

STATE OF NEW YORK

7812

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the metropolitan transportation authority control board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and declaration. The legislature here-
2 by finds and declares that the metropolitan transportation authority is
3 facing a severe fiscal crisis, and that the crisis cannot be resolved
4 absent assistance from the state. The legislature finds that the author-
5 ity has repeatedly relied on annual extraordinary increases in state aid
6 as well as cost increases passed on to taxpayers and its customers to
7 balance its budget, and that the state and taxpayers cannot continue to
8 take such extraordinary actions on the authority's behalf. The legisla-
9 ture further finds and declares that maintenance of a balanced budget by
10 the metropolitan transportation authority is a matter of overriding
11 state concern, requiring the legislature to intervene to provide a means
12 whereby: the long-term fiscal stability of the authority will be
13 assured, the core infrastructure investment needs of the authority will
14 be met, the confidence of investors in the authority's bonds and notes
15 is preserved, the burden to taxpayers of untenable cost increases is
16 lifted and the economy of both the region and the state as a whole is
17 protected.

18 § 2. The public authorities law is amended by adding two new sections
19 1279-m and 1279-n to read as follows:

20 § 1279-m. Metropolitan transportation authority control board;
21 creation; procedure. 1. The metropolitan transportation authority
22 control board is hereby created to have and exercise the powers, duties
23 and prerogatives provided by the provisions of this chapter and any
24 other provision of law.

25 2. The membership of the board shall consist of five persons appointed
26 by the governor, of which one shall be upon the recommendation of the
27 temporary president of the senate, one upon the recommendation of the
28 speaker of the assembly, one upon the recommendation of the minority

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 leader of the senate and one upon the recommendation of the minority
2 leader of the assembly. The term of the members first appointed shall
3 continue for twenty-four months after the initial appointment. Upon
4 recommendation of the nominating party, the governor may replace any
5 member in accordance with the provision contained herein for the
6 appointment of members. The governor shall designate one of the members
7 to serve as chairperson. The board shall act by unanimous vote of the
8 voting members of the board. Any determination of the board shall be
9 evidenced by a certification thereof executed by all the voting members.
10 Each member of the board shall be entitled to designate a representative
11 to attend meetings of the board in such member's place, and to vote or
12 otherwise act on such member's behalf in such member's absence. Notice
13 of such designation shall be furnished in writing to the board by the
14 designating member. A representative shall serve at the pleasure of the
15 designating member during the member's term of office. A representative
16 shall not be authorized to delegate any of such representative's duties
17 or functions to any other person.

18 3. Notwithstanding any inconsistent provisions of law, general,
19 special or local, no officer or employee of the state, of any political
20 subdivision of the state, of any governmental entity operating any
21 public school or college or of any other public agency or instrumentali-
22 ty or unit of government which exercises governmental powers under the
23 laws of the state, shall forfeit such office or employment by reason of
24 acceptance or appointment as a member, representative, officer, employee
25 or agent of the board nor shall service as such member, representative,
26 officer, employee or agent of the board be deemed incompatible or in
27 conflict with such office or employment. The members, their represen-
28 tatives, officers and staff to the board shall be deemed employees with-
29 in the meaning of section seventeen of the public officers law.

30 4. The members of the board shall serve without salary or per diem
31 allowance but shall be entitled to reimbursement for actual and neces-
32 sary expenses incurred in the performance of official duties pursuant to
33 this section or other provision of law, provided however that such
34 members and representatives are not, at the time such expenses are
35 incurred, public employees otherwise entitled to such reimbursement.

36 § 1279-n. Powers, functions and duties of the metropolitan transporta-
37 tion authority control board; limitations. 1. The metropolitan transpor-
38 tation authority control board shall have the power and it shall be its
39 duty to receive applications for approval of the financing and
40 construction of any project proposed by the metropolitan transportation
41 authority. Any application made concerning a project shall include the
42 terms, conditions and dates of the repayment of state appropriations
43 authorized by law pursuant to a repayment agreement. Any subsidiary of
44 the metropolitan transportation authority shall also be subject to the
45 provisions of this section. All applications and submissions to the
46 board required to be made by a subsidiary shall be made on behalf of
47 such subsidiary by the metropolitan transportation authority. The metro-
48 politan transportation authority shall not make any commitment, enter
49 into any agreement or incur any indebtedness for the purpose of acquir-
50 ing, constructing, or financing any project unless prior approval has
51 been received from the board.

52 2. The board may require as part of such application such information
53 as it deems necessary and shall act upon such application within a
54 reasonable time. The board shall furnish the state comptroller with a
55 copy of each such application within three days following receipt there-
56 of by the board. The board shall not approve any such application prior

1 to the earlier of (a) seven days following the receipt by the state
2 comptroller of such application or (b) the receipt by the board of the
3 state comptroller's comments on the application or the state comp-
4 troller's consent to an earlier determination by the board. Reference
5 to the state comptroller in this subdivision shall include any author-
6 ized representative of the state comptroller.

7 3. The board may approve applications only upon its determination
8 that, with relation to any proposed project, there are commitments of
9 funds sufficient to finance the acquisition and construction of such
10 project. In determining the sufficiency of commitments of funds, the
11 board may consider commitments of funds, projections of fees or other
12 revenues and security, which may, in the discretion of the board,
13 include collateral security sufficient to retire a proposed indebtedness
14 or protect or indemnify against potential liabilities proposed to be
15 undertaken. A copy of such determination shall be submitted to the chief
16 executive officer of the metropolitan transportation authority and the
17 state comptroller.

18 3-a. The board shall not approve recovery act bonds applications
19 provided by the state of New York municipal bond bank agency unless the
20 board finds sufficient interest rate and other savings to each partic-
21 ipating municipality.

22 4. Notwithstanding any other provisions of this section, the require-
23 ments of subdivisions one, two, three, and three-a of this section shall
24 not apply with regard to any project of the metropolitan transportation
25 authority in progress as of the effective date of this section, as
26 determined by the metropolitan transportation authority control board
27 whose affirmative determination shall be conclusive as to all matters of
28 law and fact for the purpose of the limitations of this section.

29 5. Nothing contained in subdivisions one, two and three of this
30 section shall limit the right or obligation of the metropolitan trans-
31 portation authority to comply with the provisions of any existing
32 contract, including any existing labor contract or contract with or for
33 the benefit of the holders of any obligations of the metropolitan trans-
34 portation authority.

35 6. The board may participate in any meeting of the authority held for
36 the purpose of negotiations with labor organizations and/or the creation
37 of any labor contract on or after the effective date of this section.

38 7. A member of the board shall vote within the scope of such member's
39 legal authority. The legal authority of a member of the board pursuant
40 to this section is solely to determine whether the authority has demon-
41 strated that there is the commitment of funds sufficient to finance the
42 acquisition and construction of the project subject to approval. Failure
43 of a member to vote within the scope of such member's legal authority
44 constitutes a violation of the public's trust for the purposes of para-
45 graph h of subdivision three of section seventy-four of the public offi-
46 cers law. As the appointing authority, the governor has the full
47 discretion to immediately remove a member of the board the governor
48 finds to be acting, or threatening to act, beyond the scope of such
49 member's legal authority set forth herein.

50 § 3. This act shall take effect on the ninetieth day after it shall
51 have become a law. Effective immediately, the addition, amendment and/or
52 repeal of any rule or regulation necessary for the implementation of
53 this act on its effective date are authorized to be made and completed
54 on or before such effective date.