

EXECUTIVE ORDER NO. 141

October 29, 2010

TRANSPORTATION BENEFIT PROGRAM

WHEREAS, federal law authorizes employers to offer their employees the opportunity to elect to use pre-tax earnings to purchase transit passes for use on mass transit facilities and other qualified modes of mass transportation, as well as qualified parking benefits; and

WHEREAS, Executive Order No. 49, dated July 7, 2000, as continued by Executive Order No. 1, dated January 1, 2002, established a transit pass program that allowed City employees not represented in collective bargaining the opportunity to elect to use pre-tax earnings to purchase Metrocards; and

WHEREAS, the transit pass program established by Executive Order No. 49 reduced the cost of mass transportation within the City for employees participating in that program, thereby making the use of such transportation by City employees for commuting and other purposes a more attractive option; and

WHEREAS, an expansion of the City's transit pass program to include other forms of mass transportation, including regional mass transportation such as commuter railroads and buses, and qualified parking in conjunction with such mass transportation would further reduce the cost of transportation for participating City employees, as well as greatly reduce automobile congestion and resulting emissions in the City;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Definitions.

“City employees” means employees of the City of New York whose pay is processed by the Office of Payroll Administration; provided, however, that the term “City employees” shall not include employees who are represented in collective bargaining.

“Qualified parking” means qualified parking as defined in 26 U.S.C. § 132(f) and applicable federal regulations, provided that such qualified parking is used by a City employee in conjunction with a transit pass.

“Transit pass” means a transit pass as defined in 26 U.S.C. § 132(f) and applicable federal regulations, provided that such transit pass is for use on the following types of mass transportation:

- a. City subways and buses, including express buses;
- b. the Metropolitan Transportation Authority’s paratransit service;
- c. regional commuter railroads; and
- d. licensed or otherwise properly authorized regional commuter bus lines, regional ferries, water taxis and paratransit services for disabled employees.

“Transportation Benefit Program” means the program established in accordance with this Order pursuant to which City employees are offered the opportunity to elect to use pre-tax and post-tax earnings to purchase transit passes and qualified parking benefits.

§ 2. Transportation Benefit Program. The Office of Payroll Administration shall hereby continue and administer a Transportation Benefit Program.

§ 3. Transportation Benefit Program Guidelines and Procedures. The Office of Payroll Administration shall develop appropriate guidelines and procedures to administer the Transportation Benefit Program including, without limitation, guidelines and procedures to:

- a. establish the procedure by which City employees may elect to participate in the Transportation Benefit Program;
- b. establish the amount of earnings that may be used by City employees to purchase transit passes and qualified parking benefits;
- c. establish a fee, if necessary, to be charged to City employees who participate in the Transportation Benefit Program to cover the cost of administering such program;
- d. establish a cost-effective and secure method for distribution of transit passes and qualified parking benefits;
- e. establish a reimbursement plan for transit passes and qualified parking benefits, if appropriate;
- f. procure any vendors necessary to assist with the implementation of the Transportation Benefit Program; and
- g. establish an appropriate implementation schedule for all aspects of the Transportation Benefit Program.

§ 4. Employees Represented in Collective Bargaining. The opportunity to elect to use pre-tax and post-tax earnings to purchase transit passes and qualified parking benefits by employees who are represented in collective bargaining shall be pursuant to and in accordance with the collective bargaining process.

§ 5. Prior Executive Order Repealed. Executive Order No. 49, dated July 7, 2000, is hereby repealed.

§ 6. Effective Date. This Order shall take effect immediately.

Michael R. Bloomberg
Mayor