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

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:

Section 1. Subdivision 3 of section 1266 of the public authorities law, as amended by chapter 314 of the laws of 1981, is amended to read as follows:

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, THE PARKING OF VEHICLES, OR ANY OTHER SERVICE IF THE ESTABLISHMENT OF OR INCREASE IN CHARGES FOR SUCH OTHER SERVICE WOULD REPRESENT A SIGNIFICANT INCREASE IN THE OVERALL COST OF THE USE OF TRANSPORTATION SERVICES shall be established and changed only if approved by resolution of the authority adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote, 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, THE PARKING OF VEHICLES OR OTHER SERVICES 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

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

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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. ANY PUBLIC HEARINGS REQUIRED BY THIS SUBDIVISION SHALL BE HELD IN SUCH LOCATIONS IN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS SHALL AFFORD AN OPPORTUNITY TO BE HEARD TO SUCH PERSON AS MAY BE AFFECTED BY THE PROPOSED CHARGES. 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. No acts or activities taken or proposed to be taken by the authority or any subsidiary of the authority pursuant to the provisions of this subdivision shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

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