



Legislation Text

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Int. No. 208-A

By Council Members Gennaro, Dickens, Nelson, Sanders Jr., Weprin, Koppell, Recchia Jr. and Stewart (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to applying certain fuel and technology exemptions and requirements to department of correction vehicles specially equipped for emergency response and to buses purchased for use by the department of correction.

Be it enacted by the Council as follows:

Section 1. Paragraph 11 of subdivision a of section 24-163.1 of the administrative code of the city of New York, as added by local law number 38 for the year 2005, is amended to read as follows:

(11) “Motor vehicle” means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff’s office of the department of finance, police department[or], fire department or department of correction.

§2. Paragraph 1 of subdivision d of section 24-163.2 of the administrative code of the city of New York, as added by local law number 38 for the year 2005, is amended to read as follows:

(1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city’s purchase of alternative fuel buses during the immediately preceding fiscal year. This report shall be included in the mayor’s preliminary management report and the mayor’s management report for the relevant fiscal year and shall include, but not be limited to: [(1)](i) the total number of buses purchased by the city in the preceding fiscal year; [and (2)](ii) the number of such buses that are alternative fuel buses, disaggregated according to agency,

bus model and type of alternative fuel used; and (iii) the determination, if any, by the commissioner of correction that there were no alternative fuel buses available that met such department's needs pertaining to bus size, passenger capacity and security during the preceding fiscal year and the detailed analysis that formed the basis for such determination, and, where the department of correction has not purchased an alternative fuel bus due to cost, as provided for in paragraph three of subdivision g of this section, the detailed cost analysis that formed the basis for such decision.

§3. Subdivision g of section 24-163.2 of the administrative code of the city of New York, as added by local law number 38 for the year 2005, is amended to read as follows:

g. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;[or]

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) to purchases of buses for use by the department of correction where the commissioner of correction has made a written determination that there are no alternative fuel buses available that meet such department's needs pertaining to bus size, passenger capacity and security, and has within three business days thereafter submitted the determination to the speaker of the council accompanied by the detailed analysis that formed the basis for such determination; provided, however, that purchases of buses for use by the department of correction shall become subject to the provisions of this section immediately after an alternative fuel bus that meets such needs becomes available, provided, further, however, that the city shall not be required to purchase alternative fuel buses for use by the department of correction if the only available alternative fuel buses that meet such department's needs pertaining to bus size, passenger capacity and security cost more than fifty percent more than other buses that meet such needs of such department.

§4. Paragraph 4 of subdivision a of section 24-163.4 of the administrative code of the city of New York,

as added by local law number 39 for the year 2005, is amended to read as follows:

(4) “Motor vehicle” means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff’s office of the department of finance, police department or fire department or vehicles, other than buses, specially equipped for emergency response by the department of correction.

§5. This local law shall take effect immediately upon its enactment into law, provided that subparagraph (iii) of paragraph one of subdivision d of section 24-163.2, as added by section two of this local law, shall expire on the date that the report due January 1, 2010 pursuant to that paragraph is submitted as required, and provided further that paragraph three of subdivision g of section 24-163.2, as added by section three of this local law, shall expire on June 30, 2009.

6/5/06, 10:00 p.m.