

1604

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the public authorities law, in relation to the power of
the metropolitan transportation authority to increase rates and fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The public authorities law is amended by adding a new
2 section 1279-c to read as follows:
3 S 1279-C. FEE INCREASES; PUBLIC HEARINGS. 1. THE AUTHORITY MAY NOT
4 IMPLEMENT OR INCREASE RATES, FEES, SURCHARGES OR OTHER COSTS TO PASSEN-
5 GERS OR THOSE WHO PARK AT FACILITIES OWNED OR CONTROLLED BY THE AUTHORI-
6 TY WITHOUT A PUBLIC HEARING. IF THE RATE, FEE, SURCHARGE, OR OTHER COST
7 IS REASONABLY EXPECTED TO IMPACT INDIVIDUALS FROM MORE THAN ONE COUNTY,
8 THE AUTHORITY SHALL HOLD A PUBLIC HEARING IN EACH SUCH COUNTY PROVIDED
9 THE AUTHORITY HAS OR CONTROLS PROPERTY RELATING TO THE PROVISION OF RAIL
10 SERVICES IN SUCH COUNTY IN THE STATE OF NEW YORK.
11 2. IN CONDUCTING THE PUBLIC HEARINGS REQUIRED UNDER SUBDIVISION ONE OF
12 THIS SECTION, THE AUTHORITY SHALL, PRECEDING THE PUBLIC HEARINGS, PRES-
13 ENT TO ANY PERSONS PRESENT THE DETAILS OF ANY RATE, FEE, SURCHARGE OR
14 OTHER COST BEING ESTABLISHED AND INCREASED, SHALL PROVIDE IN DETAILED
15 FASHION WHAT THE AUTHORITY PLANS TO DO WITH THE RECEIPTS OF THAT ESTAB-
16 LISHED OR INCREASED RATE, FEE, SURCHARGE, OR OTHER COST, AND SHALL
17 EXPLAIN IN DETAILED FASHION THE CURRENT FISCAL STATUS OF THE AUTHORITY
18 AND WHY EXISTING FUNDS OF THE AUTHORITY ARE NOT BEING USED TO ACCOMPLISH
19 THE PURPOSES THAT THE NEWLY ESTABLISHED OR INCREASED RATE, FEE,
20 SURCHARGE, OR OTHER COST SHALL PAY FOR.
21 3. NO PUBLIC HEARING PROVIDED FOR IN THIS SECTION SHALL BE REQUIRED TO
22 BE STENOGRAPHICALLY RECORDED IF AN AUDIO RECORDING IS INSTEAD UNDERTAKEN
23 BY THE AUTHORITY PROVIDED SUCH AUDIO TAPE SHALL BE RETAINED BY A PERIOD
24 OF NOT LESS THAN FIVE YEARS AND DURING THE PENDENCY OF ANY CIVIL ACTION

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

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1 FILED UNDER THE CIVIL PRACTICE LAW AND RULES, AND ANY APPEAL OF SUCH
2 ACTION RELATING TO THE SUBJECT MATTER OF THE PUBLIC HEARING. ALL PUBLIC
3 HEARINGS CONDUCTED BY THE AUTHORITY PURSUANT TO THIS SECTION SHALL BE
4 NOTICED TO THE EXTENT THAT THE AUTHORITY SHALL ENDEAVOR TO NOTIFY THE
5 MEDIA IN THE COUNTIES WHERE SUCH HEARINGS ARE PLANNED TO OCCUR. SUCH
6 NOTICE SHALL BE PROVIDED TO THE MEDIA IN A MANNER REASONABLY CALCULATED
7 TO DRAW TO THE MEDIA'S ATTENTION THE PUBLIC HEARING AT LEAST ONE WEEK
8 BEFORE THE HEARING TAKES PLACE. THE INADVERTENT FAILURE TO NOTIFY ALL
9 MEDIA OR THE FAILURE OF THE MEDIA TO PUBLICIZE THE PUBLIC HEARINGS SHALL
10 NOT INVALIDATE ANY RATE CHANGE, FEE, SURCHARGE OR OTHER COST ADOPTED BY
11 THE AUTHORITY SO LONG AS THE AUTHORITY CAN DEMONSTRATE TO A COURT OF
12 COMPETENT JURISDICTION THAT IT TOOK ACTIONS REASONABLY CALCULATED TO
13 NOTIFY THE MEDIA AND THAT THE MEDIA HAD KNOWLEDGE OF SUCH PUBLIC HEAR-
14 INGS.

15 S 2. This act shall take effect on the thirtieth day after it shall
16 have become a law.