJECT OF A DEDUCTION FROM INCOME CLAIMED BY THE
3 EMPLOYER IN ANY TAX YEAR. SUCH EXPENSES SHALL INCLUDE, BUT NOT BE LIMIT-
4 ED TO, EXPENSES PAID OR INCURRED TO PURCHASE COMPUTERS, COMPUTER
5 RELATED HARDWARE AND SOFTWARE, MODEMS, DATA PROCESSING EQUIPMENT, TELE-
6 COMMUNICATIONS EQUIPMENT, HIGH-SPEED INTERNET CONNECTIVITY EQUIPMENT,
7 COMPUTER SECURITY SOFTWARE AND DEVICES, AND ALL RELATED DELIVERY,
8 INSTALLATION, AND MAINTENANCE FEES. SUCH EXPENSES SHALL NOT INCLUDE
9 EXPENSES FOR WHICH A CREDIT IS CLAIMED UNDER ANY OTHER PROVISION OF THIS
10 ARTICLE. SUCH EXPENSES MAY BE INCURRED ONLY ONCE PER EMPLOYEE. SUCH
11 EXPENSES MAY BE INCURRED DIRECTLY BY THE EMPLOYER ON BEHALF OF THE
12 PARTICIPATING EMPLOYEE OR DIRECTLY BY THE PARTICIPATING EMPLOYEE AND
13 SUBSEQUENTLY REIMBURSED BY THE EMPLOYER.

14 (2) "EMPLOYER" MEANS ANY EMPLOYER UPON WHOM AN INCOME TAX IS IMPOSED
15 BY THIS ARTICLE.

16 (3) "PARTICIPATING EMPLOYEE" MEANS AN EMPLOYEE RESIDING IN THIS STATE
17 WHO HAS ENTERED INTO A TELEWORK AGREEMENT WITH HIS OR HER EMPLOYER ON OR
18 AFTER JULY FIRST, TWO THOUSAND SEVEN. THIS TERM SHALL NOT INCLUDE AN
19 INDIVIDUAL WHO IS SELF-EMPLOYED OR AN INDIVIDUAL WHO ORDINARILY SPENDS A
20 MAJORITY OF HIS OR HER WORKDAY AT A LOCATION OTHER THAN THE EMPLOYER'S
21 PLACE OF BUSINESS IN THE CITY OF NEW YORK.

22 (4) "TELEWORK" MEANS TO PERFORM NORMAL AND REGULAR WORK FUNCTIONS ON
23 A WORKDAY THAT ORDINARILY WOULD BE PERFORMED AT THE EMPLOYER'S PLACE OF
24 BUSINESS IN THE CITY OF NEW YORK AT A DIFFERENT LOCATION, THEREBY ELIMI-
25 NATING OR SUBSTANTIALLY REDUCING THE PHYSICAL COMMUTE TO AND FROM SUCH
26 EMPLOYER'S PLACE OF BUSINESS IN THE CITY OF NEW YORK, AT LEAST TWELVE
27 DAYS PER MONTH. TELEWORK SHALL NOT INCLUDE HOME BASED BUSINESSES,
28 EXTENSIONS OF THE WORKDAY, OR WORK PERFORMED ON A WEEKEND OR HOLIDAY.

29 (5) "TELEWORK AGREEMENT" MEANS AN AGREEMENT SIGNED BY THE EMPLOYER AND
30 THE PARTICIPATING EMPLOYEE, ON OR AFTER OCTOBER FIRST, TWO THOUSAND
31 SEVEN, THAT DEFINES THE TERMS OF A TELEWORK ARRANGEMENT, INCLUDING THE
32 NUMBER OF DAYS PER YEAR THE PARTICIPATING EMPLOYEE WILL TELEWORK, AS
33 PROVIDED IN SUBDIVISIONS (B) AND (C) OF THIS SECTION IN ORDER TO QUALIFY
34 FOR SUCH CREDITS, AND ANY RESTRICTIONS ON THE PLACE FROM WHICH THE
35 PARTICIPATING EMPLOYEE WILL TELEWORK.

36 (6) "TELEWORK ASSESSMENT" MEANS AN OPTIONAL ASSESSMENT LEADING TO THE
37 DEVELOPMENT OF POLICIES AND PROCEDURES NECESSARY TO IMPLEMENT A FORMAL
38 TELEWORK PROGRAM WHICH WOULD QUALIFY THE EMPLOYER FOR THE CREDITS
39 PROVIDED IN SUBDIVISIONS (B) AND (C) OF THIS SECTION, INCLUDING BUT NOT
40 LIMITED TO A WORKFORCE PROFILE, A TELEWORK PROGRAM BUSINESS CASE AND
41 PLAN, A DETAILED ACCOUNTING OF THE PURPOSE, GOALS, AND OPERATING PROCE-
42 DURES OF THE TELEWORK PROGRAM, METHODOLOGIES FOR MEASURING TELEWORK
43 PROGRAM ACTIVITIES AND SUCCESS, AND A DEPLOYMENT SCHEDULE FOR INCREASING
44 TELEWORK ACTIVITY.

45 (B) FOR TAXABLE YEARS BEGINNING OR ENDING ON OR AFTER JANUARY FIRST,
46 TWO THOUSAND EIGHT, AND PRIOR TO JANUARY FIRST, TWO THOUSAND TEN, AN
47 EMPLOYER SHALL BE ALLOWED A STATE INCOME TAX CREDIT AGAINST THE TAX
48 IMPOSED BY SECTIONS SIX HUNDRED ONE, THIRTEEN HUNDRED FOUR-D, FOURTEEN
49 HUNDRED FIFTY-ONE AND FIFTEEN HUNDRED ONE OF THIS CHAPTER FOR UP TO ONE
50 THOUSAND FIVE HUNDRED DOLLARS OF ELIGIBLE TELEWORK STARTUP EXPENSES
51 INCURRED IN THE TAXABLE YEAR PURSUANT TO A TELEWORK AGREEMENT REQUIRING
52 THE PARTICIPATING EMPLOYEE TO TELEWORK AT LEAST TWELVE DAYS PER MONTH,
53 NOT INCLUDING SATURDAYS OR SUNDAYS, IF THE EMPLOYEE WOULD OTHERWISE
54 PERFORM THE WORK IN THE CITY OF NEW YORK.

55 (C) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
56 SAND EIGHT, AND PRIOR TO JANUARY FIRST, TWO THOUSAND TEN, AN EMPLOYER

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1 SHALL BE ALLOWED A STATE INCOME TAX CREDIT AGAINST THE TAXES IMPOSED BY
2 SECTIONS SIX HUNDRED ONE, THIRTEEN HUNDRED FOUR-D, FOURTEEN HUNDRED
3 FIFTY-ONE AND FIFTEEN HUNDRED ONE OF THIS CHAPTER OF FIVE HUNDRED
4 DOLLARS PER YEAR PER EMPLOYEE FOR EACH PARTICIPATING EMPLOYEE THAT THE
5 EMPLOYER HAS A TELEWORK AGREEMENT WITH.

6 (D)(1) IN ADDITION TO THE CREDIT PROVIDED BY SUBDIVISIONS (B) AND (C)
7 OF THIS SECTION, AN EMPLOYER CONDUCTING A TELEWORK ASSESSMENT ON OR
8 AFTER JULY FIRST, TWO THOUSAND SEVEN, SHALL BE ALLOWED A CREDIT IN THE
9 CALENDAR YEAR OF IMPLEMENTATION OF THE EMPLOYER'S FORMAL TELEWORK
10 PROGRAM AGAINST THE TAX IMPOSED BY SECTIONS SIX HUNDRED ONE, THIRTEEN
11 HUNDRED FOUR-D, FOURTEEN HUNDRED FIFTY-ONE AND FIFTEEN HUNDRED ONE FOR
12 ONE HUNDRED PERCENT OF THE COST, UP TO A MAXIMUM CREDIT OF FIVE THOUSAND
13 DOLLARS PER EMPLOYER, OF PREPARING THE ASSESSMENT. SUCH COSTS SHALL NOT
14 BE ELIGIBLE FOR SUCH CREDIT IF THEY ARE OTHERWISE THE SUBJECT OF A
15 DEDUCTION FROM INCOME CLAIMED BY THE EMPLOYER IN ANY TAX YEAR. THE
16 CREDIT PROVIDED BY THIS SUBDIVISION IS INTENDED TO INCLUDE PROGRAM PLAN-
17 NING EXPENSES, INCLUDING DIRECT PROGRAM DEVELOPMENT AND TRAINING COSTS,
18 RAW LABOR COSTS, AND PROFESSIONAL CONSULTING FEES; THE CREDIT SHALL NOT
19 INCLUDE EXPENSES FOR WHICH A CREDIT IS CLAIMED UNDER ANY OTHER PROVISION
20 OF THIS CHAPTER. THIS CREDIT SHALL BE ALLOWED ONLY ONCE PER EMPLOYER.

21 (2) ALL TELEWORK ASSESSMENTS ELIGIBLE FOR A STATE INCOME TAX CREDIT
22 UNDER THIS SUBDIVISION SHALL MEET STANDARDS FOR ELIGIBILITY PROMULGATED
23 BY THE COMMISSIONER.

24 (E) IN NO EVENT SHALL THE TOTAL AMOUNT OF ANY TAX CREDIT PURSUANT TO
25 THIS SECTION FOR A TAXABLE YEAR EXCEED THE EMPLOYER'S INCOME TAX LIABIL-
26 ITY. NO UNUSED TAX CREDIT SHALL BE ALLOWED TO BE CARRIED FORWARD TO
27 APPLY TO THE EMPLOYER'S SUCCEEDING YEARS' TAX LIABILITY. NO SUCH TAX
28 CREDIT SHALL BE ALLOWED THE EMPLOYER AGAINST PRIOR YEARS' TAX LIABILITY.

29 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ON OR
30 BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHT AND ON OR BEFORE DECEM-
31 BER THIRTY-FIRST OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL MAKE
32 AVAILABLE A PUBLIC REPORT DISCLOSING THE EMPLOYER NAMES AND AMOUNTS OF
33 CREDIT CLAIMED UNDER THIS SECTION.

34 (G) THE COMMISSIONER SHALL PROMULGATE ANY RULES AND REGULATIONS NECES-
35 SARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

36 S 30. EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
37 REIMBURSEMENTS FOR TRANSPORTATION. (A) EMPLOYERS IN THIS STATE WHO,
38 PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, PROVIDE FINAN-
39 CIAL INCENTIVES TO THEIR OWN OR OTHER EMPLOYEES FOR RIDE SHARING, FOR
40 USING PUBLIC TRANSPORTATION, FOR USING CAR SHARING, OR FOR USING NONMO-
41 TORIZED COMMUTING BEFORE JULY FIRST, TWO THOUSAND THIRTEEN, ARE ALLOWED
42 A CREDIT AGAINST TAXES PAYABLE FOR AMOUNTS PAID TO OR ON BEHALF OF
43 EMPLOYEES FOR RIDE SHARING IN VEHICLES CARRYING TWO OR MORE PERSONS, FOR
44 USING PUBLIC TRANSPORTATION, FOR USING CAR SHARING, OR FOR USING NONMO-
45 TORIZED COMMUTING, NOT TO EXCEED ONE HUNDRED DOLLARS PER EMPLOYEE PER
46 FISCAL YEAR.

47 (B) THE CREDIT UNDER THIS SECTION IS EQUAL TO THE AMOUNT PAID TO OR ON
48 BEHALF OF EACH EMPLOYEE MULTIPLIED BY FIFTY PERCENT, BUT MAY NOT EXCEED
49 ONE HUNDRED DOLLARS PER EMPLOYEE PER FISCAL YEAR. NO REFUNDS MAY BE
50 GRANTED FOR CREDITS UNDER THIS SECTION.

51 (C) A PERSON MAY NOT TAKE A CREDIT UNDER THIS SECTION FOR AMOUNTS
52 CLAIMED FOR CREDIT BY OTHER PERSONS.

53 S 2. The tax law is amended by adding two new sections 187-o and 187-p
54 to read as follows:

55 S 187-o. CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. 1.
56 ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE

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1 COMPUTED AS PROVIDED IN SECTION TWENTY-NINE OF THIS CHAPTER, AGAINST THE
2 TAX IMPOSED BY THIS ARTICLE.

3 2. APPLICATION OF CREDIT. IN NO EVENT SHALL THE CREDIT UNDER THIS
4 SECTION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO
5 LESS THAN THE APPLICABLE MINIMUM TAX FIXED BY SECTION ONE HUNDRED EIGHT-
6 Y-THREE OF THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE
7 UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT,
8 ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREAT-
9 ED AS AN OVERPAYMENT OF TAX TO BE REFUNDED IN ACCORDANCE WITH THE
10 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED,
11 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHT-
12 Y-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THER-
13 EON.

14 S 187-P. EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
15 REIMBURSEMENTS FOR TRANSPORTATION. 1. ALLOWANCE OF CREDIT. A TAXPAYER
16 SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION THIRTY
17 OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

18 2. APPLICATION OF CREDIT. IN NO EVENT SHALL THE CREDIT UNDER THIS
19 SECTION BE ALLOWED IN AN AMOUNT WHICH WILL REDUCE THE TAX PAYABLE TO
20 LESS THAN THE APPLICABLE MINIMUM TAX FIXED BY SECTION ONE HUNDRED EIGHT-
21 Y-THREE OF THIS ARTICLE. IF, HOWEVER, THE AMOUNT OF CREDIT ALLOWABLE
22 UNDER THIS SECTION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT,
23 ANY AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREAT-
24 ED AS AN OVERPAYMENT OF TAX TO BE REFUNDED IN ACCORDANCE WITH THE
25 PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED,
26 HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHT-
27 Y-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THER-
28 EON.

29 S 3. Section 210 of the tax law is amended by adding two new subdivi-
30 sions 41 and 42 to read as follows:

31 41. CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. (A)
32 ALLOWANCE AND AMOUNT OF CREDIT. A TAXPAYER, WHO ENCOURAGES TELEWORKING
33 AS DEFINED IN SECTION TWENTY-NINE OF THIS CHAPTER, SHALL BE ALLOWED A
34 CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX
35 IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE FIFTEEN
36 HUNDRED DOLLARS FOR ELIGIBLE TELEWORK STARTUP EXPENSES PER EMPLOYEE AND
37 TWENTY THOUSAND DOLLARS FOR TELEWORK ASSESSMENT AS DEFINED IN PARAGRAPH
38 SIX OF SUBDIVISION (A) OF SECTION TWENTY-NINE OF THIS CHAPTER, AND FIVE
39 HUNDRED DOLLARS PER YEAR PER EMPLOYEE WHO TELEWORKS.

40 (B) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
41 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
42 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
43 FOR SUCH YEAR OR YEARS.

44 42. EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
45 REIMBURSEMENTS FOR TRANSPORTATION. (A) ALLOWANCE AND AMOUNT OF CREDIT. A
46 TAXPAYER, WHO GRANTS REIMBURSEMENT FOR TRANSPORTATION EXPENSES AS
47 DEFINED IN SECTION THIRTY OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT, TO
48 BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY
49 THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL NOT EXCEED ONE HUNDRED
50 DOLLARS PER EMPLOYEE PER FISCAL YEAR.

51 (B) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
52 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
53 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
54 FOR SUCH YEAR OR YEARS.

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1 S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
2 of the tax law, as separately amended by chapters 522 and 547 of the
3 laws of 2006, is amended to read as follows:

4 (B) shall be treated as the owner of a new business with respect to
5 such share if the corporation qualifies as a new business pursuant to
6 paragraph (j) of subdivision twelve of section two hundred ten of this
7 chapter.

8		The corporation`s
9	With respect to the	credit base under
10	following credit	section two hundred ten
11	under this section:	or section fourteen
12		hundred fifty-six of this
13		chapter is:
14	Investment tax credit	Investment credit base
15	under subsection (a)	or qualified
16		rehabilitation
17		expenditures under
18		subdivision twelve of
19		section two hundred ten
20	Empire zone	Cost or other basis
21	investment tax credit	under subdivision
22	under subsection (j)	twelve-B
23		of section two hundred
24		ten
25	Empire zone	Eligible wages under
26	wage tax credit	subdivision nineteen of
27	under subsection (k)	section two hundred ten
28		or subsection (e) of
29		section fourteen hundred
30		fifty-six
31	Empire zone	Qualified investments
32	capital tax credit	and contributions under
33	under subsection (l)	subdivision twenty of
34		section two hundred ten
35		or subsection (d) of
36		section fourteen hundred
37		fifty-six
38	Agricultural property tax	Allowable school
39	credit under subsection (n)	district property taxes under
40		subdivision twenty-two of
41		section two hundred ten
42	Credit for employment	Qualified first-year wages or
43	of persons with dis-	qualified second-year wages
44	abilities under	under subdivision
45	subsection (o)	twenty-three of section
46		two hundred ten
47		or subsection (f)
48		of section fourteen
49		hundred fifty-six
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1	Employment incentive	Applicable investment credit
2	credit under subsec-	base under subdivision
3	tion (a-1)	twelve-D of section two
4		hundred ten
5	Empire zone	Applicable investment
6	employment	credit under sub-
7	incentive credit under	division twelve-C
8	subsection (j-1)	of section two hundred ten

9	Alternative fuels credit	Cost under subdivision
10	under subsection (p)	twenty-four of section two
11		hundred ten
12	Qualified emerging	Applicable credit base
13	technology company	under subdivision twelve-E
14	employment credit	of section two hundred ten
15	under subsection (q)	
16	Qualified emerging	Qualified investments under
17	technology company	subdivision twelve-F of
18	capital tax credit	section two hundred ten
19	under subsection (r)	
20	Credit for purchase of an	Cost of an automated
21	automated external defibrillator	external defibrillator under
22	under subsection (s)	subdivision twenty-five of
23		section two hundred ten
24		or subsection (j) of section
25		fourteen hundred fifty-six
26	Low-income housing	Credit amount under
27	credit under subsection (x)	subdivision thirty
28		of section two hundred ten or
29		subsection (l) of section
30		fourteen hundred fifty-six
31	Credit for transportation	Amount of credit under sub-
32	improvement contributions	division thirty-two of section
33	under subsection (z)	two hundred ten or subsection
34		(n) of section fourteen
35		hundred fifty-six
36	QEZE credit for real property	Amount of credit under
37	taxes under subsection (bb)	subdivision twenty-seven of
38		section two hundred ten or
39		subsection (o) of section
40		fourteen hundred fifty-six
41	QEZE tax reduction credit	Amount of benefit period
42	under subsection (cc)	factor, employment increase facto
43		and zone allocation
44		factor (without regard
45		to pro ration) under
46		subdivision twenty-eight of
47		section two hundred ten or
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1		subsection (p) of section
2		fourteen hundred fifty-six
3		and amount of tax factor
4		as determined under
5		subdivision (f) of section sixteen
6	Green building credit	Amount of green building credit
7	under subsection (y)	under subdivision thirty-one
8		of section two hundred ten
9		or subsection (m) of section
10		fourteen hundred fifty-six
11	Credit for long-term	Qualified costs under

12	care insurance premiums	subdivision twenty-five-a of
13	under subsection (aa)	section two hundred ten
14		or subsection (k) of section
15		fourteen hundred fifty-six
16	Brownfield redevelopment	Amount of credit
17	credit under subsection	under subdivision
18	(dd)	thirty-three of section
19		two hundred ten
20		or subsection (q) of
21		section fourteen hundred
22		fifty-six
23	Remediated brownfield	Amount of credit under
24	credit for real property	subdivision thirty-four
25	taxes for qualified	of section two hundred
26	sites under subsection	ten or subsection (r) of
27	(ee)	section fourteen hundred
28		fifty-six
29	Environmental	Amount of credit under
30	remediation	subdivision thirty-five of
31	insurance credit under	section two hundred
32	subsection (ff)	ten or subsection
33		(s) of section
34		fourteen hundred
35		fifty-six
36	Empire state film production	Amount of credit for qualified
37	credit under subsection (gg)	production costs in production
38		of a qualified film under
39		subdivision thirty-six of
40		section two hundred ten
41	Qualified emerging	Qualifying expenditures and
42	technology company facilities,	development activities under
43	operations and training credit	subdivision twelve-G of section
44	under subsection (nn)	two hundred ten
45	Security training tax	Amount of credit
46	credit under	under subdivision thirty-seven
47	subsection (ii)	of section two hundred ten or
48		under subsection (t) of
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1		section fourteen hundred fifty-si
2	Credit for qualified fuel	Amount of credit under
3	cell electric generating equipment	subdivision thirty-seven
4	expenditures under subsection (g-2)	of section two hundred ten
5		or subsection (t) of
6		section fourteen hundred
7		fifty-six
8	Empire state commercial production	Amount of credit for qualified
9	credit under subsection (jj)	production costs in production
10		of a qualified commercial under
11		subdivision thirty-eight of sec-
12		tion two hundred ten
13	Biofuel production	Amount of credit

14 tax credit under under subdivision
 15 subsection (jj) thirty-eight of
 16 section two hundred ten

17 Clean heating fuel credit Amount of credit under
 18 under subsection (mm) subdivision thirty-nine of
 19 section two hundred ten

20 Credit for rehabilitation Amount of credit under
 21 of historic properties subdivision forty of
 22 under subsection (oo) subsection two hundred ten

23 Credit for companies who Amount of credit under
 24 provide transportation subdivision forty of
 25 to handicapped individuals section two hundred ten
 26 under subsection (oo)

27 CREDIT FOR EMPLOYERS WHO ENCOURAGE AMOUNT OF CREDIT UNDER
 28 EMPLOYEES TO TELEWORK UNDER SUBDIVISION FORTY-ONE OF SECTION
 29 SUBSECTION (QQ) TWO HUNDRED TEN

30 CREDIT FOR COMPANIES WHO GRANT AMOUNT OF CREDIT UNDER
 31 TRANSPORTATION REIMBURSEMENTS UNDER SUBDIVISION FORTY-TWO OF SECTION
 32 SUBSECTION (RR) TWO HUNDRED TEN

33 S 5. Section 606 of the tax law is amended by adding four new
 34 subsections (qq), (rr), (ss) and (tt) to read as follows:
 35 (QQ) CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. (1)
 36 ALLOWANCE AND AMOUNT OF CREDIT. A TAXPAYER, WHO ENCOURAGES TELEWORKING
 37 AS DEFINED IN SECTION TWENTY-NINE OF THIS CHAPTER, SHALL BE ALLOWED A
 38 CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX
 39 IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE FIFTEEN
 40 HUNDRED DOLLARS FOR TELEWORK START-UP COSTS PER EMPLOYEE AND TWENTY
 41 THOUSAND DOLLARS FOR TELEWORK ASSESSMENT AS DEFINED IN PARAGRAPH SIX OF
 42 SUBDIVISION (A) OF SECTION TWENTY-NINE OF THIS CHAPTER AND FIVE HUNDRED
 43 DOLLARS PER YEAR PER EMPLOYEE WHO TELEWORKS.
 44 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
 45 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
 46 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
 47 FOR SUCH YEAR OR YEARS.

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1 (RR) EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
 2 REIMBURSEMENTS FOR TRANSPORTATION. (1) ALLOWANCE AND AMOUNT OF CREDIT. A
 3 TAXPAYER, WHO, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER,
 4 GRANTS REIMBURSEMENTS FOR TRANSPORTATION EXPENSES AS DEFINED IN SECTION
 5 THIRTY OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS
 6 PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE.
 7 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED ONE HUNDRED DOLLARS PER
 8 EMPLOYEE PER FISCAL YEAR.
 9 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
 10 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
 11 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
 12 FOR SUCH YEAR OR YEARS.
 13 (SS) CAR POOL TOLL TAX CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT
 14 AGAINST THE TAX IMPOSED UNDER SECTION SIX HUNDRED ONE OF THIS PART EQUAL
 15 TO ANY AMOUNTS PAID THROUGH AN ELECTRONIC TOLL COLLECTION SYSTEM, AS
 16 DEFINED IN SECTION TWENTY-NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHOR-
 17 ITIES LAW, FOR TOLLS CHARGED TO ENTER THE BOROUGH OF MANHATTAN IN CAR
 18 POOL ONLY LANES ESTABLISHED PURSUANT TO SECTION TWELVE HUNDRED
 19 SIXTY-FIVE-B OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW, RULE OR
 20 REGULATION ESTABLISHING SUCH DESIGNATED CAR POOL TOLL COLLECTION LANES

21 FOR VEHICLES ENTERING MANHATTAN AT DESIGNATED TIMES. THE COMMISSIONER
 22 MAY REQUIRE A TAXPAYER TO FURNISH AS SUPPORT OF HIS OR HER CLAIM FOR
 23 CREDIT UNDER THIS SUBSECTION STATEMENTS SUPPLIED BY AN ELECTRONIC TOLL
 24 COLLECTION AGENCY OR OTHER SUCH PROOFS OF PAYMENT AS SHALL SATISFY THE
 25 COMMISSIONER.

26 (TT) COMMERCIAL VEHICLE TOLL TAX CREDIT. A TAXPAYER WHO DRIVES A
 27 COMMERCIAL VEHICLE AS DEFINED IN EITHER SUBDIVISION FOUR OF SECTION FIVE
 28 HUNDRED ONE-A OR SUBDIVISION ONE OF SECTION FIVE HUNDRED NINE-P OF THE
 29 VEHICLE AND TRAFFIC LAW SHALL BE ALLOWED A CREDIT AGAINST THE TAX
 30 IMPOSED UNDER SECTION SIX HUNDRED ONE OF THIS PART EQUAL TO ANY AMOUNTS
 31 PAID FOR TOLLS CHARGED TO ENTER THE BOROUGH OF MANHATTAN BETWEEN THE
 32 HOURS OF NINE O`CLOCK IN THE EVENING AND SIX O`CLOCK IN THE MORNING AND
 33 EXITING THE BOROUGH OF MANHATTAN BETWEEN NINE O`CLOCK IN THE EVENING AND
 34 EIGHT O`CLOCK IN THE MORNING ON WEEKDAYS, NOT INCLUDING HOLIDAYS, SATUR-
 35 DAYS AND SUNDAYS. THE COMMISSIONER MAY REQUIRE A TAXPAYER TO FURNISH AS
 36 SUPPORT OF HIS OR HER CLAIM FOR CREDIT UNDER THIS SUBSECTION STATEMENTS
 37 SUPPLIED BY A TOLL COLLECTION AGENCY OR OTHER SUCH PROOFS OF PAYMENT AS
 38 SHALL SATISFY THE COMMISSIONER.

39 S 6. Section 1201-a of the tax law is amended by adding two new
 40 subsections (d) and (e) to read as follows:

41 (D) CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. ANY
 42 CITY IN THIS STATE HAVING A POPULATION OF ONE MILLION OR MORE, ACTING
 43 THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED TO ADOPT AND
 44 AMEND LOCAL LAWS TO ALLOW A CREDIT AGAINST THE GENERAL CORPORATION TAX
 45 AND THE UNINCORPORATED BUSINESS TAX IMPOSED PURSUANT TO THE AUTHORITY OF
 46 CHAPTER SEVEN HUNDRED SEVENTY-TWO OF THE LAWS OF NINETEEN HUNDRED
 47 SIXTY-SIX WHICH SHALL BE SUBSTANTIALLY IDENTICAL TO THE CREDIT ALLOWED
 48 UNDER SECTION TWENTY-NINE OF THIS CHAPTER. SUCH CREDIT SHALL BE APPLIED
 49 IN A MANNER CONSISTENT WITH THE CREDIT ALLOWED UNDER SUBDIVISION FORTY-
 50 ONE OF SECTION TWO HUNDRED TEN OF THIS CHAPTER EXCEPT AS MAY BE NECES-
 51 SARY TO TAKE INTO ACCOUNT DIFFERENCES BETWEEN THE GENERAL CORPORATION
 52 TAX AND THE UNINCORPORATED BUSINESS TAX.

53 (E) CREDIT FOR COMPANIES WHO ENCOURAGE EMPLOYEES TO TELEWORK. ANY
 54 CITY IN THIS STATE HAVING A POPULATION OF ONE MILLION OR MORE, ACTING
 55 THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED TO ADOPT AND
 56 AMEND LOCAL LAWS TO ALLOW A CREDIT AGAINST THE GENERAL CORPORATION TAX

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1 AND THE UNINCORPORATED BUSINESS TAX IMPOSED PURSUANT TO THE AUTHORITY OF
 2 CHAPTER SEVEN HUNDRED SEVENTY-TWO OF THE LAWS OF NINETEEN HUNDRED
 3 SIXTY-SIX WHICH SHALL BE SUBSTANTIALLY IDENTICAL TO THE CREDIT ALLOWED
 4 UNDER SECTION THIRTY OF THIS CHAPTER. SUCH CREDIT SHALL BE APPLIED IN A
 5 MANNER CONSISTENT WITH THE CREDIT ALLOWED UNDER SUBDIVISION FORTY-TWO OF
 6 SECTION TWO HUNDRED TEN OF THIS CHAPTER EXCEPT AS MAY BE NECESSARY TO
 7 TAKE INTO ACCOUNT DIFFERENCES BETWEEN THE GENERAL CORPORATION TAX AND
 8 THE UNINCORPORATED BUSINESS TAX.

9 S 7. Section 1310 of the tax law is amended by adding two new
 10 subsections (g) and (h) to read as follows:

11 (G) CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. (1)
 12 ALLOWANCE AND AMOUNT OF CREDIT. A TAXPAYER, WHO ENCOURAGES TELEWORKING
 13 AS DEFINED IN SECTION TWENTY-NINE OF THIS CHAPTER, SHALL BE ALLOWED A
 14 CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX
 15 IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE FIFTEEN
 16 HUNDRED DOLLARS FOR ELIGIBLE TELEWORK STARTUP EXPENSES PER EMPLOYEE AND
 17 TWENTY THOUSAND DOLLARS FOR TELEWORK ASSESSMENT AS DEFINED IN PARAGRAPH
 18 SIX OF SUBDIVISION (A) OF SECTION TWENTY-NINE OF THIS CHAPTER AND FIVE
 19 HUNDRED DOLLARS PER YEAR PER EMPLOYEE WHO TELEWORKS.

20 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
 21 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
 22 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
 23 FOR SUCH YEAR OR YEARS.

24 (H) EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
25 REIMBURSEMENTS FOR TRANSPORTATION. (1) ALLOWANCE AND AMOUNT OF CREDIT. A
26 TAXPAYER, WHO GRANTS REIMBURSEMENTS FOR TRANSPORTATION EXPENSES AS
27 DEFINED IN SECTION THIRTY OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT, TO
28 BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY
29 THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL NOT EXCEED ONE HUNDRED
30 DOLLARS PER EMPLOYEE PER FISCAL YEAR.

31 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
32 THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
33 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
34 FOR SUCH YEAR OR YEARS.

35 S 8. Section 1456 of the tax law is amended by adding two new
36 subsections (u) and (v) to read as follows:

37 (U) CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. (1)
38 ALLOWANCE AND AMOUNT OF CREDIT. A TAXPAYER, WHO ENCOURAGES TELEWORKING
39 AS DEFINED IN SECTION TWENTY-NINE OF THIS CHAPTER, SHALL BE ALLOWED A
40 CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION AGAINST THE TAX
41 IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE FIFTEEN
42 HUNDRED DOLLARS FOR ELIGIBLE TELEWORK STARTUP EXPENSES PER EMPLOYEE AND
43 TWENTY THOUSAND DOLLARS FOR TELEWORK ASSESSMENT AS DEFINED IN PARAGRAPH
44 SIX OF SUBDIVISION (A) OF SECTION TWENTY-NINE OF THIS CHAPTER AND FIVE
45 HUNDRED DOLLARS PER YEAR PER EMPLOYEE WHO TELEWORKS.

46 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
47 THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
48 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
49 FOR SUCH YEAR OR YEARS.

50 (V) EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
51 REIMBURSEMENTS FOR TRANSPORTATION. (1) ALLOWANCE AND AMOUNT OF CREDIT. A
52 TAXPAYER, WHO, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER,
53 GRANTS REIMBURSEMENTS FOR TRANSPORTATION EXPENSES AS DEFINED IN SECTION
54 THIRTY OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS
55 PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

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1 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED ONE HUNDRED DOLLARS PER
2 EMPLOYEE PER FISCAL YEAR.

3 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
4 THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
5 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
6 FOR SUCH YEAR OR YEARS.

7 S 9. Section 1511 of the tax law is amended by adding two new subdivi-
8 sions (y) and (z) to read as follows:

9 (Y) CREDIT FOR EMPLOYERS WHO ENCOURAGE EMPLOYEES TO TELEWORK. (1)
10 ALLOWANCE AND AMOUNT OF CREDIT. A TAXPAYER, WHO ENCOURAGES TELEWORKING
11 AS DEFINED IN SECTION TWENTY-NINE OF THIS CHAPTER, SHALL BE ALLOWED A
12 CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX
13 IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE CREDIT SHALL BE FIFTEEN
14 HUNDRED DOLLARS FOR ELIGIBLE TELEWORK STARTUP EXPENSES PER EMPLOYEE AND
15 TWENTY THOUSAND DOLLARS FOR TELEWORK ASSESSMENT AS DEFINED IN PARAGRAPH
16 SIX OF SUBDIVISION (A) OF SECTION TWENTY-NINE OF THIS CHAPTER AND FIVE
17 HUNDRED DOLLARS PER YEAR PER EMPLOYEE WHO TELEWORKS.

18 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
19 THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
20 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
21 FOR SUCH YEAR OR YEARS.

22 (Z) EMPLOYER TAX CREDIT FOR CERTAIN AMOUNTS PAID FOR CERTAIN
23 REIMBURSEMENTS FOR TRANSPORTATION. (1) ALLOWANCE AND AMOUNT OF CREDIT. A
24 TAXPAYER, WHO, PURSUANT TO RULES PROMULGATED BY THE COMMISSIONER, GRANTS
25 REIMBURSEMENTS FOR TRANSPORTATION EXPENSES AS DEFINED IN SECTION THIRTY
26 OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED
27 IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT

28 OF THE CREDIT SHALL NOT EXCEED ONE HUNDRED DOLLARS PER EMPLOYEE PER
29 FISCAL YEAR.

30 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT SHALL EXCEED
31 THE TAXPAYER`S TAX FOR SUCH YEAR, THE EXCESS SHALL BE CARRIED OVER TO
32 THE FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER`S TAX
33 FOR SUCH YEAR OR YEARS.

34 S 10. The administrative code of the city of New York is amended by
35 adding a new section 12-140 to read as follows:

36 S 12-140 TELEWORKING PROGRAMS. A. EACH AGENCY SHALL ESTABLISH A POLICY
37 AND PROGRAM TO ALLOW EMPLOYEES TO PERFORM ALL OR A PORTION OF THEIR
38 DUTIES THROUGH TELEWORKING TO THE MAXIMUM EXTENT POSSIBLE WITHOUT DIMIN-
39 IShed EMPLOYEE PERFORMANCE. EACH AGENCY SHALL DESIGNATE A "TELEWORK
40 COORDINATOR" TO BE RESPONSIBLE FOR OVERSEEING THE IMPLEMENTATION OF
41 TELEWORKING PROGRAMS.

42 B. FOR THE PURPOSES OF THIS SECTION, THE TERM "TELEWORK" SHALL MEAN TO
43 PERFORM NORMAL AND REGULAR WORK FUNCTIONS ON A WORKDAY THAT ORDINARILY
44 WOULD BE PERFORMED AT THE EMPLOYER`S PRINCIPAL PLACE OF BUSINESS AT A
45 DIFFERENT LOCATION, THEREBY ELIMINATING OR SUBSTANTIALLY REDUCING THE
46 PHYSICAL COMMUTE TO AND FROM SUCH EMPLOYER`S PRINCIPAL PLACE OF BUSI-
47 NESS. SUCH TERM SHALL NOT INCLUDE HOME-BASED BUSINESSES, EXTENSIONS OF
48 THE WORKDAY, OR WORK PERFORMED ON A WEEKEND OR HOLIDAY.

49 S 11. The administrative code of the city of New York is amended by
50 adding a new section 19-180 to read as follows:

51 S 19-180 ESTABLISH CAR-POOL LANES. THE DEPARTMENT, IN CONSULTATION
52 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, SHALL ESTABLISH
53 HIGH OCCUPANCY VEHICLE LANES ON ROADWAYS, BRIDGES AND TUNNELS LEADING
54 INTO MANHATTAN, WHERE PRACTICABLE.

55 S 12. Section 236 of the vehicle and traffic law is amended by adding
56 a new subdivision 2-a to read as follows:

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1 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN CITIES WITH A
2 POPULATION OF ONE MILLION OR MORE, FOR PURPOSES OF THIS ARTICLE A PARK-
3 ING VIOLATION SHALL INCLUDE A VIOLATION OF SECTION ELEVEN HUNDRED SEVEN-
4 TY-FIVE OF THIS CHAPTER, PROVIDED THAT NOTICE TO THE OPERATOR OF THE
5 VEHICLE IS PROVIDED IN LIKE MANNER AS ANY OTHER VIOLATION UNDER THIS
6 ARTICLE.

7 S 13. The vehicle and traffic law is amended by adding a new section
8 1111-b to read as follows:

9 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
10 EXPRESS BUS LANE RESTRICTIONS. (A) FOR PURPOSES OF THIS SECTION, THE
11 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

12 1. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS
13 CHAPTER;

14 2. "EXPRESS BUS LANE PHOTO DEVICE" SHALL MEAN A DEVICE THAT IS CAPABLE
15 OF OPERATING INDEPENDENTLY OF AN ENFORCEMENT OFFICER AND PRODUCES ONE OR
16 MORE IMAGES OF EACH VEHICLE AT THE TIME IT IS IN VIOLATION OF EXPRESS
17 BUS LANE RESTRICTIONS;

18 3. "EXPRESS BUS LANE RESTRICTIONS" SHALL MEAN RESTRICTIONS ON THE USE
19 OF DESIGNATED TRAFFIC LANES BY VEHICLES OTHER THAN BUSES IMPOSED ON
20 ROUTES WITHIN AN EXPRESS BUS RAPID TRANSIT DEMONSTRATION PROGRAM BY RULE
21 OR SIGNS ERECTED BY THE DEPARTMENT OF TRANSPORTATION OF A CITY THAT
22 ESTABLISHES SUCH A DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION; AND

23 4. "EXPRESS BUS RAPID TRANSIT DEMONSTRATION PROGRAM" SHALL MEAN A
24 PROGRAM THAT OPERATES ON ROUTES DESIGNATED BY THE DEPARTMENT OF TRANS-
25 PORTATION OF A CITY THAT ESTABLISHES SUCH A DEMONSTRATION PROGRAM PURSU-
26 ANT TO THIS SECTION AND IN A CITY WITH A POPULATION OF ONE MILLION OR
27 MORE.

28 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH CITY WITH A POPU-
29 LATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED AND EMPOWERED TO
30 ESTABLISH AN EXPRESS BUS RAPID TRANSIT DEMONSTRATION PROGRAM IMPOSING

31 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
32 THEREOF TO COMPLY WITH EXPRESS BUS LANE RESTRICTIONS IN SUCH CITY IN
33 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE DEPARTMENT OF TRANS-
34 PORTATION OF SUCH CITY, FOR PURPOSES OF THE IMPLEMENTATION OF SUCH
35 PROGRAM, SHALL OPERATE EXPRESS BUS LANE PHOTO DEVICES ONLY WITHIN SUCH
36 EXPRESS BUS RAPID TRANSIT DEMONSTRATION PROGRAM IN SUCH CITY. SUCH
37 EXPRESS BUS LANE PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
38 ACTIVATED AT LOCATIONS DETERMINED BY SUCH DEPARTMENT OF TRANSPORTATION
39 AND/OR ON EXPRESS BUSES SELECTED BY SUCH DEPARTMENT OF TRANSPORTATION IN
40 CONSULTATION WITH THE APPLICABLE MASS TRANSIT AGENCY.

41 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PHOTOGRAPHS,
42 MICROPHOTOGRAPHS, VIDEOTAPE, OTHER RECORDED IMAGES OR ANY OTHER RECORDS
43 PREPARED OR RECORDED AS PART OF AN EXPRESS BUS LANE CAMERA PILOT PROGRAM
44 SHALL BE FOR THE EXCLUSIVE USE OF THE CITY OF NEW YORK FOR USE RELATED
45 TO SUCH PILOT PROGRAM AND SHALL NOT BE OPEN TO THE PUBLIC NOR USED IN
46 ANY COURT IN AN ACTION OR PROCEEDING UNDER THE CIVIL PRACTICE LAW AND
47 RULES UNLESS SUCH ACTION OR PROCEEDING RELATES TO THE IMPOSITION OF OR
48 INDEMNIFICATION FOR LIABILITY PURSUANT TO SUCH PILOT PROGRAM. THE CITY
49 OF NEW YORK SHALL NOT SELL, DISTRIBUTE OR MAKE AVAILABLE IN ANY WAY, THE
50 NAMES, ADDRESSES, IMAGES OR OTHER IDENTIFYING INFORMATION COLLECTED BY
51 ANY MEANS PURSUANT TO THE EXPRESS BUS LANE CAMERA PILOT PROGRAM. THE
52 FOREGOING RESTRICTION SHALL NOT BE DEEMED TO PRECLUDE THE EXCHANGE OF
53 SUCH INFORMATION BETWEEN ANY ENTITIES WITH JURISDICTION OVER AND/OR
54 OPERATING A TOLL HIGHWAY, BRIDGE AND/OR TUNNEL FACILITY.

55 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL
56 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES, OR

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1 ANY OTHER RECORDS RECORDED OR MAINTAINED AS PART OF AN EXPRESS BUS LANE
2 CAMERA PILOT PROGRAM SHALL ONLY BE AVAILABLE IF A LAW ENFORCEMENT AGENCY
3 REQUESTS SUCH RECORDS AS PART OF A CRIMINAL INVESTIGATION.

4 (E) THE RELEASE OF ANY INFORMATION PREPARED, RECORDED OR MAINTAINED
5 PURSUANT TO AN EXPRESS BUS LANE CAMERA PILOT PROGRAM IN VIOLATION OF THE
6 TERMS OF THIS SECTION SHALL BE A CLASS A MISDEMEANOR, PUNISHABLE BY UP
7 TO A YEAR IN JAIL OR A FINE OF FIVE THOUSAND DOLLARS.

8 (F) IN ANY CITY THAT HAS ESTABLISHED AN EXPRESS BUS RAPID TRANSIT
9 DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION (B) OF THIS SECTION, THE
10 OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO
11 THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF
12 THE OWNER, EXPRESS OR IMPLIED, IN VIOLATION OF ANY EXPRESS BUS LANE
13 RESTRICTIONS THAT APPLY TO ROUTES WITHIN SUCH DEMONSTRATION PROGRAM, AND
14 SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM AN EXPRESS BUS
15 LANE PHOTO DEVICE; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE
16 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR
17 OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF ANY
18 EXPRESS BUS LANE RESTRICTIONS.

19 (G) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
20 THE CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR
21 CONTRACTOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTO-
22 GRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY
23 AN EXPRESS BUS LANE PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE
24 FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR
25 OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR
26 INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH
27 VIOLATION PURSUANT TO THIS SECTION.

28 (H) AN OWNER LIABLE FOR A VIOLATION OF AN EXPRESS BUS LANE RESTRICTION
29 IMPOSED ON ANY ROUTE WITHIN AN EXPRESS BUS RAPID TRANSIT DEMONSTRATION
30 PROGRAM SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A
31 SCHEDULE OF FINES AND PENALTIES PROMULGATED BY THE PARKING VIOLATIONS
32 BUREAU OF SUCH CITY; PROVIDED, HOWEVER, THAT THE MONETARY PENALTY FOR
33 VIOLATING AN EXPRESS BUS LANE RESTRICTION SHALL NOT EXCEED FIFTY

34 DOLLARS; PROVIDED, FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDI-
35 TIONAL PENALTY NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR
36 THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED
37 TIME PERIOD.

38 (I) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
39 DEEMED A CONVICTION OF AN OPERATOR AND SHALL NOT BE MADE PART OF THE
40 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED, NOR
41 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
42 CLE INSURANCE COVERAGE.

43 (J) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
44 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF AN EXPRESS
45 BUS LANE RESTRICTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE
46 REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDI-
47 NARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
48 CONTAINED THEREIN.

49 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
50 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF AN EXPRESS
51 BUS LANE RESTRICTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN
52 SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE
53 AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE EXPRESS
54 BUS LANE PHOTO DEVICE WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT
55 LOCATOR NUMBER.

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1 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
2 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
3 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
4 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
5 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
6 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

7 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AGENCY
8 OR AGENCIES DESIGNATED BY SUCH CITY.

9 (K) IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
10 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
11 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
12 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF AN
13 EXPRESS BUS LANE RESTRICTION THAT THE VEHICLE HAD BEEN REPORTED TO THE
14 POLICE AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT
15 BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE
16 PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT AN ORIGINAL
17 INCIDENT FORM ISSUED BY THE POLICE ON THE STOLEN VEHICLE BE SENT BY
18 FIRST CLASS MAIL TO THE PARKING VIOLATIONS BUREAU OF SUCH CITY.

19 (L) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
20 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (K) OF THIS SECTION SHALL
21 NOT BE LIABLE FOR THE VIOLATION OF AN EXPRESS BUS LANE RESTRICTION,
22 PROVIDED THAT: (I) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH
23 SUCH PARKING VIOLATIONS BUREAU IN ACCORDANCE WITH THE PROVISIONS OF
24 SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER; AND (II) WITHIN THIR-
25 TY-SEVEN DAYS AFTER RECEIVING NOTICE FROM SUCH BUREAU OF THE DATE AND
26 TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN
27 THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO SUCH BUREAU THE
28 CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE IDENTIFIED IN THE
29 NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION, TOGETHER WITH SUCH
30 OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL, LEASE OR OTHER
31 CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY SUCH BUREAU PURSUANT
32 TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

33 2. FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH ONE OF THIS
34 SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN
35 THIS SECTION.

36 3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH ONE OF
37 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH

38 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES
39 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-
40 ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO
41 SUBDIVISION (J) OF THIS SECTION.

42 (M) IF THE OWNER LIABLE FOR A VIOLATION OF AN EXPRESS BUS LANE
43 RESTRICTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE
44 VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST
45 THE OPERATOR.

46 (N) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
47 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF EXPRESS BUS LANE
48 RESTRICTIONS.

49 (O) ANY CITY THAT ADOPTS AN EXPRESS BUS RAPID TRANSPORTATION DEMON-
50 STRATION PROGRAM PURSUANT TO SUBDIVISION (B) OF THIS SECTION SHALL
51 SUBMIT A REPORT ON THE RESULTS OF THE USE OF EXPRESS BUS LANE PHOTO
52 DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
53 SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND TEN. SUCH REPORT
54 SHALL INCLUDE, BUT NOT BE LIMITED TO:

55 1. A DESCRIPTION OF THE LOCATIONS AND/OR BUSES WHERE EXPRESS BUS LANE
56 PHOTO DEVICES WERE USED;

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1 2. THE TOTAL NUMBER OF VIOLATIONS RECORDED ON A MONTHLY AND ANNUAL
2 BASIS;

3 3. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

4 4. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST
5 NOTICE OF LIABILITY;

6 5. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
7 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

8 6. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY; AND

9 7. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

10 S 14. The public authorities law is amended by adding a new section
11 1265-b to read as follows:

12 S 1265-B. PLACEMENT OF CAR POOL ONLY ELECTRONIC TOLL COLLECTION SYSTEM
13 LANES. THE COMMISSIONER OF TRANSPORTATION SHALL ESTABLISH, BY RULE OR
14 REGULATION, REQUIREMENTS FOR THE PLACEMENT OF AT LEAST ONE CAR POOL ONLY
15 ELECTRONIC TOLL COLLECTION SYSTEM LANE TO BE MADE AVAILABLE BETWEEN THE
16 HOURS OF SIX O`CLOCK IN THE MORNING AND NINE O`CLOCK IN THE MORNING
17 ENTERING MANHATTAN AND FOUR O`CLOCK IN THE EVENING AND SEVEN O`CLOCK IN
18 THE EVENING EXITING MANHATTAN ON WEEKDAYS, NOT INCLUDING HOLIDAYS,
19 SATURDAYS AND SUNDAYS, FOR THE COLLECTION OF TOLLS AND FARES WHERE ELEC-
20 TRONIC TOLL COLLECTION SYSTEMS, AS DEFINED IN SECTION TWENTY-NINE
21 HUNDRED EIGHTY-FIVE OF THIS TITLE, HAVE BEEN DESIGNATED AT THE TOLL
22 BARRIERS OPERATED BY THE AUTHORITY AT ENTRANCES AND EXITS TO AND FROM
23 MANHATTAN. SUCH RULES AND REGULATIONS SHALL SPECIFY THE GENERAL
24 LOCATION AND DIRECTION OF THE ROADWAY LANES IN WHICH CAR POOL ONLY ELEC-
25 TRONIC TOLL COLLECTION SYSTEM LANES SHALL BE LOCATED.

26 S 15. Chapter 774 of the laws of 1950, relating to agreeing with the
27 state of New Jersey with respect to rules and regulations governing
28 traffic on vehicular crossings operated by the port of New York authori-
29 ty, is amended by adding a new section 16-d to read as follows:

30 S 16-D. PLACEMENT OF CAR POOL ONLY ELECTRONIC TOLL COLLECTION SYSTEM
31 LANES. THE COMMISSIONER OF TRANSPORTATION SHALL ESTABLISH, BY RULE OR
32 REGULATION, REQUIREMENTS FOR THE PLACEMENT OF AT LEAST ONE CAR POOL ONLY
33 ELECTRONIC TOLL COLLECTION SYSTEM LANE TO BE MADE AVAILABLE BETWEEN THE
34 HOURS OF SIX O`CLOCK IN THE MORNING AND NINE O`CLOCK IN THE MORNING
35 ENTERING MANHATTAN AND FOUR O`CLOCK IN THE EVENING AND SEVEN O`CLOCK IN
36 THE EVENING EXITING MANHATTAN ON WEEKDAYS, NOT INCLUDING HOLIDAYS,
37 SATURDAYS AND SUNDAYS, FOR THE COLLECTION OF TOLLS AND FARES WHERE ELEC-
38 TRONIC TOLL COLLECTION SYSTEMS, AS DEFINED IN SECTION 2985 OF THE PUBLIC
39 AUTHORITIES LAW, HAVE BEEN DESIGNATED AT THE TOLL BARRIERS OPERATED BY
40 THE AUTHORITY. SUCH RULES AND REGULATIONS SHALL SPECIFY THE GENERAL

41 LOCATION AND DIRECTION OF THE ROADWAY LANES IN WHICH CAR POOL ONLY ELEC-
42 TRONIC TOLL COLLECTION SYSTEM LANES SHALL BE LOCATED.

43 S 16. Section 14 of the transportation law is amended by adding a new
44 subdivision 31-a to read as follows:

45 31-A. TO DEVELOP A STATEWIDE PROGRAM PROVIDING FREE ASSISTANCE TO
46 EMPLOYERS WITH THE DESIGN, DEVELOPMENT AND IMPLEMENTATION OF TELECOMMUT-
47 ING AS A WORKSITE ALTERNATIVE. SUCH PROGRAM SHALL PROVIDE:

48 (A) INFORMATION, GUIDANCE AND FINDINGS FOR BUSINESSES THAT WANT TO
49 DEVELOP AND GROW A TELECOMMUTING PROGRAM;

50 (B) EXPERIENCED AND KNOWLEDGEABLE CONSULTANTS TO OFFER HELP FOR EVERY
51 ASPECT OF A SUCCESSFUL TELECOMMUTING PROGRAM; AND

52 (C) TELECOMMUTING NEWS, TRENDS, CASE STUDIES AND MORE.

53 S 17. The transportation law is amended by adding a new section 23 to
54 read as follows:

55 S 23. ESTABLISH CAR-POOL LANES. THE DEPARTMENT, IN CONSULTATION WITH
56 THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION, SHALL ESTABLISH HIGH

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1 OCCUPANCY VEHICLE LANES ON ROADWAYS, BRIDGES AND TUNNELS LEADING INTO
2 MANHATTAN, WHERE PRACTICABLE.

3 S 18. 1. A temporary state commission is hereby created to make a
4 complete study and investigation of the issues involving traffic
5 congestion in the city of New York.

6 2. a. Such commission shall consist of a total of twenty members
7 appointed as follows: three members shall be appointed by the mayor of
8 the city of New York; three members shall be appointed by the city coun-
9 cil of the city of New York; the borough president of each borough of
10 the city of New York shall appoint one member each; three members shall
11 be appointed by the governor; two members shall be appointed by the
12 temporary president of the senate; two members shall be appointed by the
13 speaker of the assembly; one member shall be appointed by the minority
14 leader of the senate; and one member shall be appointed by the minority
15 leader of the assembly.

16 b. The members shall select one member to serve as chair of the
17 commission.

18 3. The department of transportation shall provide the commission such
19 facilities, assistance, and data as will enable the commission to carry
20 out its powers and duties. Additionally, all other departments or agen-
21 cies of the state or subdivisions thereof shall, at the request of the
22 chair, provide the commission such facilities, assistance, and data as
23 will enable the commission to carry out its powers and duties.

24 4. The members of the commission shall receive no compensation for
25 their services, but shall be allowed their actual and necessary expenses
26 incurred in the performance of their duties hereunder.

27 5. The commission may employ and at pleasure remove such personnel as
28 it may deem necessary for the performance of its functions and fix their
29 compensation within the amounts made available by appropriation there-
30 for. The commission may meet and hold public and/or private hearings
31 within or without the state, and shall have all the powers of a legisla-
32 tive committee pursuant to the legislative law.

33 6. For the accomplishment of its purposes, the commission shall be
34 authorized and empowered to undertake any studies, inquiries, surveys or
35 analyses it may deem relevant through its own personnel or in cooper-
36 ation with or by agreement with any other public or private agency.

37 7. The commission may request and shall receive from any court in the
38 state and from any subdivision, department, board, bureau, commission,
39 office, agency or other instrumentality of the state or of any political
40 subdivision thereof such facilities, assistance and data as it deems
41 necessary or desirable for the proper execution of its powers and duties
42 and to effectuate the purposes herein set forth.

43 8. The commission is hereby authorized and empowered to enter into any

44 agreements and to do and perform any acts that may be necessary, desira-
45 ble or proper to carry out the purposes and objectives of this act.

46 9. The commission shall make a report of its findings. The commission
47 shall submit such report developed by it relating to issues surrounding
48 traffic congestion in the city of New York, including any recommenda-
49 tions for legislative action as it may deem necessary and appropriate,
50 to the governor, the temporary president of the senate and the speaker
51 of the assembly no later than the thirty-first day of December in the
52 year next succeeding the year in which this act shall have become a law.

53 S 19. The sum of five hundred million dollars (\$500,000,000), or so
54 much thereof as may be necessary, is hereby appropriated to the metro-
55 politan transportation authority from the local assistance account of
56 the general fund to be used for increasing the number of express buses

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1 on existing routes; increasing the number of express bus routes; and
2 establishing bus rapid transit lanes. Such monies shall be payable on
3 the audit and warrant of the state comptroller on vouchers certified or
4 approved by the commissioner of taxation in the manner provided by law.

5 S 20. This act shall take effect on the one hundred twentieth day
6 after it shall have become a law; provided, however, that:

7 a. the empire state film production credit under subsection (gg), the
8 empire state commercial production credit under subsection (jj) and the
9 credit for companies who provide transportation to handicapped individ-
10 uals under subsection (oo) of section 606 of the tax law contained in
11 section four of this act shall expire on the same date as provided in
12 section 9 of part P of chapter 60 of the laws of 2004, as amended,
13 section 10 of part V of chapter 62 of the laws of 2006, and section 5 of
14 chapter 522 of the laws of 2006, as amended, respectively;

15 b. section fifteen of this act shall take effect upon the enactment
16 into law by the state of New Jersey of legislation having an identical
17 effect with such section, but if the state of New Jersey has already
18 enacted such legislation, section fifteen of this act shall take effect
19 on the one hundred eightieth day after it shall have become a law;

20 c. the commissioner of transportation is authorized and directed to
21 promulgate any rules and regulations necessary to implement the
22 provisions of this act on or before such effective date; and

23 d. the commissioner of transportation shall notify the legislative
24 bill drafting commission upon the occurrence of the enactment into law
25 by the state of New Jersey of the legislation provided for in section
26 fifteen of this act in order that the commission may maintain an accu-
27 rate and timely effective data base of the official text of the laws of
28 the state of New York in furtherance of effecting the provisions of
29 section 44 of the legislative law and section 70-b of the public offi-
30 cers law.

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