



Legislation Text

File #: Res 0050-2018, **Version:** *

Res. No. 50

Resolution calling upon the State of New York to create a process whereby jurisdiction over a particular piece of property in the cities in the State of New York can be clarified upon request.

By Council Member Yeger

Whereas, Conflicts arise about whether a New York State or, instead, a municipal entity controls a particular piece of property; for instance, a sidewalk near a park may fall under the jurisdiction of the State Office of Parks, Recreation and Historic Preservation or under the jurisdiction of the New York City Department of Sanitation; and

Whereas, Such uncertainty seems to arise frequently about whether the Metropolitan Transportation Authority (MTA) or the city Department of Transportation (DOT) has jurisdiction over a particular piece of property; and

Whereas, According to the New York Public Authorities Law, the MTA has the power to “manage, control and direct the maintenance and operation of transportation facilities, equipment or real property operated by or under contract, lease or other arrangement with the authority and its subsidiaries, and New York city transit authority and its subsidiaries”; and

Whereas, For example, MTA has acted upon its authority to open the 34th Street-Hudson Yards station (the only addition to the NYC subway system in the last 26 years), and the Appellate Division of the Supreme Court of the State of New York held the MTA liable for a personal injury suit when a pedestrian tripped and fell on a raised and broken portion of public sidewalk surrounding a vault cover owned by the MTA; and

Whereas, According to the New York City Charter, the DOT commissioner is charged with repairing public roads, streets, highways and parkways; and

Whereas, For example, DOT has asserted its authority over 50 intersections and corridors in New York City to design drastically safer streets through the Office of the Mayor’s Vision Zero Action Plan; and

Whereas, Some constituents endure mounting litigation expenses to identify the liable party; and

Whereas, Confusion about DOT jurisdiction also arises outside the courts, including, for example, a Rockaway couple debating with the DOT over who was responsible for sidewalk damages that amounted to tens of thousands of dollars, to Brooklyn Community District 14 residents fearing that the elderly residents may be injured on the Newkirk Avenue subway overpass because of its disrepair and because the DOT did not claim responsibility for its maintenance; and

Whereas, Some advocates have argued that projects that would have otherwise improved the quality of life and ease of travel for New York city residents, such as repairing broken sidewalks underneath elevated subway tracks and installing additional Muni-Meters, cannot be implemented because of uncertainty regarding which entity has jurisdictional control; and

Whereas, Clarification regarding whether the MTA or the DOT has control over a particular piece of property would allow for greater efficiency and timeliness in initiating repairs and new transportation developments and would save on litigation costs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State of New York to create a process whereby jurisdiction over a particular piece of property in the cities in the State of New York can be clarified upon request.

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