S T A T E O F N E W Y O R K

4665--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. THIELE, ALESSI, MURRAY -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the creation of the Peconic Bay regional transportation authority

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

Section 1. Article 5 of the public authorities law is amended by adding a new title 11-E to read as follows:

TITLE 11-E

PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY

SECTION 1349-A. SHORT TITLE.
1349-B. DEFINITIONS.
1349-C. PECONIC BAY REGIONAL TRANSPORTATION DISTRICT.
1349-D. PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY.
1349-E. PURPOSES OF THE AUTHORITY.
1349-F. FORMULATION, FILING AND ADOPTION OF MASTER PLAN; AMENDMENTS.
1349-G. FILING FIVE YEAR PERFORMANCE, CAPITAL AND OPERATING FINANCE PLANS.
1349-H. GENERAL POWERS OF THE AUTHORITY.
1349-I. SPECIAL POWERS OF THE AUTHORITY.
1349-J. ACQUISITION AND DISPOSITION OF REAL PROPERTY.
1349-K. COOPERATION AND ASSISTANCE OF OTHER AGENCIES.
1349-L. NOTES AND BONDS OF THE AUTHORITY.
1349-M. RESERVE FUNDS AND APPROPRIATIONS.
1349-N. AGREEMENT OF THE STATE.
1349-O. RIGHT OF STATE TO REQUIRE REDEMPTION OF BONDS.

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

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1349-P. REMEDIES OF NOTEHOLDERS AND BONDHOLDERS.
1349-Q. NOTES AND BONDS AS LEGAL INVESTMENT.
1349-R. EXEMPTION FROM TAXATION.
1349-S. ACTIONS AGAINST THE AUTHORITY.
1349-T. AGREEMENTS RELATING TO PAYMENT IN LIEU OF TAXES.
1349-U. INTEREST OF MEMBERS OR EMPLOYEES OF AUTHORITY IN CONTRACTS PROHIBITED.
1349-V. FISCAL YEAR.
1349-W. CONSENT BY THE STATE.
1349-X. SEPARABILITY.
1349-Y. EFFECT OF INCONSISTENT PROVISIONS.

S 1349-A. SHORT TITLE. THIS TITLE MAY BE CITED AS THE "PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY ACT".

S 1349-B. DEFINITIONS. AS USED OR REFERRED TO IN THIS TITLE, UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

1. "AUTHORITY" SHALL MEAN THE CORPORATION CREATED BY SECTION THIRTEEN HUNDRED FORTY-NINE-D OF THIS TITLE.

2. "TRANSPORTATION DISTRICT" AND "DISTRICT" SHALL MEAN THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT CREATED BY SECTION THIRTEEN HUNDRED FORTY-NINE-C OF THIS TITLE.

3. "PARTICIPATING TOWN" SHALL MEAN ANY OF THE TOWNS DEFINED IN SECTION THIRTEEN HUNDRED FORTY-NINE-C OF THIS TITLE.

4. "FEDERAL GOVERNMENT" SHALL MEAN THE UNITED STATES OF AMERICA, AND ANY OFFICER, DEPARTMENT, BOARD, COMMISSION, BUREAU, DIVISION, CORPORATION, AGENCY OR INSTRUMENTALITY THEREOF.

5. "GOVERNOR" SHALL MEAN THE GOVERNOR OF THE STATE OF NEW YORK.

6. "COMPTROLLER" SHALL MEAN THE COMPTROLLER OF THE STATE OF NEW YORK.

7. "DIRECTOR OF THE BUDGET" SHALL MEAN THE DIRECTOR OF THE BUDGET OF THE STATE OF NEW YORK.

8. "STATE" SHALL MEAN THE STATE OF NEW YORK.

9. "STATE AGENCY" SHALL MEAN ANY OFFICER, DEPARTMENT, BOARD, COMMISSION, BUREAU, DIVISION, PUBLIC BENEFIT CORPORATION, AGENCY OR INSTRUMENTALITY OF THE STATE.

10. "MUNICIPALITY" SHALL MEAN A CITY, TOWN, VILLAGE OR COUNTY NOT WHOLLY CONTAINED WITHIN A CITY.

11. "MUNICIPAL CORPORATION" SHALL MEAN A CITY, TOWN, VILLAGE, COUNTY NOT WHOLLY CONTAINED WITHIN A CITY, SPECIAL TRANSPORTATION DISTRICT, PUBLIC BENEFIT CORPORATION OR OTHER PUBLIC CORPORATION, OR TWO OR MORE OF THE FOREGOING ACTING JOINTLY.

12. "PERSONAL PROPERTY" SHALL MEAN CHATTELS AND OTHER TANGIBLE THINGS OF A MOVABLE OR REMOVABLE NATURE.

13. "PROPERTY" SHALL MEAN BOTH REAL AND PERSONAL PROPERTY.

14. "MASTER PLAN" SHALL MEAN AN ACTION PLAN FOR IMPLEMENTATION OF IMPROVEMENTS TO SUCH MEANS OF PUBLIC TRANSPORTATION AND RELATED SERVICES BY OMNIBUS, RAILROAD AND MARINE AND AVIATION FACILITIES AS THE AUTHORITY MAY CONTEMPLATE WITHIN THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT TO EFFECTUATE THE PURPOSES OF THIS TITLE.

15. "JOINT SERVICE ARRANGEMENT" SHALL MEAN AGREEMENTS BETWEEN OR AMONG THE AUTHORITY AND ANY COMMON CARRIER OR FREIGHT FORWARDER, THE STATE, ANY STATE AGENCY, THE FEDERAL GOVERNMENT, ANY OTHER STATE OR AGENCY OR INSTRUMENTALITY THEREOF, ANY PUBLIC AUTHORITY OF THIS OR ANY OTHER STATE, OR ANY POLITICAL SUBDIVISION OR MUNICIPALITY OF THE STATE, RELATING TO PROPERTY, BUILDINGS, STRUCTURES, FACILITIES, SERVICES, RATES, FARES, CLASSIFICATIONS, DIVISIONS, ALLOWANCES OR CHARGES (INCLUDING CHARGES BETWEEN OPERATORS OF RAILROAD, OMNIBUS, MARINE AND AVIATION FACILITIES), OR RULES OR REGULATIONS PERTAINING THERETO, FOR OR IN

CONNECTION WITH OR INCIDENTAL TO TRANSPORTATION IN PART IN OR UPON RAILROAD, OMNIBUS, MARINE OR AVIATION FACILITIES LOCATED WITHIN THE DISTRICT AND IN PART IN OR UPON RAILROAD, OMNIBUS, MARINE OR AVIATION FACILITIES LOCATED OUTSIDE THE DISTRICT.

16. "PROJECT" SHALL MEAN ANY UNDERTAKING BY THE AUTHORITY WITHIN THE DISTRICT INCLUDING BUT NOT LIMITED TO PORT OR HARBOR FACILITIES, TRANSPORTATION PROPERTIES, ACCESS AND SERVICE ROADS AND BRIDGES, EQUIPMENT, APPURTENANCES, UTILITIES, AIRPORT FACILITIES AND ANY OTHER IMPROVEMENT UNDER AUTHORITY JURISDICTION WITHIN THE REGIONAL DISTRICT.

17. "FACILITY" SHALL MEAN, AMONG OTHER THINGS, SUCH PROPERTIES, STRUCTURES, APPURTENANCES, UTILITIES, TERMINALS, WHARFS, DOCKS, PIERS, RAILROAD TRACKAGE, WAREHOUSES, ELEVATORS, EQUIPMENT FOR HANDLING FREIGHT AND PASSENGERS AND VEHICLES AND SUCH OTHER WORKS, PROPERTIES, BUILDINGS OR ALLIED ITEMS NECESSARY OR DESIRABLE IN CONNECTION WITH DEVELOPMENT, OPERATION, MAINTENANCE OR IMPROVEMENT OF PORT, AIRPORT AND PUBLIC TRANSPORTATION NEEDS FOR THE ACCOMMODATION, SAFETY OR COMFORT OF THE PUBLIC AND COMMERCIAL ENTERPRISE FOR THE REGIONAL TRANSPORTATION DISTRICT.

18. "EQUIPMENT" SHALL MEAN ROLLING STOCK, OMNIBUSES, VEHICLES, AIR, MARINE OR SURFACE CRAFT, MOTORS, BOILERS, ENGINES, AND OTHER INSTRUMENTALITIES USED OR USEFUL THEREFOR OR IN CONNECTION THEREWITH.

19. "OMNIBUS FACILITIES" SHALL MEAN MOTOR VEHICLES, OF THE TYPE OPERATED BY CARRIERS SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION, ENGAGED IN THE TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE, EXPRESS AND MAIL BETWEEN POINTS WITHIN THE DISTRICT OR PURSUANT TO JOINT SERVICE ARRANGEMENTS, AND EQUIPMENT, PROPERTY, BUILDINGS, STRUCTURES, IMPROVEMENTS, LOADING OR UNLOADING AREAS, PARKING AREAS, BERTHING FACILITIES OR OTHER FACILITIES, NECESSARY, CONVENIENT OR DESIRABLE FOR THE ACCOMMODATION OF SUCH MOTOR VEHICLES OR THEIR PASSENGERS, INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES AND AREAS NOTWITHSTANDING THAT PORTIONS MAY NOT BE DEVOTED TO ANY OMNIBUS PURPOSE OTHER THAN THE PRODUCTION OF REVENUES AVAILABLE FOR THE COSTS AND EXPENSES OF ALL OR ANY FACILITIES OF THE AUTHORITY.

20. "RAILROAD FACILITIES" SHALL MEAN RIGHT-OF-WAY AND RELATED TRACKAGE, RAILS, CARS, LOCOMOTIVES, OTHER ROLLING STOCK, SIGNAL, POWER, FUEL, COMMUNICATION AND VENTILATION SYSTEMS, POWER PLANTS, STATIONS, TERMINALS, STORAGE YARDS, REPAIR AND MAINTENANCE SHOPS, YARDS, EQUIPMENT AND PARTS, OFFICES AND OTHER REAL ESTATE OR PERSONALTY USED OR HELD FOR OR INCIDENTAL TO THE OPERATION, REHABILITATION OR IMPROVEMENT OF ANY RAILROAD OPERATING OR TO OPERATE BETWEEN POINTS WITHIN THE DISTRICT OR PURSUANT TO JOINT SERVICE ARRANGEMENTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES, AND AREAS NOTWITHSTANDING THAT PORTIONS THEREOF MAY NOT BE DEVOTED TO ANY RAILROAD PURPOSE OTHER THAN THE PRODUCTION OF REVENUES AVAILABLE FOR THE COSTS AND EXPENSES OF ALL OR ANY FACILITIES OF THE AUTHORITY.

21. "REAL PROPERTY" SHALL MEAN LANDS, STRUCTURES, FRANCHISES AND INTERESTS IN LAND, WATERS, LANDS UNDER WATER, RIPARIAN RIGHTS AND ANY AND ALL THINGS AND RIGHTS INCLUDED WITHIN SAID TERM AND INCLUDES NOT ONLY FEES SIMPLE ABSOLUTE BUT ALSO ANY AND ALL LESSER INTERESTS INCLUDING BUT NOT LIMITED TO EASEMENTS, RIGHTS OF WAY, USES, LEASES, LICENSES AND ALL OTHER INCORPOREAL HEREDITAMENTS AND EVERY ESTATE, INTEREST OR RIGHT, LEGAL OR EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS THEREON BY WAY OF JUDGMENTS, MORTGAGES OR OTHERWISE.

22. "MARINE AND AVIATION FACILITIES" SHALL MEAN EQUIPMENT AND CRAFT FOR THE TRANSPORTATION OF PASSENGERS, MAIL AND CARGO BETWEEN POINTS FROM AND TO AND WITHIN THE DISTRICT OR PURSUANT TO JOINT SERVICE ARRANGEMENTS, BY MARINE CRAFT AND AIRCRAFT OF ALL TYPES INCLUDING BUT NOT

LIMITED TO HYDROFOILS, FERRIES, LIGHTERS, TUGS, BARGES, HELICOPTERS, AMPHIBIANS, SEAPLANES OR OTHER CONTRIVANCES NOW OR HEREAFTER USED IN NAVIGATION OR MOVEMENT ON WATERWAYS OR IN THE NAVIGATION OF OR FLIGHT IN AIRSPACE. IT SHALL ALSO MEAN ANY AIRPORT FACILITY WITHIN THE TRANSPORTATION DISTRICT, INCLUDING BUT NOT LIMITED TO ANY FACILITY OR REAL PROPERTY NECESSARY, CONVENIENT OR DESIRABLE FOR THE LANDING, TAKING OFF, ACCOMMODATION OR SERVICING OF SUCH AIRCRAFT, AND SHALL INCLUDE SUCH FACILITIES, PROPERTY, STRUCTURES AND APPURTENANCES AS MAY BE NECESSARY OR CONVENIENT IN THE OPERATION, MAINTENANCE, DEVELOPMENT OR IMPROVEMENT OF AIRPORTS INCLUDING FACILITIES, PROPERTY, STRUCTURES, AND APPURTENANCES, LEASED BY THE AUTHORITY TO PERSONS, FIRMS OR CORPORATIONS ENGAGED IN AIR TRANSPORTATION OR THE PRODUCTION OR DEVELOPMENT OF MATERIALS, GOODS OR EQUIPMENT FOR AIRPORTS OR AIR TRANSPORTATION OR IN PROVIDING FACILITIES FOR THE ACCOMMODATION, SAFETY OR COMFORT OF THE TRAVELING PUBLIC AND FOR PURPOSES RELATED OR INCIDENTAL TO ONE OR MORE OF THE FOREGOING PURPOSES. IT SHALL ALSO MEAN PORT FACILITIES IN THE TRANSPORTATION DISTRICT INCLUDING, BUT NOT LIMITED TO, (A) ONE OR MORE DOCKS, ELEVATORS, WHARVES, PIERS, BULKHEADS, SLIPS, BASINS, HARBORS, RAILROAD CONNECTIONS, SIDE TRACKS OR SIDINGS, FREIGHT TERMINALS, WAREHOUSES, BRIDGES, TUNNELS, AND AREAS FOR STORAGE OF CARGOES, MATERIALS, GOODS, WARES, AND MERCHANDISE OF ANY KIND AND FOR THE LOADING, UNLOADING, INTERCHANGE OR TRANSFER OF ANY SUCH CARGOES, MATERIALS, GOODS, WARES AND MERCHANDISE; (B) OTHER BUILDINGS, STRUCTURES, FACILITIES OR IMPROVEMENTS NECESSARY TO ACCOMMODATE STEAMSHIPS OR OTHER VESSELS AND THEIR CARGOES OR PASSENGERS; AND (C) ALL REAL AND PERSONAL PROPERTY, DRIVEWAYS, ROADS, APPROACHES, MECHANICAL EQUIPMENT AND ALL APPURTENANCES AND FACILITIES EITHER ON, ABOVE OR UNDER THE GROUND WHICH ARE NECESSARY, CONVENIENT OR DESIRABLE FOR THE DEVELOPMENT, CONTROL AND OPERATION OF PORT FACILITIES IN THE TRANSPORTATION DISTRICT.

23. "TRANSPORTATION FACILITY" SHALL MEAN ANY RAILROAD, OMNIBUS, MARINE OR AVIATION FACILITY AND ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION WHICH OWNS, LEASES OR OPERATES ANY SUCH FACILITY OR ANY OTHER FACILITY USED FOR SERVICE IN THE TRANSPORTATION OF PASSENGERS, UNITED STATES MAIL OR PERSONAL PROPERTY AS A COMMON CARRIER FOR HIRE AND ANY PORTION THEREOF AND THE RIGHTS, LEASEHOLDS OR OTHER INTEREST THEREIN TOGETHER WITH ROUTES, TRACKS, EXTENSIONS, CONNECTIONS, PARKING LOTS, GARAGES, WAREHOUSES, YARDS, STORAGE YARDS, MAINTENANCE AND REPAIR SHOPS, TERMINALS, STATIONS AND OTHER RELATED FACILITIES THEREOF, THE DEVICES, APPURTENANCES, AND EQUIPMENT THEREOF AND POWER PLANTS AND OTHER INSTRUMENTALITIES USED OR USEFUL THEREFOR OR IN CONNECTION THEREWITH.

24. "COMMISSIONER" SHALL MEAN COMMISSIONER OF TRANSPORTATION OF THE STATE OF NEW YORK.

S 1349-C. PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. THERE IS HEREBY CREATED AND ESTABLISHED A TRANSPORTATION DISTRICT TO BE KNOWN AS THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. THIS DISTRICT SHALL EMBRACE THE TOWNS OF BROOKHAVEN, EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHAMPTON, AND SOUTHOLD IN THE COUNTY OF SUFFOLK. THE TRANSPORTATION DISTRICT SHALL ALSO INCLUDE ALL LANDS AND WATER AND ALL LANDS UNDER WATER AND ALL RIVERS, BAYS AND HARBORS, WITHIN ANY OF THE TOWNS OF SAID DISTRICT.

S 1349-D. PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY. 1. THERE IS HEREBY CREATED THE PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY. THE AUTHORITY SHALL BE A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC BENEFIT CORPORATION. IT SHALL CONSIST OF SIX MEMBERS WITH ONE MEMBER FROM EACH TOWN IN THE REGIONAL TRANSPORTATION DISTRICT. THE TOWN SUPERVISOR OF EACH TOWN, OR A DESIGNATED REPRESENTATIVE APPOINTED BY THE TOWN

SUPERVISOR SHALL BE A MEMBER. THE MEMBERS SHALL ELECT ONE OF ITS MEMBERS AS CHAIRPERSON.

2. THE MEMBERS OF THE AUTHORITY, INCLUDING THE CHAIR, SHALL NOT RECEIVE A SALARY OR OTHER COMPENSATION WHEN RENDERING SERVICE AS A MEMBER OF THE AUTHORITY OR AS A MEMBER OF ONE OF ITS SUBSIDIARY CORPORATIONS, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

3. A MAJORITY OF THE WHOLE NUMBER OF VOTES OF MEMBERS OF THE AUTHORITY SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OR THE EXERCISE OF ANY POWER OF THE AUTHORITY. EXCEPT AS OTHERWISE SPECIFIED IN THIS TITLE, FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF THE AUTHORITY, THE AUTHORITY SHALL HAVE POWER TO ACT BY A MAJORITY VOTE OF THE MEMBERS PRESENT AT ANY MEETING AT WHICH A QUORUM IS IN ATTENDANCE. EACH MEMBER OF THE AUTHORITY SHALL HAVE ONE VOTE.

4. THE AUTHORITY SHALL BE A "STATE AGENCY" FOR THE PURPOSES OF SECTIONS SEVENTY-THREE AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

5. THE AUTHORITY SHALL CONTINUE SO LONG AS IT SHALL HAVE BONDS OR OTHER OBLIGATIONS OUTSTANDING AND UNTIL ITS EXISTENCE SHALL BE TERMINATED BY LAW. UPON THE TERMINATION OF THE EXISTENCE OF THE AUTHORITY, ALL ITS RIGHTS AND PROPERTIES SHALL PASS TO AND BE VESTED IN THE STATE.

S 1349-E. PURPOSES OF THE AUTHORITY. 1. THE PURPOSES OF THE AUTHORITY SHALL BE THE CONTINUANCE, FURTHER DEVELOPMENT AND IMPROVEMENT OF TRANSPORTATION AND OTHER SERVICES RELATED THERETO WITHIN THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT, BY RAILROAD, OMNIBUS, MARINE AND AIR, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

2. IT IS HEREBY FOUND AND DECLARED THAT SUCH PURPOSES ARE IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND THE AUTHORITY SHALL BE REGARDED AS PERFORMING AN ESSENTIAL GOVERNMENTAL FUNCTION IN CARRYING OUT ITS PURPOSES AND IN EXERCISING THE POWERS GRANTED BY THIS TITLE.

S 1349-F. FORMULATION, FILING AND ADOPTION OF MASTER PLAN; AMENDMENTS. THE AUTHORITY SHALL FORMULATE A MASTER PLAN FOR TRANSPORTATION WITHIN THE DISTRICT. IN FORMULATING SUCH MASTER PLAN, THE AUTHORITY SHALL CONSULT AND COOPERATE WITH THE COMMISSIONER AND PLANNING AUTHORITIES IN THE AREAS OF ITS OPERATIONS, AND SHALL UTILIZE STATE, LOCAL OR REGIONAL TRANSPORTATION PLANNING. THE AUTHORITY SHALL REQUEST AND USE EXISTING STUDIES, PLANS, SURVEYS, DATA AND OTHER MATERIALS COMPLETED BY OR UNDER DEVELOPMENT BY ANY STATE AGENCY OR MUNICIPALITY OR POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY SHALL FILE COPIES OF SUCH PLAN WITH THE COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARD OF EACH TOWN WITHIN THE REGIONAL TRANSPORTATION DISTRICT, AND THE LEGISLATURE OF THE COUNTY OF SUFFOLK. THE PLAN SHALL CONTAIN INFORMATION REGARDING THE TRANSPORTATION SYSTEM THAT THE AUTHORITY INTENDS TO PROVIDE INCLUDING INFORMATION REGARDING THE FACILITIES CONNECTED THEREWITH, THE SERVICES THE AUTHORITY CONTEMPLATES PROVIDING AND THE ESTIMATED COSTS AND THE PROPOSED METHOD OF FINANCING. DURING SIXTY DAYS AFTER THE FILING OF THE MASTER PLAN WITH THE COMMISSIONER, IN THE OFFICE OF THE SUFFOLK COUNTY PLANNING BOARD, WITH THE TOWN BOARDS OF THE TOWNS WITHIN THE REGIONAL TRANSPORTATION DISTRICT, AND WITH THE LEGISLATURE OF SUFFOLK COUNTY, AS AFORESAID, SAID PLAN SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OR OFFICES OF THE AUTHORITY AND AT SUCH OTHER PLACES IN THE TOWNS AFFECTED, WITHIN THE DISTRICT, AS THE AUTHORITY MAY DESIGNATE. NOT EARLIER THAN THIRTY DAYS AFTER THE FILING OF SAID MASTER PLAN WITH THE COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARDS, AND THE LEGISLATURE OF SUFFOLK COUNTY, A PUBLIC HEARING ON SAID PLANS SHALL BE HELD BY THE AUTHORITY. NOTICE OF SUCH A HEARING SHALL BE GIVEN TO

THE COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARDS, AND THE LEGISLATURE OF THE COUNTY OF SUFFOLK, AS AFORESAID AND BY PUBLICATION ONCE A WEEK FOR TWO WEEKS PRIOR TO THE SAID HEARING AT THE TIME AND PLACE FIXED BY THE AUTHORITY IN NEWSPAPERS OF GENERAL CIRCULATION WITHIN THE AREAS AFFECTED, TO BE SELECTED BY THE AUTHORITY. THE LAST PUBLICATION DATE SHALL NOT BE LESS THAN FIVE DAYS BEFORE SAID HEARING. WITHIN THIRTY DAYS FOLLOWING SAID PUBLIC HEARING, THE AUTHORITY SHALL PROVIDE A TRANSCRIPT OF SUCH HEARING TO THE COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, EACH TOWN BOARD, AND THE LEGISLATURE OF THE COUNTY OF SUFFOLK AS AFORESAID, TOGETHER WITH ANY AMENDMENTS THE AUTHORITY MAY PROPOSE TO THE MASTER PLAN. THE AUTHORITY SHALL REQUEST APPROVAL OF THE MASTER PLAN, INCLUDING SUCH AMENDMENTS AS THE AUTHORITY MAY PROPOSE, FROM EACH TOWN BOARD AND THE COMMISSIONER. ANY PART OF SAID PLAN WHICH IS DISAPPROVED BY A TOWN BECAUSE IT ALTERS EXISTING SERVICES OR THE FINANCING THEREOF WITHIN SAID TOWN SHALL NOT BECOME OPERATIVE. THIS DISAPPROVAL OF PART OR PARTS OF THE PLAN SHALL NOT MAKE THE ENTIRE PLAN INOPERATIVE. ANY PART OF SAID PLAN WHICH IS DISAPPROVED BY THE COMMISSIONER BECAUSE IT CONFLICTS WITH A STATE-WIDE COMPREHENSIVE MASTER PLAN FOR TRANSPORTATION, OR IN THE ABSENCE OF SUCH PLANS, WOULD HAVE AN ADVERSE EFFECT UPON SOUND TRANSPORTATION DEVELOPMENT POLICY AND PLANNING, SHALL NOT BECOME OPERATIVE. IF THE SAID TOWN BOARDS FAIL TO ACT WITHIN SAID SIXTY DAYS OR IN THE CASE OF THE COMMISSIONER WITHIN FORTY DAYS AFTER APPROVAL IS REQUESTED, SAID FAILURE SHALL BE DEEMED APPROVAL, AND THE AUTHORITY MAY ADOPT THE MASTER PLAN BY A MAJORITY VOTE OF ITS MEMBERSHIP AND MAY INCLUDE CHANGES, IF ANY, RECOMMENDED BY THE COMMISSIONER, PLANNING BOARD OR TOWN BOARD. THE MASTER PLAN MAY BE AMENDED FROM TIME TO TIME IN THE SAME MANNER USING THE PROCEDURES OUTLINED IN THIS SECTION FOR THE ORIGINAL ADOPTION, EXCEPT THAT PROPOSED CHANGES MADE BY THE AUTHORITY UPON RECOMMENDATIONS OF THE COMMISSIONER, SAID TOWN BOARDS OR SUFFOLK COUNTY PLANNING BOARD IN THE FIRST PLAN MAY BE EMBODIED OR CONTINUED BY A MAJORITY VOTE OF THE AUTHORITY WITHOUT ADDITIONAL HEARINGS THEREON AS REQUIRED FOR THE AMENDMENTS PROPOSED TO BE MADE.

S 1349-G. FILING FIVE YEAR PERFORMANCE, CAPITAL AND OPERATING FINANCE PLANS. 1. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNUALLY THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT AN OPERATIONAL PERFORMANCE PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY FIRST. THE PLAN SHALL SET OPERATIONAL PERFORMANCE PLAN GOALS AND OBJECTIVES, AND SHALL ESTABLISH PERFORMANCE INDICATORS TO MEASURE STANDARDS OF SERVICE AND OPERATIONS. THE PERFORMANCE INDICATORS SHALL INCLUDE: REVENUE PASSENGERS, TOTAL PASSENGERS, REVENUE VEHICLE MILES, REVENUE VEHICLE HOURS, NUMBER OF EMPLOYEES BY DEPARTMENT, VEHICLE MEAN DISTANCE BETWEEN FAILURES, ON-TIME PERFORMANCE FOR TOTAL SERVICE PROVIDED, THE COST PER PASSENGER, THE COST PER REVENUE VEHICLE MILE AND THE OPERATING-REVENUE-TO-COST RATIO.

(B) QUARTERLY REPORTS SHALL BE PREPARED FOR AUTHORITY MEMBERS ON OPERATING PERFORMANCE. THE FIRST SUCH REPORT SHALL COVER THE THREE-MONTH PERIOD COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE AND SHALL BE SUBMITTED NO LATER THAN THIRTY DAYS AFTER THE END OF THE QUARTER. THEREAFTER, QUARTERLY REPORTS SHALL BE SUBMITTED ON THE LAST DAY OF JANUARY, APRIL, JULY, AND OCTOBER OF EACH YEAR. THE REPORT SHALL COMPARE THE PERFORMANCE INDICATORS FOR THE MOST RECENT QUARTER AND THE YEAR-TO-DATE PERFORMANCE INDICATORS WITH THE SAME TIME PERIOD IN THE PREVIOUS YEAR WITH THE ANNUAL GOALS ESTABLISHED PURSUANT TO THIS SUBDIVISION.

2. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNUALLY THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT A CAPI-

TAL PROGRAM PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY FIRST. THE PLAN SHALL CONTAIN THE CAPITAL PROGRAM, SEPARATELY ITEMIZED.

(B) THE PLAN SHALL SET GOALS AND OBJECTIVES BY FUNCTION FOR CAPITAL SPENDING, ESTABLISH STANDARDS FOR SERVICE AND OPERATION, DESCRIBE EACH CAPITAL PROJECT TO BE INITIATED IN EACH OF THE YEARS COVERED BY THE PLAN AND EXPLAIN HOW EACH PROPOSED PROJECT SUPPORTS THE GOALS AND OBJECTIVES AND THE SERVICE AND OPERATIONAL STANDARDS ESTABLISHED IN THE PERFORMANCE PLAN. THE PLAN SHALL LIST SEPARATELY BY FUNCTION THOSE PROJECTS CONTRIBUTING TO THE MAINTENANCE OF THE SYSTEM INFRASTRUCTURE AND THOSE INTENDED TO ENHANCE THE SYSTEM. THE PLAN SHALL ALSO INCLUDE AN ESTIMATED COST FOR EACH PROJECT AND SET FORTH AN ESTIMATE OF THE AMOUNT OF CAPITAL FUNDING REQUIRED FOR EACH YEAR OF THE PLAN AND THE EXPECTED SOURCES OF SUCH FUNDING. IT SHALL ALSO INCLUDE A PROJECT SCHEDULE FOR THE INITIATION AND COMPLETION OF EACH PROJECT. EACH PLAN SUBSEQUENT TO THE FIRST SUCH PLAN SHALL DESCRIBE THE CURRENT STATUS OF EACH CAPITAL PROJECT WHICH HAS A TOTAL ESTIMATED COST OF ONE HUNDRED THOUSAND DOLLARS OR MORE AND WHICH WAS INCLUDED IN THE PREVIOUSLY ADOPTED PLAN.

(C) IN ADDITION TO THE ANNUAL UPDATE, A QUARTERLY CAPITAL PLAN STATUS REPORT SHALL BE PROVIDED TO THE AUTHORITY MEMBERS AND SHALL INCLUDE, BUT NOT BE LIMITED TO, A DESCRIPTION OF ANY MATERIAL CHANGE IN THE SCOPE, COST, FUNDING OR TIME OF INITIATION OR COMPLETION OF A PROJECT WHICH HAS A TOTAL ESTIMATED COST OF ONE HUNDRED THOUSAND DOLLARS OR MORE, AS ADOPTED IN THE PLAN. THE FIRST SUCH REPORT SHALL COVER THE THREE-MONTH PERIOD COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE AND SHALL BE SUBMITTED NO LATER THAN THIRTY DAYS AFTER THE END OF THE QUARTER. THEREAFTER, QUARTERLY REPORTS SHALL BE SUBMITTED ON THE LAST DAY OF JANUARY, APRIL, JULY, AND OCTOBER OF EACH YEAR.

3. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNUALLY THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT AN OPERATING FINANCE PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY FIRST. THE PLAN SHALL INCLUDE THE ANNUAL ESTIMATED OPERATING COST FOR EACH FUNCTION. THE PLAN SHALL INCLUDE THE PROPOSED METHOD OF FINANCING FOR THE LEVEL OF SERVICE DEFINED FOR EACH YEAR OF THE PLAN AND SHALL FULLY ALLOCATE THE AUTHORITY'S GENERAL COSTS TO EACH OF THE ABOVE SEPARATE FUNCTIONS. THE PLAN SHALL PROVIDE A NARRATIVE DESCRIBING THE OVERALL FINANCIAL CONDITION OF THE OPERATING BUDGET OF THE AUTHORITY.

(B) IN ADDITION TO THE ANNUAL UPDATE, QUARTERLY OPERATING BUDGET REPORTS SHALL BE PREPARED FOR THE AUTHORITY MEMBERS ON THE FINANCIAL CONDITION OF EACH OF THE AUTHORITY'S FUNCTIONS. THE FIRST SUCH REPORT SHALL COVER THE THREE-MONTH PERIOD COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE AND SHALL BE SUBMITTED NO LATER THAN THIRTY DAYS AFTER THE END OF THE QUARTER. THEREAFTER, QUARTERLY REPORTS SHALL BE SUBMITTED ON THE LAST DAY OF JANUARY, APRIL, JULY, AND OCTOBER OF EACH YEAR. THE REPORTS SHALL INCLUDE A BUDGETARY COMPARISON OF THE MOST RECENT QUARTER AND YEAR-TO-DATE ACTUAL REVENUE AND EXPENDITURES WITH THE SAME TIME PERIOD IN THE PREVIOUS YEAR AND WITH THE PROJECTIONS FOR THAT TIME PERIOD BASED ON THE BOARD APPROVED BUDGET.

4. ANY AND ALL REPORTS, INCLUDING INTERIM REPORTS, SHALL BE SUBMITTED TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE COMMISSIONER AND THE TOWN BOARD OF EACH TOWN WITHIN THE REGIONAL TRANSPORTATION DISTRICT, THE PRESIDENT AND THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

S 1349-H. GENERAL POWERS OF THE AUTHORITY. 1. EXCEPT AS OTHERWISE LIMITED BY THIS TITLE, THE AUTHORITY SHALL HAVE POWER:

(A) TO SUE AND BE SUED;

(B) TO HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

(C) TO BORROW MONEY AND ISSUE NEGOTIABLE NOTES, BONDS OR OTHER OBLIGATIONS AND TO PROVIDE FOR THE RIGHTS OF THE HOLDERS THEREOF;

(D) TO INVEST ANY FUNDS HELD IN RESERVE OR SINKING FUNDS, OR ANY MONIES NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT, AT THE DISCRETION OF THE AUTHORITY, IN OBLIGATIONS OF THE STATE OR THE UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCIPAL AND INTEREST OF WHICH ARE GUARANTEED BY THE STATE OR THE UNITED STATES GOVERNMENT; OR CERTIFICATES OF DEPOSIT OF BANKS OR TRUST COMPANIES OR IN BANK OR TRUST ACCOUNTS OF BANKS IN THIS STATE, SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE OF NEW YORK OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT;

(E) TO MAKE AND ALTER BY-LAWS FOR ITS ORGANIZATION AND INTERNAL MANAGEMENT, AND RULES AND REGULATIONS GOVERNING THE EXERCISE OF ITS POWERS AND THE FULFILLMENT OF ITS PURPOSES UNDER THIS TITLE;

(F) TO ENTER INTO CONTRACTS AND LEASES AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT;

(G) TO ACQUIRE, HOLD AND DISPOSE OF REAL OR PERSONAL PROPERTY IN THE EXERCISE OF ITS POWERS;

(H) TO APPOINT A GENERAL MANAGER, WHO SHALL SERVE AT THE PLEASURE OF THE AUTHORITY, AND SUCH OFFICERS AND EMPLOYEES THAT THE AUTHORITY MAY REQUIRE FOR THE PERFORMANCE OF ITS DUTIES, AND TO FIX AND DETERMINE THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION AND TO RETAIN OR EMPLOY COUNSEL, AUDITORS, ENGINEERS AND PRIVATE CONSULTANTS ON A CONTRACT BASIS OR OTHERWISE FOR RENDERING PROFESSIONAL, MANAGEMENT OR TECHNICAL SERVICES AND ADVICE; SUCH GENERAL MANAGER, COUNSEL, AUDITORS, ENGINEERS, AND PRIVATE CONSULTANTS, OFFICERS AND EMPLOYEES MAY NOT BE A MEMBER OF THE AUTHORITY;

(I) (1) NOTWITHSTANDING SECTION ONE HUNDRED THIRTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW OR ANY OTHER GENERAL OR SPECIAL LAW, THE AUTHORITY AND ANY OF ITS SUBSIDIARY CORPORATIONS MAY CONTINUE OR PROVIDE TO ITS AFFECTED OFFICERS AND EMPLOYEES ANY RETIREMENT, DISABILITY, DEATH OR OTHER BENEFITS PROVIDED OR REQUIRED FOR RAILROAD PERSONNEL PURSUANT TO FEDERAL OR STATE LAW. NOTWITHSTANDING ANY PROVISIONS OF THE CIVIL SERVICE LAW, NO OFFICER OR EMPLOYEE OF A SUBSIDIARY CORPORATION, OF THE AUTHORITY, OTHER THAN A PUBLIC BENEFIT SUBSIDIARY CORPORATION, SHALL BE A PUBLIC OFFICER OR A PUBLIC EMPLOYEE;

(2) THE AUTHORITY AND ANY OF ITS PUBLIC BENEFIT SUBSIDIARY CORPORATIONS MAY BE A "PARTICIPATING EMPLOYER" IN THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM WITH RESPECT TO ONE OR MORE CLASSES OF OFFICERS AND EMPLOYEES OF SUCH AUTHORITY OR ANY SUCH PUBLIC BENEFIT SUBSIDIARY CORPORATION, AS MAY BE PROVIDED BY RESOLUTION OF SUCH AUTHORITY OR ANY SUCH PUBLIC BENEFIT SUBSIDIARY CORPORATION, AS THE CASE MAY BE, OR ANY SUBSEQUENT AMENDMENT THEREOF, FILED WITH THE COMPTROLLER AND ACCEPTED BY HIM OR HER PURSUANT TO SECTION THIRTY-ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW. IN TAKING ANY ACTION PURSUANT TO THIS PARAGRAPH, THE AUTHORITY AND ANY OF ITS PUBLIC BENEFIT SUBSIDIARY CORPORATIONS SHALL CONSIDER THE COVERAGES AND BENEFITS CONTINUED OR PROVIDED PURSUANT TO SUBPARAGRAPH ONE OF THIS PARAGRAPH;

(J) TO MAKE PLANS, SURVEYS, AND STUDIES NECESSARY, CONVENIENT OR DESIRABLE TO THE EFFECTUATION OF THE PURPOSES AND POWERS OF THE AUTHORITY AND TO PREPARE RECOMMENDATIONS IN REGARD THERETO;

(K) TO ENTER UPON SUCH LANDS, WATERS OR PREMISES AS IN THE JUDGMENT OF THE AUTHORITY MAY BE NECESSARY, CONVENIENT OR DESIRABLE FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS, BORINGS AND EXAMINATIONS TO ACCOMPLISH ANY PURPOSE AUTHORIZED BY THIS TITLE, THE AUTHORITY BEING LIABLE FOR ACTUAL DAMAGES DONE;

(L) THE AUTHORITY MAY CONDUCT INVESTIGATIONS AND HEARINGS IN THE FURTHERANCE OF ITS GENERAL PURPOSES, AND IN AID THEREOF HAVE ACCESS TO ANY BOOKS, RECORDS OR PAPERS RELEVANT THERETO; AND IF ANY PERSON WHOSE TESTIMONY SHALL BE REQUIRED FOR THE PROPER PERFORMANCE OF THE DUTIES OF THE AUTHORITY SHALL FAIL OR REFUSE TO AID OR ASSIST THE AUTHORITY IN THE CONDUCT OF ANY INVESTIGATION OR HEARING, OR TO PRODUCE ANY RELEVANT BOOKS, RECORDS OR OTHER PAPERS, THE AUTHORITY IS AUTHORIZED TO APPLY FOR PROCESS OF SUBPOENA, TO ISSUE OUT OF ANY COURT OF GENERAL ORIGINAL JURISDICTION WHOSE PROCESS CAN REACH SUCH PERSON, UPON DUE CAUSE SHOWN;

(M) TO DO ALL THINGS NECESSARY, CONVENIENT OR DESIRABLE TO CARRY OUT ITS PURPOSES AND FOR THE EXERCISE OF THE POWERS GRANTED IN THIS TITLE;

(N) TO ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH LABOR REPRESENTATIVES DULY ELECTED BY THE EMPLOYEES OF THE AUTHORITY; AND

(O) TO INSURE OR PROVIDE FOR THE INSURANCE OF THE AUTHORITY'S PROPERTY OR OPERATIONS AS REQUIRED BY LAW AND ALSO AGAINST SUCH OTHER RISKS AS THE AUTHORITY MAY DEEM ADVISABLE.

2. THE AUTHORITY SHALL FILE IN THE OFFICE OF THE COMMISSIONER ANNUAL REPORTS, AFTER THE CLOSE OF EACH OF THE AUTHORITY'S FISCAL YEARS, WHICH SHALL BE OPEN TO PUBLIC INSPECTION. SUCH REPORTS SHALL INCLUDE, IN ADDITION TO ANY INFORMATION WHICH THE COMMISSIONER MAY REQUIRE, A STATEMENT WITH RESPECT TO ITS OPERATIONS INCLUDING THE FOLLOWING DATA:

(A) COST BREAKDOWN OF REAL PROPERTY ACQUIRED;

(B) COST BREAKDOWN IN APPROPRIATE UNITS OF FACILITIES ACQUIRED;

(C) OPERATING REVENUES; AND

(D) OPERATING EXPENSES.

THE AUTHORITY SHALL ALSO FILE COPIES OF SUCH REPORTS WITH THE TOWN BOARD OF EACH TOWN WITHIN THE REGIONAL TRANSPORTATION DISTRICT WHERE SUCH AUTHORITY OPERATES.

S 1349-I. SPECIAL POWERS OF THE AUTHORITY. IN ORDER TO EFFECTUATE THE PURPOSES OF THIS TITLE:

1. THE AUTHORITY MAY ACQUIRE, BY PURCHASE, GIFT, GRANT, TRANSFER, CONTRACT OR LEASE, OR CONDEMNATION, ANY TRANSPORTATION FACILITY, INCLUDING PORT OR RELATED FACILITIES WHOLLY OR PARTIALLY WITHIN THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT OR ANY PART THEREOF, OR THE USE THEREOF, AND MAY ENTER INTO ANY JOINT SERVICE ARRANGEMENTS AS PROVIDED IN THIS TITLE. ANY SUCH ACQUISITION OR JOINT SERVICE ARRANGEMENT SHALL BE AUTHORIZED ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY VOTE OF THE AUTHORITY.

2. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ITSELF ESTABLISH, CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR ANY SUCH TRANSPORTATION FACILITY, OR MAY PROVIDE FOR SUCH ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENOVATION, IMPROVEMENT, EXTENSION OR REPAIR BY CONTRACT, LEASE, OR OTHER ARRANGEMENT ON SUCH TERMS AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE WITH ANY PERSON, INCLUDING BUT NOT LIMITED TO ANY COMMON CARRIER OR FREIGHT FORWARDER, THE STATE, ANY STATE AGENCY, THE FEDERAL GOVERNMENT, ANY OTHER STATE OR AGENCY OR INSTRUMENTALITY THEREOF, ANY PUBLIC AUTHORITY OF THIS OR ANY OTHER STATE OR ANY POLITICAL SUBDIVISION OR MUNICIPALITY OF THE STATE. IN CONNECTION WITH THE OPERATION OF ANY SUCH TRANSPORTATION FACILITY, THE AUTHORITY MAY ESTABLISH, CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR OR MAY PROVIDE BY CONTRACT, LEASE OR OTHER ARRANGEMENT FOR THE ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENOVATION, IMPROVEMENT, EXTENSION OR REPAIR OF ANY RELATED SERVICES AND ACTIVITIES IT DEEMS NECESSARY, CONVENIENT OR DESIRABLE, INCLUDING BUT

NOT LIMITED TO THE TRANSPORTATION AND STORAGE OF FREIGHT AND THE UNITED STATES MAIL, FEEDER AND CONNECTING TRANSPORTATION, PARKING AREAS, TRANSPORTATION CENTERS, PORTS, STATIONS AND RELATED FACILITIES.

3. THE AUTHORITY MAY ESTABLISH, LEVY AND COLLECT OR CAUSE TO BE ESTABLISHED, LEVIED AND COLLECTED AND, IN THE CASE OF A JOINT SERVICE ARRANGEMENT, JOIN WITH OTHERS IN THE ESTABLISHMENT, LEVY AND COLLECTION OF SUCH FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES AS IT MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY TRANSPORTATION FACILITY AND RELATED SERVICES OPERATED BY THE AUTHORITY OR BY A SUBSIDIARY CORPORATION OF THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY. ANY SUCH FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER FEES FOR THE TRANSPORTATION OF PASSENGERS SHALL BE ESTABLISHED AND CHANGED ONLY IF APPROVED BY RESOLUTION OF THE AUTHORITY ADOPTED BY NOT LESS THAN A MAJORITY VOTE OF THE AUTHORITY AND ONLY AFTER A PUBLIC HEARING, PROVIDED HOWEVER, THAT FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER FEES FOR THE TRANSPORTATION OF PASSENGERS ON ANY TRANSPORTATION FACILITY WHICH ARE IN EFFECT AT THE TIME THAT THE THEN OWNER OF SUCH TRANSPORTATION FACILITY BECOMES A SUBSIDIARY CORPORATION OF THE AUTHORITY OR AT THE TIME THAT OPERATION OF SUCH TRANSPORTATION FACILITY IS COMMENCED BY THE AUTHORITY OR IS COMMENCED UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY MAY BE CONTINUED IN EFFECT WITHOUT SUCH A HEARING. SUCH FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES SHALL BE ESTABLISHED AS MAY IN THE JUDGMENT OF THE AUTHORITY BE NECESSARY TO MAINTAIN THE COMBINED OPERATIONS OF THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS ON A SELF-SUSTAINING BASIS. THE SAID OPERATIONS SHALL BE DEEMED TO BE ON A SELF-SUSTAINING BASIS AS REQUIRED BY THIS TITLE, WHEN THE AUTHORITY IS ABLE TO PAY OR CAUSE TO BE PAID FROM REVENUE AND ANY OTHER FUNDS OR PROPERTY ACTUALLY AVAILABLE TO THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS (A) AS THE SAME SHALL BECOME DUE, THE PRINCIPAL OF AND INTEREST ON THE BONDS AND NOTES AND OTHER OBLIGATIONS OF THE AUTHORITY AND OF SUCH SUBSIDIARY CORPORATIONS, TOGETHER WITH THE MAINTENANCE OF PROPER RESERVES THEREFOR, (B) THE COST AND EXPENSE OF KEEPING THE PROPERTIES AND ASSETS OF THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS IN GOOD CONDITION AND REPAIR, AND (C) THE CAPITAL AND OPERATING EXPENSES OF THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS. THE AUTHORITY MAY CONTRACT WITH THE HOLDERS OF BONDS AND NOTES WITH RESPECT TO THE EXERCISE OF THE POWERS AUTHORIZED BY THIS SECTION.

4. THE AUTHORITY MAY ESTABLISH AND, IN THE CASE OF JOINT SERVICE ARRANGEMENTS, JOIN WITH OTHERS IN THE ESTABLISHMENT OF SUCH SCHEDULES AND STANDARDS OF OPERATIONS AND SUCH OTHER RULES AND REGULATIONS INCLUDING BUT NOT LIMITED TO RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC AS IT MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY TRANSPORTATION FACILITY AND RELATED SERVICES OPERATED BY THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY. SUCH RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC SHALL BE FILED WITH THE DEPARTMENT OF STATE IN THE MANNER PROVIDED BY SECTION ONE HUNDRED TWO OF THE EXECUTIVE LAW. IN THE CASE OF ANY CONFLICT BETWEEN ANY SUCH RULE OR REGULATION OF THE AUTHORITY GOVERNING THE CONDUCT OR SAFETY OF THE PUBLIC AND ANY LOCAL LAW, ORDINANCE, RULE OR REGULATION, SUCH RULE OR REGULATION OF THE AUTHORITY SHALL PREVAIL. VIOLATION OF ANY SUCH RULE OR REGULATION OF THE AUTHORITY GOVERNING THE CONDUCT OR THE SAFETY OF THE PUBLIC IN OR UPON ANY FACILITY OF THE AUTHORITY SHALL CONSTITUTE AN OFFENSE AND SHALL BE

PUNISHABLE BY A FINE NOT EXCEEDING FIFTY DOLLARS OR IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS OR BOTH.

5. THE AUTHORITY MAY ACQUIRE, HOLD, OWN, LEASE, ESTABLISH, CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR ANY OF ITS FACILITIES THROUGH, AND CAUSE ANY ONE OR MORE OF ITS POWERS, DUTIES, FUNCTIONS OR ACTIVITIES TO BE EXERCISED OR PERFORMED BY, ONE OR MORE WHOLLY OWNED SUBSIDIARY CORPORATIONS OF THE AUTHORITY AND MAY TRANSFER TO OR FROM ANY SUCH CORPORATION ANY MONEYS, REAL PROPERTY OR OTHER PROPERTY FOR ANY OF THE PURPOSES OF THIS TITLE. THE DIRECTORS OR MEMBERS OF EACH SUCH SUBSIDIARY CORPORATION SHALL BE THE SAME PERSONS HOLDING THE OFFICES OF MEMBERS OF THE AUTHORITY. EACH SUCH SUBSIDIARY CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS AND ACTIVITIES SHALL HAVE ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS AND OTHER EXEMPTIONS OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY, FUNCTIONS AND ACTIVITIES. EACH SUCH SUBSIDIARY CORPORATION SHALL BE SUBJECT TO THE RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. EACH SUCH SUBSIDIARY CORPORATION SHALL BE SUBJECT TO SUIT IN ACCORDANCE WITH SECTION THIRTEEN HUNDRED FORTY-NINE-S OF THIS TITLE. THE EMPLOYEES OF ANY SUCH SUBSIDIARY CORPORATION, EXCEPT THOSE WHO ARE ALSO EMPLOYEES OF THE AUTHORITY, SHALL NOT BE DEEMED EMPLOYEES OF THE AUTHORITY. IF THE AUTHORITY SHALL DETERMINE THAT ONE OR MORE OF ITS SUBSIDIARY CORPORATIONS SHOULD BE IN THE FORM OF A PUBLIC BENEFIT CORPORATION, IT SHALL CREATE EACH SUCH PUBLIC BENEFIT CORPORATION BY EXECUTING AND FILING WITH THE SECRETARY OF STATE A CERTIFICATE OF INCORPORATION, WHICH MAY BE AMENDED FROM TIME TO TIME BY FILING, WHICH SHALL SET FORTH THE NAME OF SUCH PUBLIC BENEFIT SUBSIDIARY CORPORATION, ITS DURATION, THE LOCATION OF ITS PRINCIPAL OFFICE, AND ANY OR ALL OF THE PURPOSES OF ACQUIRING, OWNING, LEASING, ESTABLISHING, CONSTRUCTING, EFFECTUATING, OPERATING, MAINTAINING, RENOVATING, IMPROVING, EXTENDING OR REPAIRING ONE OR MORE FACILITIES OF THE AUTHORITY. EACH SUCH PUBLIC BENEFIT SUBSIDIARY CORPORATION SHALL BE A BODY POLITIC AND CORPORATE AND SHALL HAVE ALL THOSE POWERS VESTED IN THE AUTHORITY BY THE PROVISIONS OF THIS TITLE WHICH THE AUTHORITY SHALL DETERMINE TO INCLUDE IN ITS CERTIFICATE OF INCORPORATION EXCEPT THE POWER TO CONTRACT INDEBTEDNESS. WHENEVER ANY STATE, POLITICAL SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION OR PERSON IS AUTHORIZED AND EMPOWERED FOR ANY OF THE PURPOSES OF THIS TITLE TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE AUTHORITY SUCH STATE, POLITICAL SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION OR PERSON SHALL HAVE THE SAME AUTHORIZATION AND POWER FOR ANY OF SUCH PURPOSES TO COOPERATE AND ENTER INTO AGREEMENTS WITH A SUBSIDIARY CORPORATION OF THE AUTHORITY.

6. THE AUTHORITY, IN ITS OWN NAME OR IN THE NAME OF THE STATE, MAY APPLY FOR AND RECEIVE AND ACCEPT GRANTS OF PROPERTY, MONEY AND SERVICES AND OTHER ASSISTANCE OFFERED OR MADE AVAILABLE TO IT BY ANY PERSON, GOVERNMENT OR AGENCY WHATEVER, WHICH IT MAY USE OR MEET CAPITAL OR OPERATING EXPENSES AND FOR ANY OTHER USE WITHIN THE SCOPE OF ITS POWERS, AND TO NEGOTIATE FOR THE SAME UPON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY DETERMINE TO BE NECESSARY, CONVENIENT OR DESIRABLE.

7. THE AUTHORITY MAY DO ALL THINGS IT DEEMS NECESSARY, CONVENIENT OR DESIRABLE TO MANAGE, CONTROL AND DIRECT THE MAINTENANCE AND OPERATION OF TRANSPORTATION FACILITIES, EQUIPMENT OR REAL PROPERTY OPERATED BY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. EXCEPT AS SPECIALLY PROVIDED IN THIS TITLE, NO MUNICIPALITY OR POLITICAL SUBDIVISION, INCLUDING BUT NOT LIMITED TO A COUNTY, CITY, VILLAGE, TOWN OR SCHOOL OR OTHER DISTRICT SHALL HAVE JURISDICTION OVER ANY FACILITIES OF

THE AUTHORITY OR ANY OF ITS ACTIVITIES OR OPERATIONS. IN THE OPERATION, MAINTENANCE AND CONTROL OF ANY FACILITIES DEVOTED TO PURPOSES OTHER THAN DIRECT TRANSPORTATION PURPOSES, THE AUTHORITY SHALL BE SUBJECT TO ALL LOCAL LAWS, RESOLUTIONS, ORDINANCES, RULES AND REGULATIONS OF A MUNICIPALITY OR POLITICAL SUBDIVISION. EACH MUNICIPALITY OR POLITICAL SUBDIVISION, INCLUDING BUT NOT LIMITED TO A COUNTY, CITY, VILLAGE, TOWN OR DISTRICT IN WHICH ANY FACILITIES OF THE AUTHORITY ARE LOCATED SHALL PROVIDE FOR SUCH FACILITIES POLICE, FIRE AND HEALTH PROTECTION SERVICES OF THE SAME CHARACTER AND TO THE SAME EXTENT AS THOSE PROVIDED FOR RESIDENTS OF SUCH MUNICIPALITY OR POLITICAL SUBDIVISION. THE AUTHORITY MAY AGREE WITH THE STATE DEPARTMENT OF TRANSPORTATION FOR THE EXECUTION BY SUCH DEPARTMENT OF ANY GRADE CROSSING ELIMINATION PROJECT OR ANY GRADE CROSSING SEPARATION RECONSTRUCTION PROJECT ALONG ANY RAILROAD FACILITY OPERATED BY THE AUTHORITY OR BY ONE OF ITS SUBSIDIARY CORPORATIONS OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. ANY SUCH PROJECT SHALL BE EXECUTED AS PROVIDED IN THE GRADE CROSSING ELIMINATION ACT AND THE RAILROAD LAW, RESPECTIVELY, AND THE COSTS OF ANY SUCH PROJECT SHALL BE BORNE AS PROVIDED IN SUCH LAWS, EXCEPT THAT THE AUTHORITY'S SHARE OF SUCH COSTS SHALL BE BORNE BY THE STATE.

8. THE AUTHORITY MAY ACCEPT UNCONDITIONAL GRANTS OF MONEY OR PROPERTY AS SUBSIDY PAYMENTS FOR EXPANSION OF SERVICE INTO AREAS WHERE SUCH SERVICE WOULD NOT BE SELF-SUPPORTING. THE AUTHORITY MAY ACCEPT UNCONDITIONAL GRANTS OF MONEY OR PROPERTY FROM ANY CITY, VILLAGE, TOWN OR COUNTY NOT WHOLLY CONTAINED WITHIN A CITY THE WHOLE OR ANY PART OF WHICH SHALL BE SERVED OR TO BE SERVED BY A TRANSPORTATION FACILITY OPERATED BY THE AUTHORITY. SUCH GRANTS OF MONEY OR PROPERTY WOULD BE FOR THE PURPOSE OF ASSISTING THE AUTHORITY IN MEETING ITS CAPITAL OR OPERATING EXPENSES. THE ACCEPTANCE OF ANY SUCH GRANT SHALL NOT OPERATE TO MAKE THE AUTHORITY AN AGENCY OF THE MUNICIPALITY MAKING THE GRANT. THE PROVISIONS OF THIS SECTION ARE INTENDED AS ENABLING LEGISLATION ONLY AND SHALL NOT BE INTERPRETED AS IMPLYING THAT ABSENT THEIR ENACTMENT AN AUTHORITY WOULD LACK THE POWER TO ACCEPT SUCH GRANT OR SUBSIDY.

9. THE AUTHORITY IS HEREBY DIRECTED TO PREPARE A TRANSPORTATION PLAN FOR THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. SUCH PLAN SHALL CONSIDER BUT NOT BE LIMITED TO THE FOLLOWING TRANSPORTATION ALTERNATIVES:

(A) ESTABLISHMENT OF PARK AND RAIL STATIONS AT GABRESKI COUNTY AIRPORT, WESTHAMPTON, SOUTHAMPTON COLLEGE, SOUTHAMPTON, EAST HAMPTON TOWN AIRPORT, EAST HAMPTON, AND MONTAUK;

(B) ESTABLISHMENT OF SHUTTLE TRAINS FROM MONTAUK TO EAST HAMPTON, EAST HAMPTON TO SOUTHAMPTON, AND SOUTHAMPTON TO WESTHAMPTON, UTILIZING THE EXISTING LONG ISLAND RAILROAD RIGHT-OF-WAY;

(C) ADDITION OF MORE NON-STOP TRAINS FROM NEW YORK CITY TO THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT ON A SEASONABLE AND WEEKEND BASIS;

(D) ESTABLISHMENT OF OUTLYING PARKING AREAS AND SHUTTLE BUSES TO REDUCE CONGESTION IN CENTRAL BUSINESS DISTRICTS;

(E) ESTABLISHMENT OF A HEALTH AND HUMAN SERVICES TRANSPORTATION PROGRAM TO ASSIST SENIOR CITIZENS IN LOWER INCOME RESIDENTIAL AREAS;

(F) TRANSFER OF AUTHORITY FOR THE ESTABLISHMENT OF SPEED LIMITS FROM STATE TO LOCAL GOVERNMENT;

(G) RECONFIGURATION OF THE COUNTY BUS SYSTEM TO COMPLEMENT NEW TRANSIT OPTIONS SUCH AS PARK AND RAIL, SHUTTLE TRAINS, INCREASED TRAINS, AND OUTLYING PARKING AREAS;

(H) A BIKE PATH NETWORK; AND

(I) PASSENGER FERRIES.

10. NOTWITHSTANDING ANY OF THE ABOVE PROVISIONS, NO PROJECT MAY BE UNDERTAKEN BY THE AUTHORITY UNLESS SUCH PROJECT IS A PART OF OR CONSISTENT WITH THE ADOPTED MASTER PLAN.

S 1349-J. ACQUISITION AND DISPOSITION OF REAL PROPERTY. 1. IN ADDITION TO THE POWERS PROVIDED IN SECTION THIRTEEN HUNDRED FORTY-NINE-H OF THIS TITLE TO ACQUIRE TRANSPORTATION FACILITIES, EQUIPMENT AND REAL PROPERTY, THE AUTHORITY MAY ACQUIRE, BY CONDEMNATION PURSUANT TO THE EMINENT DOMAIN PROCEDURE LAW AND/OR IN ACCORDANCE WITH THE CONDEMNATION PROVISIONS OF SUBDIVISION SEVEN OF THIS SECTION, ANY REAL PROPERTY IT MAY DEEM NECESSARY, CONVENIENT, OR DESIRABLE TO EFFECTUATE THE PURPOSE OF THIS TITLE, PROVIDED, HOWEVER, THAT ANY SUCH CONDEMNATION PROCEEDINGS SHALL BE BROUGHT ONLY IN THE SUPREME COURT AND THE COMPENSATION TO BE PAID SHALL BE ASCERTAINED AND DETERMINED BY THE COURT WITHOUT A JURY. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, NO REAL PROPERTY MAY BE ACQUIRED BY THE AUTHORITY BY CONDEMNATION OR BY PURCHASE FOR PURPOSES OTHER THAN A TRANSPORTATION FACILITY UNLESS THE GOVERNING BODY OF THE CITY, VILLAGE OR TOWN IN WHICH SUCH REAL PROPERTY IS LOCATED SHALL FIRST CONSENT TO SUCH ACQUISITION.

2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE AUTHORITY FROM BRINGING ANY PROCEEDINGS TO REMOVE A CLOUD ON TITLE OR SUCH OTHER PROCEEDINGS AS IT MAY, IN ITS DISCRETION, DEEM PROPER AND NECESSARY OR FROM ACQUIRING ANY SUCH PROPERTY BY NEGOTIATION OR PURCHASE.

3. WHERE A PERSON ENTITLED TO AN AWARD IN THE PROCEEDINGS TO CONDEMN ANY REAL PROPERTY FOR ANY OF THE PURPOSES OF THIS TITLE REMAINS IN POSSESSION OF SUCH PROPERTY AFTER THE TIME OF THE VESTING OF TITLE IN THE CONDEMNOR, THE REASONABLE VALUE OF HIS OR HER USE AND OCCUPANCY OF SUCH PROPERTY SUBSEQUENT TO SUCH TIME AS FIXED BY AGREEMENT OR BY THE COURT IN SUCH PROCEEDINGS OR BY ANY COURT OF COMPETENT JURISDICTION SHALL BE A LIEN AGAINST SUCH AWARD SUBJECT ONLY TO THE LIENS OF RECORD AT THE TIME OF VESTING OF TITLE IN THE CONDEMNOR.

4. TITLE TO ALL PROPERTY ACQUIRED UNDER THIS TITLE SHALL VEST IN THE AUTHORITY.

5. THE AUTHORITY MAY, WHENEVER IT DETERMINES THAT IT IS IN THE INTEREST OF THE AUTHORITY, DISPOSE OF ANY REAL PROPERTY OR PROPERTY OTHER THAN REAL PROPERTY, WHICH IT DETERMINES IS NOT NECESSARY, CONVENIENT OR DESIRABLE FOR ITS PURPOSES.

6. THE AUTHORITY MAY, WHENEVER IT SHALL DETERMINE THAT IT IS IN THE INTEREST OF THE AUTHORITY, RENT, LEASE OR GRANT EASEMENTS OR OTHER RIGHTS IN, ANY LAND OR PROPERTY OF THE AUTHORITY.

7. THE AUTHORITY MAY ADOPT THE FOLLOWING CONDEMNATION PROCEDURES. A CERTIFIED COPY OF A RESOLUTION ADOPTED BY THE AUTHORITY AUTHORIZING THE ACQUISITION AND IDENTIFYING AND DESCRIBING THE PROPERTY AND FRANCHISES, IF ANY, SOUGHT TO BE ACQUIRED BY CONDEMNATION SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH SUCH PROPERTY IS SITUATED, HELD OR MAINTAINED. A PETITION FOR AN ORDER VESTING TITLE TO SUCH PROPERTY AND FRANCHISES, IF ANY, SOUGHT TO BE ACQUIRED BY CONDEMNATION SHALL SET FORTH A DESCRIPTION OF THE SAID PROPERTY AND FRANCHISES, IF ANY, AND A PRAYER THAT TITLE BE VESTED IN THE AUTHORITY, SHALL BE PRESENTED, UPON NOTICE OF THE APPLICATION TO CONDEMN PUBLISHED IN FIVE SUCCESSIVE ISSUES OF A PUBLICATION OF GENERAL CIRCULATION WITHIN THE COUNTY WHERE SUCH PROPERTY AND FRANCHISES, IF ANY, ARE LOCATED, TO A SPECIAL TERM OF THE SUPREME COURT HELD AT THE TIME AND PLACE SPECIFIED IN SUCH NOTICE, WITHIN THE JUDICIAL DISTRICT IN WHICH THE PROPERTY BEING ACQUIRED OR SOME PART THEREOF IS SITUATED. SUCH PROCEEDINGS SHALL HAVE PRECEDENCE OVER ALL OTHER CASES ON THE CALENDAR OF SUCH COURT, ANY OTHER

PROVISION OF LAW TO THE CONTRARY NOTWITHSTANDING. UPON DUE PROOF TO THE SATISFACTION OF THE COURT OF THE FILING OF THE RESOLUTION AS DESCRIBED IN THIS TITLE, SUCH COURT, NOT LATER THAN THREE DAYS AFTER THE PRESENTATION OF THE PETITION, SHALL THEREUPON ENTER AN ORDER VESTING TITLE TO SUCH PROPERTY AND FRANCHISES, IF ANY, IN THE AUTHORITY. UPON SUCH VESTING OF TITLE THE AUTHORITY SHALL HAVE THE RIGHT TO ENTER UPON AND TAKE POSSESSION OF SUCH PROPERTY. A NOTICE OF SUCH ACQUISITION SHALL BE DIRECTED TO THE OWNERS OF THE PROPERTY AND FRANCHISES, IF ANY, SO ACQUIRED AND TO ANY OTHER PERSON OR PERSONS HAVING AN ESTATE, INTEREST OR EASEMENT IN SUCH PROPERTY OR A LIEN, CHARGE OR ENCUMBRANCE THEREON BY PERSONAL SERVICE OR BY REGISTERED MAIL AT THE LAST KNOWN ADDRESS WITHIN FIFTEEN DAYS AFTER SUCH VESTING OF TITLE. SUCH NOTICE SHALL SET FORTH SUCH RESOLUTION, THE DATE OF THE SUBMISSION TO THE COURT, THE DATE OF THE ORDER VESTING TITLE IN SUCH AUTHORITY AND SUCH OTHER MATTERS AS THE AUTHORITY MAY DETERMINE.

8. IF FUNDS ARE MADE AVAILABLE BY THE AUTHORITY FOR THE PAYMENT OF THE COST AND EXPENSE OF THE ACQUISITION THEREOF, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEW YORK, WHEN REQUESTED BY THE AUTHORITY, MAY ACQUIRE SUCH REAL PROPERTY IN THE NAME OF THE STATE AS MAY BE DETERMINED FROM TIME TO TIME BY THE AUTHORITY AS BEING NECESSARY, CONVENIENT OR DESIRABLE TO EFFECTUATE THE PURPOSES OF THIS TITLE, MAY REMOVE THE OWNER OR OCCUPANT THEREOF WHERE NECESSARY, AND OBTAIN POSSESSION AND, WHEN REQUESTED BY THE AUTHORITY, MAY DISPOSE OF ANY REAL PROPERTY SO ACQUIRED, ALL ACCORDING TO THE PROCEDURE PROVIDED IN SECTION THIRTY OF THE HIGHWAY LAW AND PURSUANT TO THE PROCEDURE REQUIRED UNDER FEDERAL LAW, WHEN APPLICABLE. THE AUTHORITY SHALL HAVE THE RIGHT TO POSSESS AND USE FOR ITS CORPORATE PURPOSES ALL SUCH REAL PROPERTY SO ACQUIRED. CLAIMS FOR THE VALUE OF THE PROPERTY APPROPRIATED AND FOR LEGAL DAMAGES CAUSED BY ANY SUCH APPROPRIATION SHALL BE ADJUSTED AND DETERMINED BY SUCH DEPARTMENT WITH THE APPROVAL OF THE AUTHORITY OR BY THE COURT OF CLAIMS AS PROVIDED IN SECTION THIRTY OF THE HIGHWAY LAW AND AS REQUIRED BY FEDERAL LAW, WHEN APPLICABLE. WHEN A CLAIM HAS BEEN FILED WITH THE COURT OF CLAIMS, THE CLAIMANT SHALL CAUSE A COPY OF SUCH CLAIM TO BE SERVED UPON THE AUTHORITY AND THE AUTHORITY SHALL HAVE THE RIGHT TO BE REPRESENTED AND HEARD BEFORE SUCH COURT. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS SHALL BE PAID OUT OF MONEYS OF THE AUTHORITY. NO REAL PROPERTY MAY BE ACQUIRED PURSUANT TO THE PROVISIONS OF THIS SECTION FOR PURPOSES OTHER THAN A TRANSPORTATION FACILITY UNLESS THE GOVERNING BODY OF THE CITY, VILLAGE OR TOWN IN WHICH SUCH REAL PROPERTY IS LOCATED SHALL FIRST CONSENT TO SUCH ACQUISITION.

S 1349-K. COOPERATION AND ASSISTANCE OF OTHER AGENCIES. IN THE INTEREST OF ECONOMY AND TO PROMOTE COORDINATION OF AUTHORITY PROJECTS WITH STATE, LOCAL, COUNTY AND REGIONAL PLANS AND ALSO TO CARRY OUT THE OBJECTIVE OF FULL PARTICIPATION OF ALL AGENCIES IN THE DEVELOPMENT OF A TRANSPORTATION SYSTEM AND FACILITIES TO MEET THE OBJECTIVES OF THIS TITLE, THE AUTHORITY SHALL REQUEST AND USE EXISTING STUDIES, MASTER PLANS, SURVEYS, DATA AND OTHER MATERIALS COMPLETED BY OR UNDER DEVELOPMENT BY ANY STATE AGENCY OR ANY MUNICIPALITY OR POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY SHALL CONSULT WITH AND COOPERATE WITH THE COMMISSIONER AND WITH PLANNING AUTHORITIES IN THE AREAS OF ITS OPERATIONS AND SHALL UTILIZE LOCAL OR STATE PLANNING. WHEN A PROJECT IS CONTEMPLATED BY THE AUTHORITY, THE AUTHORITY SHALL SUBMIT A PRELIMINARY PROSPECTUS THEREOF TO THE COMMISSIONER FOR REVIEW AND COMMENT AND SHALL CONSIDER THE REPORT OF THE COMMISSIONER IN FORMULATING DETAILED PLANS FOR SUCH PROJECT. WHEN A PROJECT IS CONTEMPLATED BY THE AUTHORITY WITHIN THE JURISDICTION OF ANY SUFFOLK COUNTY PLANNING BOARD, THE AUTHORITY

SHALL PREPARE A PRELIMINARY PROSPECTUS THEREOF, DESCRIBING THE PURPOSE, GENERAL LOCATION, AND NATURE OF THE PROJECT CONTEMPLATED, WITH SUCH FURTHER DATA RELATIVE THERETO THAT THE AUTHORITY SHALL CONSIDER PERTINENT. WITHIN SIXTY DAYS OF RECEIPT OF SUCH PROSPECTUS SUCH PLANNING BOARD SHALL PREPARE A REPORT THEREON, COMMENTING ON ITS CONFORMITY OR LACK OF CONFORMITY WITH ANY RELATED OFFICIAL PLAN OF THE STATE OR ANY OFFICIAL PLANNING AGENCY WITHIN THE REGION. SUCH REPORT SHALL BE CONSIDERED BY THE AUTHORITY IN FORMULATING DETAILED PLANS FOR SUCH A PROJECT. AT THE REQUEST OF THE AUTHORITY, EACH SUCH AGENCY, MUNICIPALITY OR SUBDIVISION WHICH IS ENGAGED IN HIGHWAY OR OTHER TRANSPORTATION ACTIVITIES OR IN LAND USE OR DEVELOPMENT PLANNING, OR WHICH IS CHARGED WITH THE DUTY OF PROVIDING OR REGULATING ANY TRANSPORTATION FACILITY OR ANY OTHER PUBLIC FACILITY, IS FURTHER AUTHORIZED TO PROVIDE THE AUTHORITY WITH INFORMATION REGARDING ITS PLANS AND PROGRAMS AFFECTING THE TRANSPORTATION DISTRICT SO THAT THE AUTHORITY MAY HAVE AVAILABLE TO IT CURRENT INFORMATION WITH RESPECT THERETO. THE OFFICERS AND PERSONNEL OF SUCH AGENCIES, MUNICIPALITIES OR SUBDIVISIONS, AND OF ANY OTHER GOVERNMENT OR AGENCY WHATEVER, MAY SERVE AT THE REQUEST OF THE AUTHORITY UPON SUCH ADVISORY COMMITTEES AS THE AUTHORITY SHALL DETERMINE TO CREATE AND SUCH OFFICERS AND PERSONNEL MAY SERVE UPON SUCH COMMITTEES WITHOUT FORFEITURE OF OFFICE OR EMPLOYMENT AND WITH NO LOSS OR DIMINUTION IN THE COMPENSATION, STATUS, RIGHTS AND PRIVILEGES WHICH THEY OTHERWISE ENJOY.

S 1349-L. NOTES AND BONDS OF THE AUTHORITY. 1. (A) THE AUTHORITY SHALL HAVE POWER AND IS HEREBY AUTHORIZED FROM TIME TO TIME TO BORROW MONEY AND ISSUE ITS NEGOTIABLE BONDS AND NOTES IN SUCH PRINCIPAL AMOUNT, AS, IN THE OPINION OF THE AUTHORITY, SHALL BE NECESSARY TO PROVIDE SUFFICIENT FUNDS FOR ACHIEVING ITS PURPOSES, INCLUDING THE ACQUISITION, ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENOVATION, IMPROVEMENT, EXTENSION OR REPAIR OF ANY TRANSPORTATION FACILITY, THE PAYMENT OF INTEREST ON BONDS AND NOTES OF THE AUTHORITY, ESTABLISHMENT OF RESERVES TO SECURE SUCH BONDS AND NOTES, THE PROVISION OF WORKING CAPITAL AND ALL OTHER EXPENDITURES OF THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS INCIDENT TO AND NECESSARY OR CONVENIENT TO CARRY OUT THEIR PURPOSES AND POWERS;

(B) THE AUTHORITY SHALL HAVE POWER, FROM TIME TO TIME, TO ISSUE RENEWAL NOTES, TO ISSUE BONDS TO PAY NOTES AND WHENEVER IT DEEMS REFUNDING EXPEDIENT, TO REFUND ANY BONDS BY THE ISSUANCE OF NEW BONDS, WHETHER THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND TO ISSUE BONDS PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OTHER PURPOSE. THE REFUNDING BONDS SHALL BE SOLD AND THE PROCEEDS APPLIED TO THE PURCHASE, REDEMPTION OR PAYMENT OF THE BONDS TO BE REFUNDED;

(C) EXCEPT AS MAY OTHERWISE BE EXPRESSLY PROVIDED BY THE AUTHORITY, EVERY ISSUE OF ITS NOTES OR BONDS SHALL BE GENERAL OBLIGATIONS OF THE AUTHORITY PAYABLE OUT OF ANY REVENUES OR MONEYS OF THE AUTHORITY, SUBJECT ONLY TO ANY AGREEMENTS WITH THE HOLDERS OF PARTICULAR NOTES OR BONDS PLEDGING ANY PARTICULAR RECEIPTS OR REVENUES;

(D) WHETHER OR NOT THE NOTES OR BONDS ARE OF SUCH FORM AND CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER ARTICLE EIGHT OF THE UNIFORM COMMERCIAL CODE, THE NOTES OR BONDS SHALL BE AND HEREBY ARE MADE NEGOTIABLE INSTRUMENTS WITHIN THE MEANING OF AND FOR ALL THE PURPOSES OF ARTICLE EIGHT OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY TO THE PROVISIONS OF THE NOTES OR BONDS FOR REGISTRATION.

2. THE NOTES AND BONDS SHALL BE AUTHORIZED BY RESOLUTION APPROVED BY NOT LESS THAN A MAJORITY VOTE OF THE AUTHORITY, SHALL BEAR SUCH DATE OR DATES, AND SHALL MATURE AT SUCH TIME OR TIMES, AS SPECIFIED THEREIN, AND IN THE CASE OF ANY SUCH BOND NOT EXCEEDING FIFTY YEARS FROM THE DATE OF

ISSUE, AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE NOTES AND BONDS SHALL BEAR INTEREST AT SUCH RATE OR RATES, BE IN SUCH DENOMINATIONS, BE IN SUCH FORM, EITHER COUPON OR REGISTERED, CARRY SUCH REGISTRATION PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT, AT SUCH PLACE OR PLACES AND BE SUBJECT TO SUCH TERMS OF REDEMPTION AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE NOTES AND BONDS OF THE AUTHORITY MAY BE SOLD BY THE AUTHORITY, AT PUBLIC OR PRIVATE SALE, AT SUCH PRICE OR PRICES AS THE AUTHORITY SHALL DETERMINE. NO NOTES OR BONDS OF THE AUTHORITY MAY BE SOLD BY THE AUTHORITY AT PRIVATE SALE, HOWEVER, UNLESS SUCH SALE AND THE TERMS THEREOF HAVE BEEN APPROVED IN WRITING BY (A) THE COMPTROLLER, WHERE SUCH SALE IS NOT TO THE COMPTROLLER, OR (B) THE DIRECTOR OF THE BUDGET, WHERE SUCH SALE IS TO THE COMPTROLLER.

3. ANY RESOLUTION OR RESOLUTIONS AUTHORIZING ANY NOTES OR BONDS OR ANY ISSUE THEREOF MAY CONTAIN PROVISIONS, WHICH SHALL BE A PART OF THE CONTRACT WITH THE HOLDERS THEREOF, AS TO: (A) PLEDGING ALL OR ANY PART OF THE FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES MADE OR RECEIVED BY THE AUTHORITY OR ANY OF ITS SUBSIDIARY CORPORATIONS, AND OTHER MONEYS RECEIVED OR TO BE RECEIVED, TO SECURE THE PAYMENT OF THE NOTES OR BONDS OR OF ANY ISSUE THEREOF, SUBJECT TO SUCH AGREEMENTS WITH BONDHOLDERS OR NOTEHOLDERS AS MAY THEN EXIST;

(B) PLEDGING ALL OR ANY PART OF THE ASSETS OF THE AUTHORITY OR OF ANY OF ITS SUBSIDIARY CORPORATIONS TO SECURE THE PAYMENT OF THE NOTES OR BONDS OR OF ANY ISSUE OF NOTES OR BONDS, SUBJECT TO SUCH AGREEMENTS WITH NOTEHOLDERS OR BONDHOLDERS AS MAY THEN EXIST;

(C) THE USE, AND DISPOSITION OF FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES MADE OR RECEIVED BY THE AUTHORITY OR ANY OF ITS SUBSIDIARY CORPORATIONS;

(D) THE SETTING ASIDE OF RESERVES OR SINKING FUNDS AND THE REGULATION AND DISPOSITION THEREOF;

(E) LIMITATIONS ON THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF NOTES OR BONDS MAY BE APPLIED AND PLEDGING SUCH PROCEEDS TO SECURE THE PAYMENT OF THE NOTES OR BONDS OR OF ANY ISSUE THEREOF;

(F) LIMITATIONS ON THE ISSUANCE OF ADDITIONAL NOTES OR BONDS; THE TERMS UPON WHICH ADDITIONAL NOTES OR BONDS MAY BE ISSUED AND SECURED; THE REFUNDING OF OUTSTANDING OR OTHER NOTES OR BONDS;

(G) THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT WITH NOTEHOLDERS OR BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF NOTES OR BONDS THE HOLDERS OF WHICH MUST CONSENT THERETO, AND THE MANNER IN WHICH SUCH CONSENT MAY BE GIVEN;

(H) LIMITATIONS ON THE AMOUNT OF MONEYS TO BE EXPENDED BY THE AUTHORITY OR ANY OF ITS SUBSIDIARY CORPORATIONS OR OPERATING, ADMINISTRATIVE OR OTHER EXPENSES OF THE AUTHORITY OR ANY OF ITS SUBSIDIARY CORPORATIONS;

(I) VESTING IN A TRUSTEE OR TRUSTEES SUCH PROPERTY, RIGHTS, POWERS AND DUTIES IN TRUST AS THE AUTHORITY MAY DETERMINE, WHICH MAY INCLUDE ANY OR ALL OF THE RIGHTS, POWERS AND DUTIES OF THE TRUSTEE APPOINTED BY THE BONDHOLDERS PURSUANT TO THIS TITLE, AND LIMITING OR ABROGATING THE RIGHT OF THE BONDHOLDERS TO APPOINT A TRUSTEE UNDER THIS TITLE OR LIMITING THE RIGHTS, POWERS AND DUTIES OF SUCH TRUSTEE; AND

(J) ANY OTHER MATTERS, OF LIKE OR DIFFERENT CHARACTER, WHICH IN ANY WAY AFFECT THE SECURITY OR PROTECTION OF THE NOTES OR BONDS.

4. IN ADDITION TO THE POWERS CONFERRED UPON THE AUTHORITY TO SECURE ITS NOTES AND BONDS, THE AUTHORITY SHALL HAVE POWER IN CONNECTION WITH THE ISSUANCE OF NOTES AND BONDS TO ENTER INTO SUCH AGREEMENTS AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE CONCERNING THE USE OR DISPOSITION OF ITS MONIES OR PROPERTY OR THE MONIES OR PROPERTY OF

ANY OF ITS SUBSIDIARY CORPORATIONS, INCLUDING THE MORTGAGING OF ANY SUCH PROPERTY AND THE ENTRUSTING, PLEDGING OR CREATION OF ANY OTHER SECURITY INTEREST IN ANY SUCH MONIES OR PROPERTY AND THE DOING OF ANY ACT (INCLUDING REFRAINING FROM DOING ANY ACT) WHICH THE AUTHORITY WOULD HAVE THE RIGHT TO DO IN THE ABSENCE OF SUCH AGREEMENTS. THE AUTHORITY SHALL HAVE POWER TO ENTER INTO AMENDMENTS OF ANY SUCH AGREEMENTS WITHIN THE POWERS GRANTED TO THE AUTHORITY BY THIS TITLE AND TO PERFORM SUCH AGREEMENTS. THE PROVISIONS OF ANY SUCH AGREEMENTS MAY BE MADE A PART OF THE CONTRACT WITH THE HOLDERS OF THE NOTES AND BONDS OF THE AUTHORITY.

5. IT IS THE INTENTION HEREOF THAT ANY PLEDGE, MORTGAGE OR SECURITY INSTRUMENT MADE BY THE AUTHORITY SHALL BE VALID AND BINDING FROM THE TIME WHEN THE PLEDGE, MORTGAGE OR SECURITY INSTRUMENT IS MADE; THAT THE MONIES OR PROPERTY SO PLEDGED, MORTGAGED AND ENTRUSTED AND THEREAFTER RECEIVED BY THE AUTHORITY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE, MORTGAGE OR SECURITY INSTRUMENT WITHOUT ANY PHYSICAL DELIVERY THEREOF OR FURTHER ACT; AND THAT THE LIEN OF ANY SUCH PLEDGE, MORTGAGE OR SECURITY INSTRUMENT SHALL BE VALID AND BINDING AS AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT OR OTHERWISE AGAINST THE AUTHORITY, IRRESPECTIVE OF WHETHER SUCH PARTIES HAVE NOTICE THEREOF. NEITHER THE RESOLUTION NOR ANY MORTGAGE, SECURITY INSTRUMENT OR OTHER INSTRUMENT BY WHICH A PLEDGE, MORTGAGE LIEN OR OTHER SECURITY IS CREATED NEED BE RECORDED OR FILED AND THE AUTHORITY SHALL NOT BE REQUIRED TO COMPLY WITH ANY OF THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE.

6. NEITHER THE MEMBERS OF THE AUTHORITY NOR ANY PERSON EXECUTING THE NOTES OR BONDS SHALL BE LIABLE PERSONALLY ON THE NOTES OR BONDS OR BE SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

7. THE AUTHORITY, SUBJECT TO SUCH AGREEMENTS WITH NOTEHOLDERS OR BONDHOLDERS AS MAY THEN EXIST, SHALL HAVE POWER OUT OF ANY FUNDS AVAILABLE THEREFOR TO PURCHASE NOTES OR BONDS OF THE AUTHORITY, WHICH SHALL THEREUPON BE CANCELLED, AT A PRICE NOT EXCEEDING (A) IF THE NOTES OR BONDS ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLICABLE PLUS ACCRUED INTEREST TO THE NEXT INTEREST PAYMENT DATE THEREON, OR (B) IF THE NOTES OR BONDS ARE NOT THEN REDEEMABLE, THE REDEMPTION PRICE APPLICABLE ON THE FIRST DATE AFTER SUCH PURCHASE UPON WHICH THE NOTES OR BONDS BECOME SUBJECT TO REDEMPTION PLUS ACCRUED INTEREST TO SUCH DATE.

8. THE STATE SHALL NOT BE LIABLE ON NOTES OR BONDS OF THE AUTHORITY AND SUCH NOTES AND BONDS SHALL NOT BE A DEBT OF THE STATE, AND SUCH NOTES AND BONDS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT.

S 1349-M. RESERVE FUNDS AND APPROPRIATIONS. 1. THE AUTHORITY MAY CREATE AND ESTABLISH ONE OR MORE RESERVE FUNDS TO BE KNOWN AS DEBT SERVICE RESERVE FUNDS AND MAY PAY INTO SUCH DEBT SERVICE RESERVE FUNDS (A) ANY MONIES APPROPRIATED AND MADE AVAILABLE BY THE STATE FOR THE PURPOSES OF SUCH FUNDS, (B) ANY PROCEEDS OF SALE OF NOTES OR BONDS TO THE EXTENT PROVIDED IN THE RESOLUTION OF THE AUTHORITY AUTHORIZING THE ISSUANCE THEREOF, AND (C) ANY OTHER MONIES WHICH MAY BE MADE AVAILABLE TO THE AUTHORITY FOR THE PURPOSE OF SUCH FUNDS FROM ANY OTHER SOURCE OR SOURCES. THE MONIES HELD IN OR CREDITED TO ANY DEBT SERVICE RESERVE FUND ESTABLISHED UNDER THIS SECTION, EXCEPT AS PROVIDED IN THIS TITLE, SHALL BE USED SOLELY FOR THE PAYMENT OF THE PRINCIPAL OF BONDS OF THE AUTHORITY SECURED BY SUCH DEBT SERVICE RESERVE FUND AS THE SAME MATURE, THE PURCHASE OF SUCH BONDS OF THE AUTHORITY, THE PAYMENT OF INTEREST ON SUCH BONDS OF THE AUTHORITY OR THE PAYMENT OF ANY REDEMPTION PREMIUM REQUIRED TO BE PAID WHEN SUCH BONDS ARE REDEEMED PRIOR TO MATURITY; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT MONIES IN

ANY SUCH FUND SHALL NOT BE WITHDRAWN THEREFROM AT ANY TIME IN SUCH AMOUNT AS WOULD REDUCE THE AMOUNT OF SUCH FUND TO LESS THAN THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON THE BONDS OF THE AUTHORITY THEN OUTSTANDING AND SECURED BY SUCH DEBT SERVICE RESERVE FUND, EXCEPT FOR THE PURPOSE OF PAYING PRINCIPAL OF AND INTEREST ON SUCH BONDS OF THE AUTHORITY SECURED BY SUCH DEBT SERVICE RESERVE FUND MATURING AND BECOMING DUE AND FOR THE PAYMENT OF WHICH OTHER MONIES OF THE AUTHORITY ARE NOT AVAILABLE. ANY INCOME OR INTEREST EARNED BY, OR INCREMENT TO, ANY SUCH DEBT SERVICE RESERVE FUND DUE TO THE INVESTMENT THEREOF MAY BE TRANSFERRED BY THE AUTHORITY TO ANY OTHER FUND OR ACCOUNT OF THE AUTHORITY AND THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT ANY SUCH TRANSFER SHALL NOT REDUCE THE AMOUNT OF SUCH DEBT SERVICE RESERVE FUND BELOW THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON ALL BONDS OF THE AUTHORITY THEN OUTSTANDING AND SECURED BY SUCH DEBT SERVICE RESERVE FUND.

2. THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT IT SHALL NOT ISSUE BONDS AT ANY TIME IF THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON THE BONDS OUTSTANDING AND THEN TO BE ISSUED AND SECURED BY A DEBT SERVICE RESERVE FUND WILL EXCEED THE AMOUNT OF SUCH DEBT SERVICE RESERVE FUND AT THE TIME OF ISSUANCE, UNLESS THE AUTHORITY, AT THE TIME OF THE ISSUANCE OF SUCH BONDS, SHALL DEPOSIT IN SUCH DEBT SERVICE RESERVE FUND FROM THE PROCEEDS OF THE BONDS SO TO BE ISSUED, OR OTHERWISE, AN AMOUNT WHICH, TOGETHER WITH THE AMOUNT THEN IN SUCH DEBT SERVICE RESERVE FUND, WILL BE NOT LESS THAN THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY SUCH SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON THE BONDS THEN TO BE ISSUED AND ON ALL OTHER BONDS OF THE AUTHORITY THEN OUTSTANDING AND SECURED BY SUCH DEBT SERVICE RESERVE FUND.

3. IN COMPUTING THE AMOUNT OF ANY DEBT SERVICE RESERVE FUND FOR THE PURPOSES OF THIS SECTION, SECURITIES IN WHICH ALL OR A PORTION OF SUCH FUND SHALL BE INVESTED SHALL BE VALUED AT PAR, OR IF PURCHASED AT LESS THAN PAR, AT THEIR COST TO THE AUTHORITY.

S 1349-N. AGREEMENT OF THE STATE. THE STATE DOES HEREBY PLEDGE TO AND AGREE WITH THE HOLDERS OF ANY NOTES OR BONDS ISSUED UNDER THIS TITLE, THAT THE STATE WILL NOT LIMIT OR ALTER THE RIGHTS HEREBY VESTED IN THE AUTHORITY TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS THEREOF, OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF SUCH HOLDERS UNTIL SUCH NOTES OR BONDS, TOGETHER WITH THE INTEREST THEREON, WITH INTEREST ON ANY UNPAID INSTALLMENTS OF INTEREST, AND ALL COSTS AND EXPENSES FOR WHICH THE AUTHORITY IS LIABLE IN CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF SUCH HOLDERS, ARE FULLY MET AND DISCHARGED. THE AUTHORITY IS AUTHORIZED TO INCLUDE THIS PLEDGE AND AGREEMENT OF THE STATE IN ANY AGREEMENT WITH THE HOLDERS OF SUCH NOTES OR BONDS.

S 1349-O. RIGHT OF STATE TO REQUIRE REDEMPTION OF BONDS. NOTWITHSTANDING AND IN ADDITION TO ANY PROVISIONS FOR THE REDEMPTION OF BONDS WHICH MAY BE CONTAINED IN ANY CONTRACT WITH THE HOLDERS OF THE BONDS, THE STATE MAY, UPON FURNISHING SUFFICIENT FUNDS THEREFOR, REQUIRE THE AUTHORITY TO REDEEM, PRIOR TO MATURITY, AS A WHOLE, ANY ISSUE OF BONDS ON ANY INTEREST PAYMENT DATE NOT LESS THAN TWENTY YEARS AFTER THE DATE OF THE BONDS OF SUCH ISSUE AT ONE HUNDRED FIVE PER CENTUM OF THEIR FACE VALUE AND ACCRUED INTEREST OR AT SUCH LOWER REDEMPTION PRICE AS MAY BE PROVIDED IN THE BONDS IN CASE OF THE REDEMPTION THEREOF AS A WHOLE ON

THE REDEMPTION DATE. NOTICE OF SUCH REDEMPTION SHALL BE PUBLISHED IN AT LEAST TWO NEWSPAPERS PUBLISHED AND CIRCULATING IN THE REGIONAL TRANSPORTATION DISTRICT, AT LEAST TWICE, THE FIRST PUBLICATION TO BE AT LEAST THIRTY DAYS BEFORE THE DATE OF REDEMPTION.

S 1349-P. REMEDIES OF NOTEHOLDERS AND BONDHOLDERS. 1. IN THE EVENT THAT THE AUTHORITY SHALL DEFAULT IN THE PAYMENT OF PRINCIPAL OF OR INTEREST ON ANY ISSUE OF NOTES OR BONDS AFTER THE SAME SHALL BECOME DUE, WHETHER AT MATURITY OR UPON CALL FOR REDEMPTION, AND SUCH DEFAULT SHALL CONTINUE FOR A PERIOD OF THIRTY DAYS, OR IN THE EVENT THAT THE AUTHORITY SHALL FAIL OR REFUSE TO COMPLY WITH THE PROVISIONS OF THIS TITLE OR SHALL DEFAULT IN ANY AGREEMENT MADE WITH THE HOLDERS OF ANY ISSUE OF NOTES OR BONDS, THE HOLDERS OF TWENTY-FIVE PER CENTUM IN AGGREGATE PRINCIPAL AMOUNT OF THE NOTES OR BONDS OF SUCH ISSUE THEN OUTSTANDING, BY INSTRUMENT OR INSTRUMENTS FILED IN THE OFFICE OF THE CLERK OF ANY COUNTY IN WHICH THE AUTHORITY OPERATES AND HAS AN OFFICE AND PROVED OR ACKNOWLEDGED IN THE SAME MANNER AS A DEED TO BE RECORDED, MAY APPOINT A TRUSTEE TO REPRESENT THE HOLDERS OF SUCH NOTES OR BONDS FOR THE PURPOSES PROVIDED IN THIS SECTION.

2. SUCH TRUSTEE MAY, AND UPON WRITTEN REQUEST OF THE HOLDERS OF TWENTY-FIVE PER CENTUM IN PRINCIPAL AMOUNT OF SUCH NOTES OR BONDS THEN OUTSTANDING SHALL, IN HIS OR HER OR ITS OWN NAME:

(A) BY SUIT, ACTION OR PROCEEDING IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES, ENFORCE ALL RIGHTS OF THE NOTEHOLDERS OR BONDHOLDERS, INCLUDING THE RIGHT TO REQUIRE THE AUTHORITY TO COLLECT FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES ADEQUATE TO CARRY OUT ANY AGREEMENT AS TO, OR PLEDGE OF, SUCH FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES AND TO REQUIRE THE AUTHORITY TO CARRY OUT ANY OTHER AGREEMENTS WITH THE HOLDERS OF SUCH NOTES OR BONDS AND TO PERFORM ITS DUTIES UNDER THIS TITLE;

(B) BRING SUIT UPON SUCH NOTES OR BONDS;

(C) BY ACTION OR SUIT, REQUIRE THE AUTHORITY TO ACCOUNT AS IF IT WERE THE TRUSTEE OF AN EXPRESS TRUST FOR THE HOLDERS OF SUCH NOTES OR BONDS;

(D) BY ACTION OR SUIT, ENJOIN ANY ACTS OR THINGS WHICH MAY BE UNLAWFUL OR IN VIOLATION OF THE RIGHTS OF THE HOLDERS OF SUCH NOTES OR BONDS;

(E) DECLARE ALL SUCH NOTES OR BONDS DUE AND PAYABLE, AND IF ALL DEFAULTS SHALL BE MADE GOOD, THEN, WITH THE CONSENT OF THE HOLDERS OF TWENTY-FIVE PER CENTUM OF THE PRINCIPAL AMOUNT OF SUCH NOTES OR BONDS THEN OUTSTANDING, TO ANNUL SUCH DECLARATION AND ITS CONSEQUENCES.

3. SUCH TRUSTEE SHALL IN ADDITION TO THE FOREGOING HAVE AND POSSESS ALL OF THE POWERS NECESSARY OR APPROPRIATE FOR THE EXERCISE OF ANY FUNCTIONS SPECIFICALLY SET FORTH IN THIS SECTION OR INCIDENT TO THE GENERAL REPRESENTATION OF BONDHOLDERS OR NOTEHOLDERS IN THE ENFORCEMENT AND PROTECTION OF THEIR RIGHTS.

4. THE SUPREME COURT SHALL HAVE JURISDICTION OF ANY SUIT, ACTION OR PROCEEDINGS BY THE TRUSTEE ON BEHALF OF SUCH NOTEHOLDERS OR BONDHOLDERS. THE VENUE OF ANY SUCH SUIT, ACTION OR PROCEEDING SHALL BE LAID IN THE COUNTY IN WHICH THE INSTRUMENT OR INSTRUMENTS ARE FILED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION.

5. BEFORE DECLARING THE PRINCIPAL OF NOTES OR BONDS DUE AND PAYABLE, THE TRUSTEE SHALL FIRST GIVE THIRTY DAYS NOTICE IN WRITING TO THE GOVERNOR, TO THE AUTHORITY, TO THE COMPTROLLER AND TO THE ATTORNEY GENERAL OF THE STATE.

S 1349-Q. NOTES AND BONDS AS LEGAL INVESTMENT. THE NOTES AND BONDS OF THE AUTHORITY ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS AND BODIES OF THE STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVISIONS, ALL INSURANCE COMPANIES AND ASSOCIATIONS AND OTHER PERSONS CARRY-

ING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING BUSINESS, ALL ADMINISTRATORS, GUARDIANS, EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES, AND ALL OTHER PERSONS WHATSOEVER WHO ARE NOW OR WHO MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OR OTHER OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE BONDS OF THE AUTHORITY ARE ALSO HEREBY MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND SHALL BE RECEIVED BY ALL PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVISIONS FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

S 1349-R. EXEMPTION FROM TAXATION. IT IS HEREBY FOUND, DETERMINED AND DECLARED THAT THE CREATION OF THE AUTHORITY AND THE CARRYING OUT OF ITS PURPOSES IS IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND FOR THE IMPROVEMENT OF THEIR HEALTH, WELFARE AND PROSPERITY AND IS A PUBLIC PURPOSE, AND THAT THE AUTHORITY WILL BE PERFORMING AN ESSENTIAL GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS TITLE. WITHOUT LIMITING THE GENERALITY OF THE FOLLOWING PROVISIONS OF THIS SECTION, PROPERTY OWNED BY THE AUTHORITY AND USED FOR TRANSPORTATION PURPOSES, PROPERTY LEASED BY THE AUTHORITY AND USED FOR TRANSPORTATION PURPOSES, AND PROPERTY USED FOR TRANSPORTATION PURPOSES BY OR FOR THE BENEFIT OF THE AUTHORITY EXCLUSIVELY PURSUANT TO THE PROVISIONS OF A JOINT SERVICE ARRANGEMENT OR OF A JOINT FACILITIES AGREEMENT OR TRACKAGE RIGHTS AGREEMENT SHALL ALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES. THE AUTHORITY SHALL BE REQUIRED TO PAY NO FEES, TAXES OR ASSESSMENTS, WHETHER STATE OR LOCAL, EXCEPT SPECIAL BENEFIT ASSESSMENTS IF SAID PROPERTY IS LOCATED IN A SPECIAL BENEFIT DISTRICT, INCLUDING BUT NOT LIMITED TO FEES, TAXES OR ASSESSMENTS ON REAL ESTATE, FRANCHISE TAXES, SALES TAXES OR OTHER EXCISE TAXES, UPON ANY OF ITS PROPERTY, OR UPON THE USES THEREOF, OR UPON ITS ACTIVITIES IN THE OPERATION AND MAINTENANCE OF ITS FACILITIES OR ON ANY FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER FEES, REVENUES OR OTHER INCOME RECEIVED BY THE AUTHORITY AND ALL BONDS, NOTES AND OBLIGATIONS OF THE AUTHORITY AND THE INCOME THEREFROM SHALL AT ALL TIMES BE EXEMPT FROM TAXATION, EXCEPT FOR GIFT AND ESTATE TAXES AND TAXES ON TRANSFERS. THIS SECTION SHALL CONSTITUTE A COVENANT AND AGREEMENT WITH THE HOLDERS OF ALL BONDS, NOTES AND OBLIGATIONS ISSUED BY THE AUTHORITY. THE TERMS "TAXATION" AND "SPECIAL AD VALOREM LEVY" SHALL HAVE THE SAME MEANINGS AS DEFINED IN SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW AND THE TERM "TRANSPORTATION PURPOSES" SHALL HAVE THE SAME MEANING AS USED IN TITLES TWO-A AND TWO-B OF ARTICLE FOUR OF SUCH LAW.

S 1349-S. ACTIONS AGAINST THE AUTHORITY. 1. AS A CONDITION TO THE CONSENT OF THE STATE TO SUCH SUITS AGAINST THE AUTHORITY, IN EVERY ACTION AGAINST THE AUTHORITY FOR DAMAGES, FOR INJURIES TO REAL OR PERSONAL PROPERTY OR FOR THE DESTRUCTION THEREOF, OR FOR PERSONAL INJURIES OR DEATH, THE COMPLAINT SHALL CONTAIN AN ALLEGATION THAT AT LEAST THIRTY DAYS HAVE ELAPSED SINCE THE DEMAND, CLAIM OR CLAIMS UPON WHICH SUCH ACTION IS FOUNDED WERE PRESENTED TO A MEMBER OF THE AUTHORITY OR OTHER OFFICER DESIGNATED FOR SUCH PURPOSE AND THE AUTHORITY HAS NEGLECTED OR REFUSED TO MAKE AN ADJUSTMENT OR PAYMENT THEREOF.

2. AN ACTION AGAINST THE AUTHORITY FOUNDED ON TORT, EXCEPT AN ACTION FOR WRONGFUL DEATH, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AFTER THE CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED, NOR UNLESS A NOTICE OF CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME LIMITED BY

AND IN COMPLIANCE WITH ALL THE REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW. AN ACTION AGAINST THE AUTHORITY FOR WRONGFUL DEATH SHALL BE COMMENCED IN ACCORDANCE WITH THE NOTICE OF CLAIM AND TIME LIMITATION PROVISIONS OF TITLE ELEVEN OF ARTICLE NINE OF THIS CHAPTER.

3. THE AUTHORITY SHALL BE LIABLE, AND SHALL ASSUME THE LIABILITY TO THE EXTENT THAT IT SHALL SAVE HARMLESS ANY DULY APPOINTED OFFICER OR EMPLOYEE OF THE AUTHORITY, FOR THE NEGLIGENCE OF SUCH OFFICER OR EMPLOYEE, IN THE OPERATION OF A VEHICLE OR OTHER FACILITY OF TRANSPORTATION OWNED OR OTHERWISE UNDER THE JURISDICTION AND CONTROL OF THE AUTHORITY IN THE DISCHARGE OF A DUTY IMPOSED UPON SUCH OFFICER OR EMPLOYEE AT THE TIME OF THE ACCIDENT, INJURY OR DAMAGES COMPLAINED OF, WHILE OTHERWISE ACTING IN THE PERFORMANCE OF HIS OR HER DUTIES AND WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT.

4. THE AUTHORITY MAY REQUIRE ANY PERSON, PRESENTING FOR SETTLEMENT AN ACCOUNT OR CLAIM FOR ANY CAUSE WHATEVER AGAINST THE AUTHORITY, TO BE SWORN BEFORE A MEMBER, COUNSEL OR AN ATTORNEY, OFFICER OR EMPLOYEE OF THE AUTHORITY DESIGNATED FOR SUCH PURPOSE, CONCERNING SUCH ACCOUNT OR CLAIM AND WHEN SO SWORN TO ANSWER ORALLY AS TO ANY FACTS RELATIVE TO SUCH ACCOUNT OR CLAIM. THE AUTHORITY SHALL HAVE POWER TO SETTLE OR ADJUST ALL CLAIMS IN FAVOR OF OR AGAINST THE AUTHORITY.

5. THE RATE OF INTEREST TO BE PAID BY THE AUTHORITY UPON ANY JUDGMENT FOR WHICH IT IS LIABLE SHALL NOT EXCEED FOUR PER CENTUM PER ANNUM.

6. THE PROVISIONS OF THIS SECTION WHICH RELATE TO THE REQUIREMENT FOR SERVICE OF A NOTICE OF CLAIM SHALL NOT APPLY TO A SUBSIDIARY CORPORATION OF THE AUTHORITY. IN ALL OTHER RESPECTS, EACH SUBSIDIARY CORPORATION OF THE AUTHORITY SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION AS IF SUCH SUBSIDIARY CORPORATION WERE SEPARATELY NAMED IN THIS SECTION, PROVIDED, HOWEVER, THAT A SUBSIDIARY CORPORATION OF THE AUTHORITY WHICH IS A STOCK CORPORATION SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION EXCEPT WITH RESPECT TO THOSE CAUSES OF ACTION ARISING ON AND AFTER THE FIRST OF THE TWELFTH CALENDAR MONTH FOLLOWING THAT CALENDAR MONTH IN WHICH SUCH STOCK CORPORATION BECOMES A SUBSIDIARY CORPORATION OF THE AUTHORITY.

S 1349-T. AGREEMENTS RELATING TO PAYMENT IN LIEU OF TAXES. TO THE END THAT MUNICIPAL CORPORATIONS, COUNTIES AND SCHOOL DISTRICTS MAY NOT SUFFER UNDUE LOSS OF TAXES OR ASSESSMENTS:

IF THE AUTHORITY ACQUIRES PROPERTY FOR NON-TRANSPORTATION PURPOSES (E.G. FOR FUTURE TRANSPORTATION PURPOSES BUT NOT TO BE SO USED IMMEDIATELY) THE AUTHORITY EXCEPT AS PROVIDED IN THIS TITLE, SHALL PAY TO THE PARTICIPATING COUNTY AND/OR CITY, TOWN OR SCHOOL DISTRICT WHERE THE PROPERTY IS LOCATED, ANNUALLY, IN LIEU OF TAXES, A SUM EQUAL TO THE SUM LAST PAID AS TAXES UPON THE PROPERTY PRIOR TO THE TIME OF ITS ACQUISITION BY THE AUTHORITY. SHOULD SUCH PROPERTY BE SUBSEQUENTLY DEVELOPED AND IMPROVED BUT STILL REMAIN UNUSED FOR TRANSPORTATION PURPOSES, IT SHALL DURING SUCH PERIOD OF DISUSE FOR TRANSPORTATION BE SUBJECT TO ASSESSMENT, AT THE PREVAILING METHOD OF DETERMINING ASSESSMENTS, BY THE COUNTY AND/OR CITY AND/OR SCHOOL DISTRICT AND THE AUTHORITY SHALL, BASED ON SUCH ASSESSMENT, ANNUALLY, IN LIEU OF TAXES, PAY TO THE COUNTY AND/OR CITY AND/OR SCHOOL DISTRICT AN AMOUNT FIXED BY IT.

IF THE AUTHORITY ACQUIRES PROPERTY FOR TRANSPORTATION PURPOSES BUT SUBSEQUENTLY USES SUCH PROPERTY FOR NON-TRANSPORTATION PURPOSES, THEN THE AUTHORITY SHALL BE REQUIRED, EXCEPT AS PROVIDED IN THIS TITLE, TO PAY ANNUALLY IN LIEU OF TAXES TO THE PARTICIPATING COUNTY AND/OR CITY AND/OR SCHOOL DISTRICT WHEREIN SUCH PROPERTY IS LOCATED, AN AMOUNT EQUAL TO THE SUM WHICH THE SAID COUNTY AND/OR CITY AND/OR SCHOOL DISTRICT

WOULD ORDINARILY BE IMPOSED AS TAXES, PURSUANT TO THE PREVAILING METHOD OF DETERMINING ASSESSMENTS.

PROPERTIES ACQUIRED BY THE AUTHORITY FOR TRANSPORTATION AND USED AS SUCH, SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY TAXES EXCEPT THAT THE AUTHORITY SHALL PAY SUCH PROPERTY SPECIAL BENEFIT ASSESSMENTS ON THE PROPERTY IF IT IS LOCATED IN AN EXISTING SPECIAL BENEFIT DISTRICT.

S 1349-U. INTEREST OF MEMBERS OR EMPLOYEES OF AUTHORITY IN CONTRACTS PROHIBITED. IT SHALL BE A MISDEMEANOR FOR A MEMBER OF THE AUTHORITY OR AN OFFICER, AGENT, SERVANT OR EMPLOYEE EMPLOYED BY OR APPOINTED BY THE AUTHORITY, TO BE IN ANY WAY OR MANNER INTERESTED, DIRECTLY OR INDIRECTLY, AS PRINCIPAL, SURETY OR OTHERWISE, IN A CONTRACT, THE EXPENSE OR CONSIDERATION WHEREOF IS PAYABLE OUT OF THE FUNDS OF THE AUTHORITY.

S 1349-V. FISCAL YEAR. THE FISCAL YEAR OF THE AUTHORITY SHALL BEGIN ON THE FIRST DAY OF JANUARY.

S 1349-W. CONSENT BY THE STATE. THE COMMISSIONER OF GENERAL SERVICES SHALL HAVE POWER, IN HIS OR HER DISCRETION, FROM TIME TO TIME TO TRANSFER AND CONVEY TO THE AUTHORITY, OR TO ONE OR MORE PARTICIPATING COUNTIES FOR THE USE OF THE AUTHORITY, AND FOR SUCH CONSIDERATION AND UPON SUCH TERMS AND CONDITIONS AS MAY BE DETERMINED BY HIM OR HER TO BE PAID TO THE STATE, UNAPPROPRIATED STATE LANDS, ABANDONED CANAL LANDS AND LANDS UNDER WATER WHICH THE AUTHORITY SHALL CERTIFY TO BE NECESSARY OR DESIRABLE FOR THE CORPORATE PURPOSES OF THE AUTHORITY.

S 1349-X. SEPARABILITY. IF ANY PROVISION OF ANY SECTION OF THIS TITLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE SHALL BE ADJUDGED INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH ORDER OR JUDGMENT SHALL BE CONFINED IN ITS OPERATION TO THE CONTROVERSY IN WHICH IT WAS RENDERED, AND SHALL NOT AFFECT OR INVALIDATE THE REMAINDER OF ANY PROVISION OF ANY SECTION OF THIS TITLE OR THE APPLICATION OF ANY PART THEREOF TO ANY OTHER PERSON OR CIRCUMSTANCE AND TO THIS END THE PROVISIONS OF EACH SECTION OF THIS TITLE ARE HEREBY DECLARED TO BE SEVERABLE.

S 1349-Y. EFFECT OF INCONSISTENT PROVISIONS. INSOFAR AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT WITH THE PROVISIONS OF ANY OTHER LAW, GENERAL, SPECIAL OR LOCAL, THE PROVISIONS OF THIS TITLE SHALL BE CONTROLLING.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.