

4208

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

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

AN ACT to amend the public authorities law, in relation to requiring the
MTA to post a schedule of station closings

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

1 Section 1. Section 1277 of the public authorities law, as amended by
2 chapter 161 of the laws of 2000, is amended to read as follows:
3 S 1277. Station operation and maintenance. 1. A. The operation, main-
4 tenance and use of passenger stations shall be public purposes of the
5 city of New York and the counties within the district. The total cost to
6 the authority and each of its subsidiary corporations of operation,
7 maintenance and use of each passenger station within the district
8 serviced by one or more railroad facilities of the authority or of such
9 subsidiary corporation, including the buildings, appurtenances, plat-
10 forms, lands and approaches incidental or adjacent thereto, shall be
11 borne by the city of New York if such station is located in such city
12 or, if not located in such city, by such county within the district in
13 which such station is located. On or before June first of each year, the
14 authority shall, in accordance with the method specified herein, deter-
15 mine and certify to the city of New York and to each county within the
16 district the respective allocation of costs related to the operation,
17 maintenance and use of passenger stations within such city and each such
18 other county, for the twelve month period ending the preceding March
19 thirty-first.
20 (I) For the year commencing April first, nineteen hundred ninety-nine,
21 the total payment amount to be billed by the authority for the opera-
22 tion, maintenance and use of each passenger station within the city of
23 New York and the counties of Nassau, Suffolk, Westchester, Dutchess,
24 Putnam, Orange, and Rockland shall be calculated by summing the total
25 amount listed in the base amount table plus an adjustment to such base

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

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1 year amount equal to the base amount times the increase or decrease in
 2 the Consumer Price Index for Wage Earners and Clerical Workers for the
 3 New York, Northeastern-New Jersey Standard Metropolitan Statistical Area
 4 for the twelve-month period being billed.

5 BASE AMOUNT TABLE

6	County	Base Amount
7	Nassau	\$19,200,000
8	Suffolk	\$11,834,091
9	Westchester	\$13,269,310
10	Dutchess	\$ 1,581,880
11	Putnam	\$ 618,619
12	Orange	\$ 327,247
13	Rockland	\$ 34,791
14	City of New York	\$61,435,330

15 (II) For each year thereafter, such total payment for each such county
 16 shall be the same amount as the total payment during the immediately
 17 prior year, plus an adjustment equal to the prior year amount times the
 18 increase or decrease in the Consumer Price Index for Wage Earners and
 19 Clerical Workers for the New York, Northeastern-New Jersey Standard
 20 Metropolitan Statistical Area for the twelve-month period being billed.

21 B. On or before the following September first, of each year, such city
 22 and each such county shall pay to the authority such cost or amount so
 23 certified to it on or before the preceding June first. Such city and
 24 each such county shall have power to finance such costs to it by the
 25 issuance of budget notes pursuant to section 29.00 of the local finance
 26 law. For the year beginning April first, two thousand four, the author-
 27 ity, the city of New York and the counties of Nassau, Suffolk, Westches-
 28 ter, Dutchess, Putnam, Orange, and Rockland may, after having reached an
 29 agreement, recommend to the legislature modifications to the amounts set
 30 forth above based upon changes made to commuter services including but
 31 not limited to changes in the number of passenger stations within such
 32 counties or the level of commuter rail service provided to any such
 33 passenger stations. Failure between the authority and between the coun-
 34 ties to reach agreement will be referred to the state comptroller for
 35 mediation. If the mediation is unsuccessful, each party and the state
 36 comptroller may submit a recommendation to the governor and the legisla-
 37 ture for legislative action.

38 C. In the event that a city or county shall fail to make payment to
 39 the authority for station maintenance as required pursuant to this
 40 section, or any part thereof, the chief executive officer of the author-
 41 ity or such other person as the chairman shall designate shall certify
 42 to the state comptroller the amount due and owing the authority at the
 43 end of the state fiscal year and the state comptroller shall withhold an
 44 equivalent amount from the next succeeding state aid allocated to such
 45 county or city from the motor fuel tax and the motor vehicle registra-
 46 tion fee distributed pursuant to former section one hundred twelve of
 47 the highway law, or amounts distributed pursuant to section ten-c of the
 48 highway law, or per capita local assistance pursuant to section fifty-
 49 four of the state finance law subject to the following limitations:
 50 prior to withholding amounts due the authority from such county or city,
 51 the comptroller shall pay in full any amount due the state of New York
 52 municipal bond bank agency, on account of any such county's or city's
 53 obligation to such agency; the city university construction fund pursu-
 54 ant to the provisions of the city university construction fund act; the
 55 New York city housing development corporation, pursuant to the

1 provisions of the New York city housing development corporation act
2 (article twelve of the private housing finance law); and the transit
3 construction fund pursuant to the provisions of title nine-A of article
4 five of this chapter. The comptroller shall give the director of the
5 budget notification of any such payment. Such amount or amounts so with-
6 held by the comptroller shall be paid to the authority and the authority
7 shall use such amount for the repayment of the state advances hereby
8 authorized. When such amount or amounts are received by the authority,
9 it shall credit such amounts against any amounts due and owing by the
10 city or county on whose account such amount was withheld and paid.

11 2. A. WHENEVER THE AUTHORITY WILL CLOSE A STATION FOR A PERIOD OF TIME
12 IN EXCESS OF TWENTY-FOUR HOURS, THE AUTHORITY, AT LEAST SIX MONTHS PRIOR
13 TO SUCH SCHEDULED CLOSING DATE, MUST FILE A COPY OF SUCH SCHEDULED CLOS-
14 INGS WITH THE STATE COMPTROLLER, THE NEW YORK CITY CONTROLLER, THE NEW
15 YORK CITY OFFICE OF ECONOMIC DEVELOPMENT, ALL AFFECTED COMMUNITY BOARDS,
16 AND ANY LOCAL, STATE, OR FEDERAL ELECTED OFFICIAL.

17 B. THE AUTHORITY SHALL BE REQUIRED TO HOLD A PUBLIC HEARING AFTER THE
18 FILING OF THE SCHEDULED CLOSINGS BUT PRIOR TO SUCH CLOSING DATE.

19 C. THE AUTHORITY SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS
20 OF THIS SUBDIVISION FOR ANY CLOSING THAT RESULTS FROM EMERGENCY REPAIR
21 OR ANY CLOSING THAT WILL BE LESS THAN TWENTY-FOUR HOURS IN DURATION.

22 S 2. This act shall take effect immediately and shall apply to any
23 station closings that occur no sooner than seven months after such
24 effective date.