



Legislation Text

File #: Int 0398-2004, Version: A

Int. No. 398-A

By Council Member López, The Speaker (Council Member Miller), and Council Members Avella, Fidler, Foster, Gerson, Jackson, Katz, Liu, Monserrate, Nelson, Perkins, Quinn, Recchia, Seabrook, Sears, Weprin, Addabbo, Baez, Clarke, Comrie, Felder, Gennaro, Jennings, Martinez, McMahon, Reyna, Rivera, Sanders, Stewart, Yassky, DeBlasio, Brewer, Moskowitz, Koppell, The Public Advocate (Ms. Gotbaum), Reed, Vallone, Jr., Dilan, Vann, Gioia, Boyland, Gonzalez, Palma, Gentile, Barron, James, Oddo and Lanza

A Local Law to amend the administrative code of the city of New York, in relation to standards and specifications for accessible water borne commuter services facilities for disabled persons in New York City.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

CHAPTER 7
ACCESSIBLE WATER BORNE COMMUTER SERVICES FACILITIES
TRANSPORTATION ACT

- §19-701 Short title.
- §19-702 Legislative findings and intent.
- §19-703 Definitions.
- §19-704 Scope.
- §19-705 Accessible route.
- §19-706 Posting of schedules, rates, departure and arrival information and complaint number.
- §19-707 Transportation to and from water borne commuter services facilities.
- §19-708 Safety and training.
- §19-709 Enforcement.
- §19-710 Violations.
- §19-711 Reporting requirements.
- §19-712 Severability.

§19-701 Short title. This chapter shall be known and may be cited as the "Accessible Water Borne Commuter Services Facilities Transportation Act ".

§19-702 Legislative findings and intent. The Council hereby finds that the city of New York’s water borne commuter services facilities are not uniformly accessible to disabled persons. This is a matter of serious concern affecting the public safety and welfare. The Council believes that there is an immediate need for regulation of water borne commuter services in order to enable disabled members of the public to have access to such services on an equal basis with non-disabled persons. The Council believes that under the Americans with Disabilities Act (ADA), disabled persons have the right to access commuter transportation services on an equal and non-discriminatory basis. However, the Council finds that no federal or state laws, rules or regulations are in effect that establish specific standards regarding access by disabled persons to water borne commuter services facilities in the city or the safety of such persons when utilizing such facilities. As a result, disabled persons in the city of New York are not assured that they can safely and consistently access water borne commuter services facilities. This legislation sets specific standards in relation to mandating accessible water borne commuter services facilities for disabled persons, thereby minimizing the tremendous and unfair burden placed on disabled persons who rely on these services.

The Council further finds that the city’s transportation needs and system are unique in that, unlike many other cities, major waterways are interspersed throughout the greater New York city area, resulting in residential concentrations that are in many instances separated by water from major centers of employment. Consequently, the city historically has had an extensive passenger ferry system. Furthermore, because of increasing levels of traffic congestion and air pollution, and concerns regarding the threat of terrorism to other modes of transportation, the city is rapidly developing an increasingly expansive system of passenger ferry transportation. The Council finds that it is imperative that such development results in water borne commuter services facilities that are accessible to all persons.

§19-703 Definitions. For purposes of this chapter, the following terms shall be defined as follows:

- a. "Accessible route" has the meaning set forth in section 19-705.
- b. “ADA” means the Americans with Disabilities Act, title 42 of the United States code annotated

section 12101 et. seq.

c. “Coaming” means the vertical plating bounding a hatch or located at the base of a door for the purpose of stiffening the edges of the opening and resisting entry of water.

d. “Disabled persons” means persons with physical disabilities, including but not limited to mobility impairments, sight impairments, hearing impairments and speech impairments, and further includes persons utilizing a service animal or wheelchair or other physical mobility aid.

e. “Gangway” means a pedestrian walkway that changes slope to accommodate changes in water level, linking a fixed structure or land with a barge, float, dock or other floating structure except a water borne commuter vessel.

f. “Operator” means any person or private or governmental entity that owns or operates a water borne commuter services facility.

g. “Passenger” means every person other than the captain and crew on board a water borne commuter vessel.

h. “Point of embarkation or disembarkation” means any portal point of entry or exit onto or off of a water borne commuter vessel, or into or out of the main cabin area of such water borne commuter vessel.

i. “Transition plate” means any sloping pedestrian walking surface located at the end of a gangway, vessel loading equipment, point of embarkation or disembarkation or coaming.

j. “Vessel loading equipment” means any piece of equipment or assembly of equipment, whether or not such equipment requires operation by water borne commuter services facility personnel, that may be located on a water borne commuter vessel or located on a landing, that bridges from a water borne commuter vessel to a barge, float, dock or other floating structure or landing, the purpose of which is to accommodate the differences in elevation between such water borne commuter vessel and such barge, float, dock or other floating structure or landing.

k. “Water borne commuter services facility” means any dock, pier, slip or terminal located within

the city of New York or its territorial waters and utilized by a water borne commuter vessel, as well as water borne commuter vessels and any concession, ticket purchasing or other facility or amenity available at or on such dock, pier, slip, terminal or water borne commuter vessel.

1. "Water borne commuter vessel" means every description of water craft operating within the city of New York or its territorial waters, including commuter ferries but excluding seaplanes, that is used as a means of commuter passenger mass transportation by water.

§19-704 Scope. All water borne commuter services facilities located or operating within the city of New York or its territorial waters shall be accessible to disabled persons as provided in this chapter.

§19-705 Accessible route. Except as may otherwise be set forth herein, there shall be at least one accessible route (i) to, (ii) into, (iii) onto and (iv) throughout any water borne commuter services facility consisting of a continuous, firm, stable and slip-resistant path that is maintained free of ice and snow; provided, however, that except as may be required pursuant to federal or state law, rule or regulation, no water borne commuter services facility shall be required to modify or install an elevator in order to satisfy the requirements of this chapter. No accessible route may have any vertical steps or rises greater than ½ inch unless made accessible by ramps, gangways or transition plates complying with this section. No accessible route may require that use thereof or accessibility thereto be conditioned upon prearrangement except to the extent a ticket must be purchased or fare must be paid. An accessible route shall provide or satisfy the following additional criteria, as applicable:

a. Points of embarkation and disembarkation. Each point of embarkation and disembarkation shall provide or satisfy each of the following criteria:

1. A minimum clear width of 36 inches, exclusive of any bulwarks, lifelines, deck rails and toe rails; provided, however, that where the main deck area of a water borne commuter vessel is less than 3,000 square feet, such clear width shall be at least 32 inches, exclusive of any bulwarks, lifelines, deck rails and toe rails.

2. Doors and doorways with a minimum width of 32 inches; provided, however, that any projections into such clear opening shall be mounted at least 34 inches above the finished deck surface; and provided, further, that any projections situated 34 inches or higher than the finished deck surface and 80 inches or lower from the finished deck surface shall not exceed 4 inches.

3. Transition plates or ramps with a maximum slope of 1:12, or as close thereto as is feasible for access to water borne commuter vessels and the inner cabins of such vessels that have steps or coamings leading into such cabins; provided, however, that such transition plates and ramps may be removable. With respect to water borne commuter vessels designed or constructed after the date of enactment of the local law that added this chapter, removable coamings shall be utilized where feasible and permitted by the United States Coast Guard, pursuant to title 14 of the United States code or any rules or regulations promulgated pursuant thereto.

4. Notwithstanding anything to the contrary contained herein, wherever there are multiple points of embarkation or disembarkation, and two or more such points are simultaneously utilized at any given docking, only one such point need comply with the provisions of this section.

b. Gangways. Gangways shall provide or satisfy each of the following criteria:

1. Handrails on each side.

2. A minimum clear width of 36 inches, which width shall be measured between the inside edges of handrails.

3. A maximum running slope of 1:12 and a maximum cross slope of 1:48, subject to reasonable and minor variations under extreme and unusual tidal conditions.

4. Edge protection on each side.

5. A design that ensures that no water will accumulate on walking surfaces.

6. A rise which may exceed 30 inches.

7. A length which may exceed 30 feet between level landings; provided, however, that such slope

may not exceed 1:12 subject to reasonable and minor variations under extreme and unusual tidal conditions.

c. Transition plates. Transition plates shall provide or satisfy each of the following criteria:

1. A maximum slope of 1:12.

2. A minimum clear width of 36 inches.

3. Handrails on each side, where the length of a transition plate exceeds 24 inches.

4. The transition from the deck to the transition plate may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

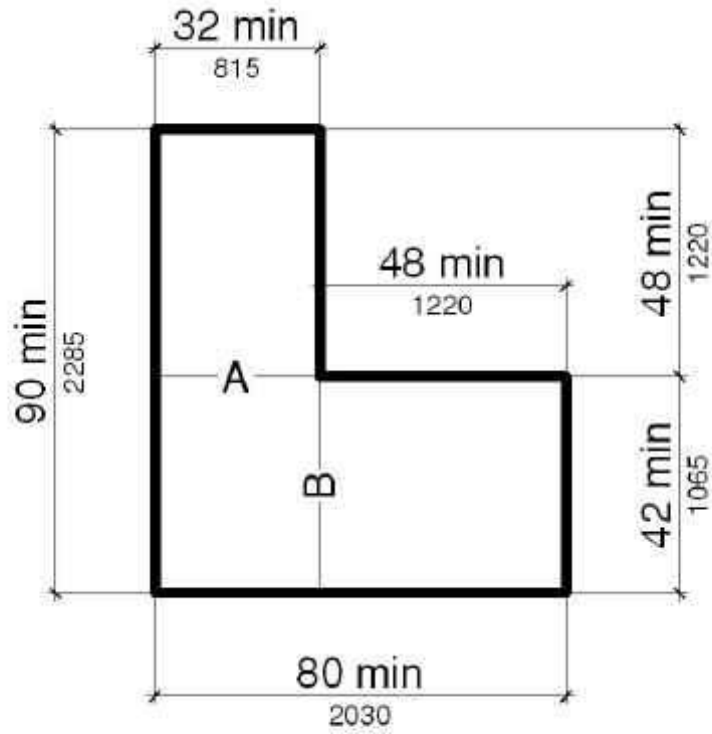
5. Transition plates that are 36 inches or less in length shall support a minimum load of 300 lbs.

Transition plates that are greater than 36 inches in length shall support a minimum load of 100 lbs. per square foot.

d. On board maneuvering space and clear paths. On board maneuvering space and clear paths shall provide or satisfy each of the following criteria:

1. An on board maneuvering space shall be provided adjacent to the accessible opening in the bulwarks, lifelines, deck rails or toe rails which is either (i) 60 inches minimum by 60 inches minimum or (ii) 42 inches minimum in depth and starting at one side of the opening and extending 80 inches minimum in width across the opening (see *figure 1, L-Shaped Space*, as set forth in this subdivision).

2. At least one clear path of at least 32 inches in width shall run from each point of embarkation and disembarkation to all facilities available to the general public on the level of such water borne commuter services vessel where such point of embarkation or disembarkation is located.



NOTE: A and B = Door Locations

L-Shaped Space

FIGURE 1

e. Clear deck spaces. Clear deck spaces shall provide or satisfy each of the following criteria:

1. Measure at least 30 inches by at least 48 inches for placement of wheelchairs, exclusive of legroom for other passengers. Such clear spaces may also be provided in the form of readily folding or removable seats.

2. A tie down system that complies with subdivision (f) of this section.

3. The number of clear deck spaces shall be provided in accordance with Table 1 of this subdivision and shall be dispersed throughout the water borne commuter vessel’s passenger areas; provided, however, that at least one such space shall be provided on any outdoor passenger area on water borne commuter vessels with a passenger capacity of 101 or more.

Table 1. Clear Deck Spaces

Passenger capacity of water borne commuter vessel	Minimum Number
0 to 100	2
101 to 149	4
150 and above	6

4. This subdivision does not apply to spaces reachable only by vertical or inclined ladder.

f. Tie-down systems. Tie-down systems for securing wheelchairs within water borne commuter vessels shall provide or satisfy each of the following criteria:

1. Each tie-down system shall consist of any tie-down system acceptable for taxi, van or bus transportation as provided under the United States department of transportation regulations or four d-rings securely fastened to the deck.

2. Where d-rings are used, lashings, also known as marine-strength quality rope, shall be provided to secure a wheelchair to the d-rings.

3. Security belts for securing disabled persons in their wheelchairs for use by disabled persons at

their discretion.

g. Toilet rooms. Where one or more toilet rooms are provided on a water borne commuter vessel at least one such toilet room shall provide or satisfy each of the following criteria:

1. An entry door with a clear width of at least 32 inches that is capable of being opened and closed by the occupant.

2. A maneuvering space of at least 48 inches in depth and at least 80 inches in width outside the entry door (see figure 1, subdivision (d)); provided, however, that where the entry door has a clear width of at least 42 inches, the maneuvering space at the door shall be at least 32 inches by 48 inches.

3. A horizontal grab bar at least 24 inches in length and located 33 inches to 36 inches above the finished deck surface and adjacent to the toilet; provided, however, that this requirement shall not apply to those water borne commuter vessels the deck length of which is 48 feet or less.

4. A toilet positioned 17 inches to 19 inches above the finished deck surface, measured to the top of the toilet seat.

5. Clear deck space of at least 30 inches by at least 48 inches adjacent to the toilet.

6. Notwithstanding anything to the contrary contained herein, any water borne commuter vessel with a passenger capacity of 1000 or more persons currently scheduled to be decommissioned before November 1, 2005 shall be exempt from the requirements of this subdivision.

h. Vessel loading equipment. Vessel loading equipment shall provide or satisfy each of the following criteria:

1. A maximum slope of 1:12 where feasible; provided, however, that where achieving such a maximum slope is not feasible, any vessel loading equipment exceeding such slope shall comply with the following additional criteria:

(i) A slope no greater than 1:10.

(ii) Must be designed and operated such that disabled persons are able to embark onto and

disembark from a water borne commuter vessel without water borne commuter services facilities personnel pushing, carrying, pulling, lifting or otherwise physically handling disabled persons.

2. Deck surfaces that do not have protrusions from the surface greater than ¼ inch.

3. No opening along the bottom surface shall permit passage of a ½ inch diameter sphere. Elongated openings shall be placed so that the long dimension is perpendicular to the predominant direction of travel.

4. Handrails on each side.

5. A minimum clear width of 36 inches, which width shall be measured between the inside edges of handrails; provided, however, that where vessel loading equipment leads directly to a point of embarkation or disembarkation that is permitted to be 32 inches in width under the terms of this chapter, such vessel loading equipment may narrow to a width of 32 inches at that end that abuts such 32 inch point of embarkation or disembarkation.

6. Edge protection on each side.

7. Any vessel loading equipment that is 30 inches or longer in length shall support a minimum load of 600 lbs. placed at the center of such vessel loading equipment and distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Vessel loading equipment shorter than 30 inches shall support a minimum load of 300 lbs.

§19-706 Posting of schedules, rates, departure and arrival information and complaint number.

a. All schedules, rates, departure and arrival information shall be posted in accordance with the ADA.

b. Wherever there may be multiple points of embarkation onto a water borne commuter vessel, operators of water borne commuter services facilities shall prominently post signage and make regular announcements notifying passengers of which point of embarkation is part of an accessible route for each boarding.

c. Operators of water borne commuter services facilities shall post a sign to be prominently displayed at the ticket counter as well as inside each water borne commuter vessel in accordance with the ADA and stating the following:

“ANY COMPLAINTS REGARDING THE ACCESSIBILITY OF THIS FACILITY TO DISABLED PERSONS MAY BE REPORTED TO THE CITY OF NEW YORK BY DIALING 311.”

§19-707 Transportation to and from water borne commuter services facilities.

a. Seventy-five percent of all buses and vans operated, sponsored, chartered, leased or otherwise placed into operation within the city of New York by water borne commuter services facilities operators or their affiliates as of the date of enactment of the local law that added this chapter shall meet the standards for accessibility for new vehicles as set forth in department of transportation regulations at title 49 of the code of federal regulations, part 38, subpart B by March 1, 2007.

b. One hundred percent of all buses and vans operated, sponsored, chartered, leased or otherwise placed into operation within the city of New York by water borne commuter services facilities operators or their affiliates as of the date of enactment of the local law that added this chapter shall meet the standards for accessibility for new vehicles as set forth in department of transportation regulations at title 49 of the code of federal regulations, part 38, subpart B by December 31, 2008.

c. Buses and vans purchased or newly chartered or leased by water borne commuter services facilities operators or their affiliates after the date of enactment of the local law that added this chapter shall meet the standards for accessibility for new vehicles, as set forth in department of transportation regulations at title 49 of the code of federal regulations, part 38, subpart B.

§19-708 Safety and training. Operators shall ensure that an appropriate number of water borne commuter services facility personnel, and in no event less than one such person, be aboard each water borne commuter vessel during all crossings who are trained in appropriate safety and evacuation procedures for disabled persons.

§19-709 Enforcement. The commission on human rights shall enforce the provisions of this chapter pursuant to the adjudication and mediation provisions as set forth in chapter 1 of title 8 of the administrative code of the city of New York.

§19-710 Violations

a. Any violation of any provision of this chapter or any rules promulgated hereto shall be liable for a civil penalty of not less than two hundred and fifty dollars per violation per day for every day that such violation occurs until such violation is remedied or removed.

b. Penalties imposed pursuant to this section shall not affect any right or remedy available or civil or criminal penalty applicable under law to any individual or entity, or in any way diminish or reduce the remedy or damages recoverable in any action in equity or law before a court of law with competent jurisdiction.

§19-711 Reporting requirements. The department, the commission on human rights and operators of any water borne commuter services facility each shall provide the mayor and the city council with a semiannual report by January thirty-first and July first of each year setting forth information regarding compliance and non-compliance with this chapter at each water borne commuter services facility, as applicable, regulated pursuant to this chapter. Such information shall include, but not be limited to, any violations, fines, complaints reported to the city of New York 311 Citizen Service Center or otherwise reported to the department, the commission on human rights or operators of any water borne commuter services facility, litigation instituted as a result of the provisions of this chapter and a detailed description of safety and training procedures implemented pursuant to section 19-708 of this chapter.

§19-712 Severability. If any section, subdivision, sentence, clause, phrase or other portion of the local law that added this chapter is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this chapter, which remaining portions shall continue in full force and effect.

§2. Effective date. This local law shall take effect immediately; provided, however, that all water borne commuter services facilities shall satisfy all provisions of the local law that added this chapter no later than December 31, 2008.

LP
LS#920
6/16/05