

3379

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. ROSENTHAL, GLICK, GOTTFRIED, MAISEL, COLTON,
MILLMAN, DINOWITZ, PAULIN, FIELDS, JAFFEE, REILLY, LATIMER, MAYERSOHN
-- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, GALEF, LANCMAN,
O'DONNELL, PERRY, PHEFFER, SWEENEY, WEISENBERG -- read once and
referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to eliminating
the metropolitan commuter transportation authority's environmental
quality review exemption

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

1 Section 1. Subdivisions 3 and 11 of section 1266 of the public author-
2 ities law, subdivision 3 as amended and subdivision 11 as added by chap-
3 ter 314 of the laws of 1981, are amended to read as follows:
4 3. The authority may establish, levy and collect or cause to be estab-
5 lished, levied and collected and, in the case of a joint service
6 arrangement, join with others in the establishment, levy and collection
7 of such fares, tolls, rentals, rates, charges and other fees as it may
8 deem necessary, convenient or desirable for the use and operation of any
9 transportation facility and related services operated by the authority
10 or by a subsidiary corporation of the authority or under contract, lease
11 or other arrangement, including joint service arrangements, with the
12 authority. Any such fares, tolls, rentals, rates, charges or other fees
13 for the transportation of passengers shall be established and changed
14 only if approved by resolution of the authority adopted by not less than
15 a majority vote of the whole number of members of the authority then in
16 office, with the chairman having one additional vote in the event of a
17 tie vote, and only after a public hearing, provided however, that fares,
18 tolls, rentals, rates, charges or other fees for the transportation of
19 passengers on any transportation facility which are in effect at the
20 time that the then owner of such transportation facility becomes a
21 subsidiary corporation of the authority or at the time that operation of

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

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1 such transportation facility is commenced by the authority or is
2 commenced under contract, lease or other arrangement, including joint
3 service arrangements, with the authority may be continued in effect
4 without such a hearing. Such fares, tolls, rentals, rates, charges and
5 other fees shall be established as may in the judgment of the authority
6 be necessary to maintain the combined operations of the authority and
7 its subsidiary corporations on a self-sustaining basis. The said oper-
8 ations shall be deemed to be on a self-sustaining basis as required by
9 this title, when the authority is able to pay or cause to be paid from
10 revenue and any other funds or property actually available to the
11 authority and its subsidiary corporations (a) as the same shall become
12 due, the principal of and interest on the bonds and notes and other
13 obligations of the authority and of such subsidiary corporations,
14 together with the maintenance of proper reserves therefor, (b) the cost
15 and expense of keeping the properties and assets of the authority and
16 its subsidiary corporations in good condition and repair, and (c) the
17 capital and operating expenses of the authority and its subsidiary
18 corporations. The authority may contract with the holders of bonds and
19 notes with respect to the exercise of the powers authorized by this
20 section. [No acts or activities taken or proposed to be taken by the
21 authority or any subsidiary of the authority pursuant to the provisions
22 of this subdivision shall be deemed to be "actions" for the purposes or
23 within the meaning of article eight of the environmental conservation
24 law.]

25 11. No project to be constructed upon real property theretofore used
26 for a transportation purpose, or on an insubstantial addition to such
27 property contiguous thereto, which will not change in a material respect
28 the general character of such prior transportation use, nor any acts or
29 activities in connection with such project, shall be subject to the
30 provisions of article [eight,] nineteen, twenty-four or twenty-five of
31 the environmental conservation law, or to any local law or ordinance
32 adopted pursuant to any such article. [Nor shall any acts or activities
33 taken or proposed to be taken by the authority or by any other person or
34 entity, public or private, in connection with the planning, design,
35 acquisition, improvement, construction, reconstruction or rehabilitation
36 of a transportation facility, other than a marine or aviation facility,
37 be subject to the provisions of article eight of the environmental
38 conservation law, or to any local law or ordinance adopted pursuant to
39 any such article if such acts or activities require the preparation of a
40 statement under or pursuant to any federal law or regulation as to the
41 environmental impact thereof.]

42 S 2. This act shall take effect immediately.