

Legislation Meeting Agenda



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 15, 2025

1:00 PM

Committee Room

Joint w/B&A, PWT, PS

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

Joint with Budget & Appropriations, Public Works & Transportation, and Public Safety committees.

MINUTES APPROVAL

Wednesday, September 3, 2025

I. ITEMS FOR DISCUSSION

Guests: Law Dept.: Associate County Attorney Jason Whitehead; Dept. of Public Safety: Capt. James Greer; Dept. of Public Works & Transportation: Michael Swee, Director of Surface Transportation

1. [2025-298](#) **PH-Civil Penalty for Theft of Services-Bee-Line Bus System**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System". [Public Hearing set for _____, 2025 at _____ .m.]. LOCAL LAW INTRO: 2025-299.

***COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS,
LEGISLATION AND PUBLIC WORKS & TRANSPORTATION***

2. [2025-299](#) **LOCAL LAW-Civil Penalty for Theft of Services-Bee-Line Bus System**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System."

***COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS,
LEGISLATION AND PUBLIC WORKS & TRANSPORTATION***

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



Kenneth W. Jenkins
County Executive

July 14, 2025

Westchester County Board of Legislators
Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System" ("Bee-Line").

Bee-Line's mission is to facilitate the efficient and economical movement of people through a balanced and environmentally sensitive transportation system. According to a 2025 report by the Westchester County Department of Public Works and Transportation, the Bee-Line has an average daily ridership of 85,000, and serves well over 3,000 bus stops, touching the lives of many of Westchester's residents.

For some time now, the Bee-Line has experienced a large number of fare violations (non-payment). This has been caused by both confusions over the free bus program over the summer, and also malfeasance. Regardless of the cause, fare evasion weakens the financial health of Westchester County and encourages unlawful behavior on the Bee-Line buses.

Under New York State law, individuals who do not pay the fare can be charged with Theft of Services, in violation of Section 165.15 of the New York State Penal Law ("Penal Law"), which is a Class "A" Misdemeanor. However, the County is seeking to invoke its power under the Laws of Westchester County to create a civil penalty, as opposed to using criminal proceedings, especially where the majority of the violations are being committed by students and passengers who may be financially unable to pay the fare. Westchester County is taking this course of action because it strongly opposes the criminalization of poverty, and is working hard to reduce youth interactions with the criminal justice system.

This proposed legislation will encourage fare compliance and enhance overall safety aboard Bee-Line buses; we do not seek use the Penal Law to criminalize non-compliance. Accordingly, the proposed amendment adds a new Chapter to the Laws of Westchester County, which establishes a civil penalty of \$50 for the non-payment of a fare, that will increase to \$100 for every subsequent violation. The proposed amendment also authorizes County and local law enforcement to issue appearance tickets to violators, who could simply pay a fine or appear in a local court to answer the ticket.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the attached Act.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kenneth Jenkins', with a long horizontal flourish extending to the right.

Kenneth Jenkins
County Executive

Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed the attached, “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County’s Bee-Line Bus System.”

Your Committee recognizes that Bee-Line’s mission is to facilitate the efficient and economic movement of people through a transportation system that supports the environment and meets the diverse needs of Westchester’s residents. According to a 2025 report by the Westchester County Department of Public Works and Transportation, the Bee-Line has an average daily ridership of 85,000 people. The Bee line features more than 3,000 bus stops, directly and indirectly impacting all of Westchester’s residents by connecting us to New York City and expanding available economic opportunities in corners of the County which are otherwise difficult to reach.

Your Committee is advised that, under New York State law, individuals who do not pay the fare can be charged with Theft of Services, in violation of Section 165.15 of the New York State Penal Law (“Penal Law”), which is a Class “A” Misdemeanor. The goal of this proposed legislation is to create a civil penalty, as opposed to utilizing existing criminal proceedings; we find this course of action advisable as the majority of fare violations are being committed by students and passengers who may be financially unable to pay the fare.

Your Committee is advised that enforcing a criminal penalty for evading \$2.75 fares through the criminal justice system is likely to have serious consequences for the County. Only 26% of juveniles arrested ended up graduating from high school; worse, those convicted of a Misdemeanor will struggle to get into college, struggle to secure reliable employment, and struggle to secure housing they can

afford. Failing out of high school, or uniform rejection from colleges, jobs and housing will virtually ensure a young person will reoffend – meaning that even one Misdemeanor can uproot a life.

Your Committee is further advised that the purpose of this legislation is to encourage fare compliance and enhance overall safety aboard Bee-Line buses; we do not seek to use the Penal Law to criminalize non-compliance. Accordingly, the proposed amendment adds a new Chapter to the Laws of Westchester County, which establishes a civil penalty of \$50 for the non-payment of a fare, that will increase to \$100 for every subsequent violation. This proposed amendment also authorizes County and local law enforcement to issue appearance tickets to violators, who could simply pay a fine or appear in a local court to answer the ticket.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.”

Your Committee, after careful consideration, recommends the adoption of this a local law amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County’s Bee-Line Bus System.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Theft of Service on Bee-Line Bus Syst

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense TBD

Total Current Year Revenue TBD

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount TBD

Describe: There will be additional cost incurred to have County Police perform enforcement on the buses. This additional cost will depend on how many officers are dedicated for this duty.

Potential Related Operating Budget Revenues: Annual Amount TBD

Describe: It is likely that the imposition of civil penalties for non payment of bus fare will result in greater compliance and therefore an increase in fare collections. Currently it is estimated that fare evasion is costing the County \$1 million per month in lost revenue.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Larry Soule

Title: Budget Director

Department: Budget

Date: July 9, 2025

Reviewed By: [Signature]

07/11/25

Budget Director

Date: 7/16/25

RESOLUTION NO. ____ – 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2025, entitled, “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County’s Bee-Line Bus System.” The public hearing will be held at ____m. on the ____ day of _____, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Terry A. Clements

Majority Whip, Legislator, 11th District
Chair, Public Safety



Committee Assignments
Appointments

To: Vedat Gashi, Chairman of the Board of Legislators
Colin Smith, Chair of Committee on Legislation
Erika Pierce, Chair of Committee on Public Works and
Transportation Sunday Vanderberg, Clerk of the
Board of Legislators
From: Terry Clements, Chair of the Committee on Public Safety

Date: August 20th, 2025

Re: Item #'s 2025-298 and 2025-299

Considering the nature of Item #'s 2025-298 and 2025-299, A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System," I respectfully request these items be referred to the Committee on Public Safety.

Per the Board's typical practice, items involving the Department of Public Safety are typically referred to the Public Safety Committee.

I hope you find this request agreeable.

Cc: Dylan Tragni
Marcello Figueroa
Jill Axelrod

Terry A. Clements

Majority Whip, Legislator, 11th District
Chair, Public Safety



Committee Assignments
Appointments

To: Vedat Gashi, Chairman of the Board of Legislators
Colin Smith, Chair of Committee on Legislation
Erika Pierce, Chair of Committee on Public Works and
Transportation Sunday Vanderberg, Clerk of the
Board of Legislators
From: Terry Clements, Chair of the Committee on Public Safety

Date: August 20th, 2025

Re: Item #'s 2025-298 and 2025-299

Considering the nature of Item #'s 2025-298 and 2025-299, A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System," I respectfully request these items be referred to the Committee on Public Safety.

Per the Board's typical practice, items involving the Department of Public Safety are typically referred to the Public Safety Committee.

I hope you find this request agreeable.

Cc: Dylan Tragni
Marcello Figueroa
Jill Axelrod

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 643 to provide a civil penalty for the theft of services in relation to Westchester County's Bee-Line Bus System.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 643 is hereby added to the Laws of Westchester County as follows:

Chapter 643

THEFT OF SERVICES ON COUNTY'S BEE-LINE BUS SYSTEM

Sec. 643.01. Purpose.

Sec. 643.21 Definitions.

Sec. 643.31. Entry; Payment of fare.

Sec. 643.41. Enforcement and penalty

Sec. 643.51. Severability.

Sec. 643.01. – Purpose

The purpose of this Chapter is to encourage the payment of fares in relation to the Bee-Line Bus System which is owned and operated by Westchester County. The County seeks to achieve that deterrence through the implementation of a civil penalty as an alternative to using the New York State Penal Law to criminalize non-compliance.

Sec. 643.11. – Definitions.

- a. County shall mean Westchester County.
- b. Bee-Line shall mean the bus transportation system, known as the Bee-Line System, Bee-Line Bus System, or Bee-Line Transit Service, which is owned and operated by the County.
- c. Fare means the lawful charges established by the County for use of the Bee-Line.

- d. Fare media means the various instruments issued by or on behalf of the Bee-Line to use for the payment of fare, including, but not limited to, United States coins and currency, OMNY, MetroCards, farecards, passes, transfers, tickets, and vouchers.

Sec. 643.21. – Entry; payment of fare

It shall be unlawful for any person to: (1) attempt to or obtain Bee-Line service without payment of the fare therefor; (2) avoid payment of the fare for such transportation service which has been rendered to them; (3) obtain or attempt to obtain such service or avoid or attempt to avoid payment therefor by force, intimidation, stealth, deception or mechanical tampering of fare media or fare collection device; or (4) unjustifiably fail or refuse to pay a fare.

Sec. 643.31. – Enforcement and penalty.

1. Violators of this Chapter may be issued appearance tickets by police officers of the Westchester County Department of Public Safety and municipal police departments within the County. Such appearance tickets shall be returnable in the local court of the jurisdiction where the violation occurred.

2. Any person who violates this Chapter shall be guilty of an offense and shall, upon conviction, be subject to a civil penalty of up to \$50.

Sec. 643.41. – Annual Report.

The Commissioner of the Department of Public Safety shall file with the Clerk of the Board of Legislators and with the County Executive's Office an annual report on or before the 30th day of September in each year; the first report, however, will be due 6 months after the effective date of this Chapter. The report shall detail and provide an analysis of the total number of tickets issued and where they were issued pursuant to this Chapter.

Sec. 643.51. – Severability.

If any word, phrase, clause, sentence, paragraph, section, or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. Effective Date. This Local Law shall take effect immediately.

jsw 9-9-25