

3431

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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 ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 1266 of the public authorities
2 law, as amended by chapter 314 of the laws of 1981, is amended to read
3 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, *THE PARKING OF VEHICLES, OR ANY*
14 *OTHER SERVICE IF THE ESTABLISHMENT OF OR INCREASE IN CHARGES FOR SUCH*
15 *OTHER SERVICE WOULD REPRESENT A SIGNIFICANT INCREASE IN THE OVERALL COST*
16 *OF THE USE OF TRANSPORTATION SERVICES* shall be established and changed
17 only if approved by resolution of the authority adopted by not less than
18 a majority vote of the whole number of members of the authority then in
19 office, with the chairman having one additional vote in the event of a
20 tie vote, and only after a public hearing, provided however, that fares,
21 tolls, rentals, rates, charges or other fees for the transportation of
22 passengers on any transportation facility, *THE PARKING OF VEHICLES OR*
23 *OTHER SERVICES* which are in effect at the time that the then owner of
24 such transportation facility becomes a subsidiary corporation of the
25 authority or at the time that operation of such transportation facility

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

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1 is commenced by the authority or is commenced under contract, lease or
2 other arrangement, including joint service arrangements, with the
3 authority may be continued in effect without such a hearing. ANY PUBLIC
4 HEARINGS REQUIRED BY THIS SUBDIVISION SHALL BE HELD IN SUCH LOCATIONS IN
5 THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS SHALL AFFORD AN
6 OPPORTUNITY TO BE HEARD TO SUCH PERSON AS MAY BE AFFECTED BY THE
7 PROPOSED CHARGES. Such fares, tolls, rentals, rates, charges and other
8 fees shall be established as may in the judgment of the authority be
9 necessary to maintain the combined operations of the authority and its
10 subsidiary corporations on a self-sustaining basis. The said operations
11 shall be deemed to be on a self-sustaining basis as required by this
12 title, when the authority is able to pay or cause to be paid from reven-
13 ue and any other funds or property actually available to the authority
14 and its subsidiary corporations (a) as the same shall become due, the
15 principal of and interest on the bonds and notes and other obligations
16 of the authority and of such subsidiary corporations, together with the
17 maintenance of proper reserves therefor, (b) the cost and expense of
18 keeping the properties and assets of the authority and its subsidiary
19 corporations in good condition and repair, and (c) the capital and oper-
20 ating expenses of the authority and its subsidiary corporations. The
21 authority may contract with the holders of bonds and notes with respect
22 to the exercise of the powers authorized by this section. No acts or
23 activities taken or proposed to be taken by the authority or any subsid-
24 iary of the authority pursuant to the provisions of this subdivision
25 shall be deemed to be "actions" for the purposes or within the meaning
26 of article eight of the environmental conservation law.

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