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

1604

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

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

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. The public authorities law is amended by adding a new section 1279-c to read as follows:

S 1279-C. FEE INCREASES; PUBLIC HEARINGS. 1. THE AUTHORITY MAY NOT IMPLEMENT OR INCREASE RATES, FEES, SURCHARGES OR OTHER COSTS TO PASSENGERS OR THOSE WHO PARK AT FACILITIES OWNED OR CONTROLLED BY THE AUTHORITY WITHOUT A PUBLIC HEARING. IF THE RATE, FEE, SURCHARGE, OR OTHER COST IS REASONABLY EXPECTED TO IMPACT INDIVIDUALS FROM MORE THAN ONE COUNTY, THE AUTHORITY SHALL HOLD A PUBLIC HEARING IN EACH SUCH COUNTY PROVIDED THE AUTHORITY HAS OR CONTROLS PROPERTY RELATING TO THE PROVISION OF RAIL SERVICES IN SUCH COUNTY IN THE STATE OF NEW YORK.

2. IN CONDUCTING THE PUBLIC HEARINGS REQUIRED UNDER SUBDIVISION ONE OF THIS SECTION, THE AUTHORITY SHALL, PRECEDING THE PUBLIC HEARINGS, PRESENT TO ANY PERSONS PRESENT THE DETAILS OF ANY RATE, FEE, SURCHARGE OR OTHER COST BEING ESTABLISHED AND INCREASED, SHALL PROVIDE IN DETAILED FASHION WHAT THE AUTHORITY PLANS TO DO WITH THE RECEIPTS OF THAT ESTABLISHED OR INCREASED RATE, FEE, SURCHARGE, OR OTHER COST, AND SHALL EXPLAIN IN DETAILED FASHION THE CURRENT FISCAL STATUS OF THE AUTHORITY AND WHY EXISTING FUNDS OF THE AUTHORITY ARE NOT BEING USED TO ACCOMPLISH THE PURPOSES THAT THE NEWLY ESTABLISHED OR INCREASED RATE, FEE, SURCHARGE, OR OTHER COST SHALL PAY FOR.

3. NO PUBLIC HEARING PROVIDED FOR IN THIS SECTION SHALL BE REQUIRED TO BE STENOGRAPHICALLY RECORDED IF AN AUDIO RECORDING IS INSTEAD UNDERTAKEN BY THE AUTHORITY PROVIDED SUCH AUDIO TAPE SHALL BE RETAINED BY A PERIOD OF NOT LESS THAN FIVE YEARS AND DURING THE PENDENCY OF ANY CIVIL ACTION

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

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FILED UNDER THE CIVIL PRACTICE LAW AND RULES, AND ANY APPEAL OF SUCH ACTION RELATING TO THE SUBJECT MATTER OF THE PUBLIC HEARING. ALL PUBLIC HEARINGS CONDUCTED BY THE AUTHORITY PURSUANT TO THIS SECTION SHALL BE NOTICED TO THE EXTENT THAT THE AUTHORITY SHALL ENDEAVOR TO NOTIFY THE MEDIA IN THE COUNTIES WHERE SUCH HEARINGS ARE PLANNED TO OCCUR. SUCH NOTICE SHALL BE PROVIDED TO THE MEDIA IN A MANNER REASONABLY CALCULATED TO DRAW TO THE MEDIA'S ATTENTION THE PUBLIC HEARING AT LEAST ONE WEEK BEFORE THE HEARING TAKES PLACE. THE INADVERTENT FAILURE TO NOTIFY ALL MEDIA OR THE FAILURE OF THE MEDIA TO PUBLICIZE THE PUBLIC HEARINGS SHALL NOT INVALIDATE ANY RATE CHANGE, FEE, SURCHARGE OR OTHER COST ADOPTED BY THE AUTHORITY SO LONG AS THE AUTHORITY CAN DEMONSTRATE TO A COURT OF COMPETENT JURISDICTION THAT IT TOOK ACTIONS REASONABLY CALCULATED TO NOTIFY THE MEDIA AND THAT THE MEDIA HAD KNOWLEDGE OF SUCH PUBLIC HEARINGS.

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