

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,

1 APPURTENANCES, UTILITIES, AIRPORT FACILITIES AND ANY OTHER IMPROVEMENT
2 UNDER AUTHORITY JURISDICTION WITHIN THE REGIONAL DISTRICT.

3 17. "FACILITY" SHALL MEAN, AMONG OTHER THINGS, SUCH PROPERTIES, STRUC-
4 TURES, APPURTENANCES, UTILITIES, TERMINALS, WHARFS, DOCKS, PIERS, RAIL-
5 ROAD TRACKAGE, WAREHOUSES, ELEVATORS, EQUIPMENT FOR HANDLING FREIGHT AND
6 PASSENGERS AND VEHICLES AND SUCH OTHER WORKS, PROPERTIES, BUILDINGS OR
7 ALLIED ITEMS NECESSARY OR DESIRABLE IN CONNECTION WITH DEVELOPMENT,
8 OPERATION, MAINTENANCE OR IMPROVEMENT OF PORT, AIRPORT AND PUBLIC TRANS-
9 PORTATION NEEDS FOR THE ACCOMMODATION, SAFETY OR COMFORT OF THE PUBLIC
10 AND COMMERCIAL ENTERPRISE FOR THE REGIONAL TRANSPORTATION DISTRICT.

11 18. "EQUIPMENT" SHALL MEAN ROLLING STOCK, OMNIBUSES, VEHICLES, AIR,
12 MARINE OR SURFACE CRAFT, MOTORS, BOILERS, ENGINES, AND OTHER INSTRUMEN-
13 TALITIES USED OR USEFUL THEREFOR OR IN CONNECTION THEREWITH.

14 19. "OMNIBUS FACILITIES" SHALL MEAN MOTOR VEHICLES, OF THE TYPE OPER-
15 ATED BY CARRIERS SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE
16 COMMISSION, ENGAGED IN THE TRANSPORTATION OF PASSENGERS AND THEIR
17 BAGGAGE, EXPRESS AND MAIL BETWEEN POINTS WITHIN THE DISTRICT OR PURSUANT
18 TO JOINT SERVICE ARRANGEMENTS, AND EQUIPMENT, PROPERTY, BUILDINGS,
19 STRUCTURES, IMPROVEMENTS, LOADING OR UNLOADING AREAS, PARKING AREAS,
20 BERTHING FACILITIES OR OTHER FACILITIES, NECESSARY, CONVENIENT OR DESIR-
21 ABLE FOR THE ACCOMMODATION OF SUCH MOTOR VEHICLES OR THEIR PASSENGERS,
22 INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES AND AREAS NOTWITH-
23 STANDING THAT PORTIONS MAY NOT BE DEVOTED TO ANY OMNIBUS PURPOSE OTHER
24 THAN THE PRODUCTION OF REVENUES AVAILABLE FOR THE COSTS AND EXPENSES OF
25 ALL OR ANY FACILITIES OF THE AUTHORITY.

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

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

46 22. "MARINE AND AVIATION FACILITIES" SHALL MEAN EQUIPMENT AND CRAFT
47 FOR THE TRANSPORTATION OF PASSENGERS, MAIL AND CARGO BETWEEN POINTS FROM
48 AND TO AND WITHIN THE DISTRICT OR PURSUANT TO JOINT SERVICE ARRANGE-
49 MENTS, BY MARINE CRAFT AND AIRCRAFT OF ALL TYPES INCLUDING BUT NOT
50 LIMITED TO HYDROFOILS, FERRIES, LIGHTERS, TUGS, BARGES, HELICOPTERS,
51 AMPHIBIANS, SEAPLANES OR OTHER CONTRIVANCES NOW OR HEREAFTER USED IN
52 NAVIGATION OR MOVEMENT ON WATERWAYS OR IN THE NAVIGATION OF OR FLIGHT IN
53 AIRSPACE. IT SHALL ALSO MEAN ANY AIRPORT FACILITY WITHIN THE TRANSPORTA-
54 TION DISTRICT, INCLUDING BUT NOT LIMITED TO ANY FACILITY OR REAL PROPER-
55 TY NECESSARY, CONVENIENT OR DESIRABLE FOR THE LANDING, TAKING OFF,
56 ACCOMMODATION OR SERVICING OF SUCH AIRCRAFT, AND SHALL INCLUDE SUCH

1 FACILITIES, PROPERTY, STRUCTURES AND APPURTENANCES AS MAY BE NECESSARY
2 OR CONVENIENT IN THE OPERATION, MAINTENANCE, DEVELOPMENT OR IMPROVEMENT
3 OF AIRPORTS INCLUDING FACILITIES, PROPERTY, STRUCTURES, AND APPURTENANC-
4 ES, LEASED BY THE AUTHORITY TO PERSONS, FIRMS OR CORPORATIONS ENGAGED IN
5 AIR TRANSPORTATION OR THE PRODUCTION OR DEVELOPMENT OF MATERIALS, GOODS
6 OR EQUIPMENT FOR AIRPORTS OR AIR TRANSPORTATION OR IN PROVIDING FACILI-
7 TIES FOR THE ACCOMMODATION, SAFETY OR COMFORT OF THE TRAVELING PUBLIC
8 AND FOR PURPOSES RELATED OR INCIDENTAL TO ONE OR MORE OF THE FOREGOING
9 PURPOSES. IT SHALL ALSO MEAN PORT FACILITIES IN THE TRANSPORTATION
10 DISTRICT INCLUDING, BUT NOT LIMITED TO, (A) ONE OR MORE DOCKS, ELEVA-
11 TORS, WHARVES, PIERS, BULKHEADS, SLIPS, BASINS, HARBORS, RAILROAD
12 CONNECTIONS, SIDE TRACKS OR SIDINGS, FREIGHT TERMINALS, WAREHOUSES,
13 BRIDGES, TUNNELS, AND AREAS FOR STORAGE OF CARGOES, MATERIALS, GOODS,
14 WARES, AND MERCHANDISE OF ANY KIND AND FOR THE LOADING, UNLOADING,
15 INTERCHANGE OR TRANSFER OF ANY SUCH CARGOES, MATERIALS, GOODS, WARES AND
16 MERCHANDISE; (B) OTHER BUILDINGS, STRUCTURES, FACILITIES OR IMPROVEMENTS
17 NECESSARY TO ACCOMMODATE STEAMSHIPS OR OTHER VESSELS AND THEIR CARGOES
18 OR PASSENGERS; AND (C) ALL REAL AND PERSONAL PROPERTY, DRIVEWAYS, ROADS,
19 APPROACHES, MECHANICAL EQUIPMENT AND ALL APPURTENANCES AND FACILITIES
20 EITHER ON, ABOVE OR UNDER THE GROUND WHICH ARE NECESSARY, CONVENIENT OR
21 DESIRABLE FOR THE DEVELOPMENT, CONTROL AND OPERATION OF PORT FACILITIES
22 IN THE TRANSPORTATION DISTRICT.

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

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

36 S 1349-C. PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. THERE IS HERE-
37 BY CREATED AND ESTABLISHED A TRANSPORTATION DISTRICT TO BE KNOWN AS THE
38 PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. THIS DISTRICT SHALL
39 EMBRACE THE TOWNS OF BROOKHAVEN, EAST HAMPTON, RIVERHEAD, SHELTER
40 ISLAND, SOUTHAMPTON, AND SOUTHDOLD IN THE COUNTY OF SUFFOLK. THE TRANS-
41 PORTATION DISTRICT SHALL ALSO INCLUDE ALL LANDS AND WATER AND ALL LANDS
42 UNDER WATER AND ALL RIVERS, BAYS AND HARBORS, WITHIN ANY OF THE TOWNS OF
43 SAID DISTRICT.

44 S 1349-D. PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY. 1. THERE IS
45 HEREBY CREATED THE PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY. THE
46 AUTHORITY SHALL BE A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC
47 BENEFIT CORPORATION. IT SHALL CONSIST OF SIX MEMBERS WITH ONE MEMBER
48 FROM EACH TOWN IN THE REGIONAL TRANSPORTATION DISTRICT. THE TOWN SUPER-
49 VISOR OF EACH TOWN, OR A DESIGNATED REPRESENTATIVE APPOINTED BY THE TOWN
50 SUPERVISOR SHALL BE A MEMBER. THE MEMBERS SHALL ELECT ONE OF ITS MEMBERS
51 AS CHAIRPERSON.

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

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

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

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

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

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

24 S 1349-F. FORMULATION, FILING AND ADOPTION OF MASTER PLAN; AMENDMENTS.
25 THE AUTHORITY SHALL FORMULATE A MASTER PLAN FOR TRANSPORTATION WITHIN
26 THE DISTRICT. IN FORMULATING SUCH MASTER PLAN, THE AUTHORITY SHALL
27 CONSULT AND COOPERATE WITH THE COMMISSIONER AND PLANNING AUTHORITIES IN
28 THE AREAS OF ITS OPERATIONS, AND SHALL UTILIZE STATE, LOCAL OR REGIONAL
29 TRANSPORTATION PLANNING. THE AUTHORITY SHALL REQUEST AND USE EXISTING
30 STUDIES, PLANS, SURVEYS, DATA AND OTHER MATERIALS COMPLETED BY OR UNDER
31 DEVELOPMENT BY ANY STATE AGENCY OR MUNICIPALITY OR POLITICAL SUBDIVISION
32 OF THE STATE. THE AUTHORITY SHALL FILE COPIES OF SUCH PLAN WITH THE
33 COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARD OF EACH
34 TOWN WITHIN THE REGIONAL TRANSPORTATION DISTRICT, AND THE LEGISLATURE OF
35 THE COUNTY OF SUFFOLK. THE PLAN SHALL CONTAIN INFORMATION REGARDING THE
36 TRANSPORTATION SYSTEM THAT THE AUTHORITY INTENDS TO PROVIDE INCLUDING
37 INFORMATION REGARDING THE FACILITIES CONNECTED THEREWITH, THE SERVICES
38 THE AUTHORITY CONTEMPLATES PROVIDING AND THE ESTIMATED COSTS AND THE
39 PROPOSED METHOD OF FINANCING. DURING SIXTY DAYS AFTER THE FILING OF THE
40 MASTER PLAN WITH THE COMMISSIONER, IN THE OFFICE OF THE SUFFOLK COUNTY
41 PLANNING BOARD, WITH THE TOWN BOARDS OF THE TOWNS WITHIN THE REGIONAL
42 TRANSPORTATION DISTRICT, AND WITH THE LEGISLATURE OF SUFFOLK COUNTY, AS
43 AFORESAID, SAID PLAN SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT THE
44 OFFICE OR OFFICES OF THE AUTHORITY AND AT SUCH OTHER PLACES IN THE TOWNS
45 AFFECTED, WITHIN THE DISTRICT, AS THE AUTHORITY MAY DESIGNATE. NOT
46 EARLIER THAN THIRTY DAYS AFTER THE FILING OF SAID MASTER PLAN WITH THE
47 COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARDS, AND
48 THE LEGISLATURE OF SUFFOLK COUNTY, A PUBLIC HEARING ON SAID PLANS SHALL
49 BE HELD BY THE AUTHORITY. NOTICE OF SUCH A HEARING SHALL BE GIVEN TO
50 THE COMMISSIONER, THE SUFFOLK COUNTY PLANNING BOARD, THE TOWN BOARDS,
51 AND THE LEGISLATURE OF THE COUNTY OF SUFFOLK, AS AFORESAID AND BY PUBLI-
52 CATION ONCE A WEEK FOR TWO WEEKS PRIOR TO THE SAID HEARING AT THE TIME
53 AND PLACE FIXED BY THE AUTHORITY IN NEWSPAPERS OF GENERAL CIRCULATION
54 WITHIN THE AREAS AFFECTED, TO BE SELECTED BY THE AUTHORITY. THE LAST
55 PUBLICATION DATE SHALL NOT BE LESS THAN FIVE DAYS BEFORE SAID HEARING.
56 WITHIN THIRTY DAYS FOLLOWING SAID PUBLIC HEARING, THE AUTHORITY SHALL

1 PROVIDE A TRANSCRIPT OF SUCH HEARING TO THE COMMISSIONER, THE SUFFOLK
2 COUNTY PLANNING BOARD, EACH TOWN BOARD, AND THE LEGISLATURE OF THE COUN-
3 TY OF SUFFOLK AS AFORESAID, TOGETHER WITH ANY AMENDMENTS THE AUTHORITY
4 MAY PROPOSE TO THE MASTER PLAN. THE AUTHORITY SHALL REQUEST APPROVAL OF
5 THE MASTER PLAN, INCLUDING SUCH AMENDMENTS AS THE AUTHORITY MAY PROPOSE,
6 FROM EACH TOWN BOARD AND THE COMMISSIONER. ANY PART OF SAID PLAN WHICH
7 IS DISAPPROVED BY A TOWN BECAUSE IT ALTERS EXISTING SERVICES OR THE
8 FINANCING THEREOF WITHIN SAID TOWN SHALL NOT BECOME OPERATIVE. THIS
9 DISAPPROVAL OF PART OR PARTS OF THE PLAN SHALL NOT MAKE THE ENTIRE PLAN
10 INOPERATIVE. ANY PART OF SAID PLAN WHICH IS DISAPPROVED BY THE COMMIS-
11 SIONER BECAUSE IT CONFLICTS WITH A STATE-WIDE COMPREHENSIVE MASTER PLAN
12 FOR TRANSPORTATION, OR IN THE ABSENCE OF SUCH PLANS, WOULD HAVE AN
13 ADVERSE EFFECT UPON SOUND TRANSPORTATION DEVELOPMENT POLICY AND PLAN-
14 NING, SHALL NOT BECOME OPERATIVE. IF THE SAID TOWN BOARDS FAIL TO ACT
15 WITHIN SAID SIXTY DAYS OR IN THE CASE OF THE COMMISSIONER WITHIN FORTY
16 DAYS AFTER APPROVAL IS REQUESTED, SAID FAILURE SHALL BE DEEMED APPROVAL,
17 AND THE AUTHORITY MAY ADOPT THE MASTER PLAN BY A MAJORITY VOTE OF ITS
18 MEMBERSHIP AND MAY INCLUDE CHANGES, IF ANY, RECOMMENDED BY THE COMMIS-
19 SIONER, PLANNING BOARD OR TOWN BOARD. THE MASTER PLAN MAY BE AMENDED
20 FROM TIME TO TIME IN THE SAME MANNER USING THE PROCEDURES OUTLINED IN
21 THIS SECTION FOR THE ORIGINAL ADOPTION, EXCEPT THAT PROPOSED CHANGES
22 MADE BY THE AUTHORITY UPON RECOMMENDATIONS OF THE COMMISSIONER, SAID
23 TOWN BOARDS OR SUFFOLK COUNTY PLANNING BOARD IN THE FIRST PLAN MAY BE
24 EMBODIED OR CONTINUED BY A MAJORITY VOTE OF THE AUTHORITY WITHOUT ADDI-
25 TIONAL HEARINGS THEREON AS REQUIRED FOR THE AMENDMENTS PROPOSED TO BE
26 MADE.

27 S 1349-G. FILING FIVE YEAR PERFORMANCE, CAPITAL AND OPERATING FINANCE
28 PLANS. 1. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNU-
29 ALLY THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT AN
30 OPERATIONAL PERFORMANCE PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY
31 FIRST. THE PLAN SHALL SET OPERATIONAL PERFORMANCE PLAN GOALS AND OBJEC-
32 TIVES, AND SHALL ESTABLISH PERFORMANCE INDICATORS TO MEASURE STANDARDS
33 OF SERVICE AND OPERATIONS. THE PERFORMANCE INDICATORS SHALL INCLUDE:
34 REVENUE PASSENGERS, TOTAL PASSENGERS, REVENUE VEHICLE MILES, REVENUE
35 VEHICLE HOURS, NUMBER OF EMPLOYEES BY DEPARTMENT, VEHICLE MEAN DISTANCE
36 BETWEEN FAILURES, ON-TIME PERFORMANCE FOR TOTAL SERVICE PROVIDED, THE
37 COST PER PASSENGER, THE COST PER REVENUE VEHICLE MILE AND THE OPERAT-
38 ING-REVENUE-TO-COST RATIO.

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

48 2. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNUALLY
49 THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT A CAPI-
50 TAL PROGRAM PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY FIRST. THE
51 PLAN SHALL CONTAIN THE CAPITAL PROGRAM, SEPARATELY ITEMIZED.

52 (B) THE PLAN SHALL SET GOALS AND OBJECTIVES BY FUNCTION FOR CAPITAL
53 SPENDING, ESTABLISH STANDARDS FOR SERVICE AND OPERATION, DESCRIBE EACH
54 CAPITAL PROJECT TO BE INITIATED IN EACH OF THE YEARS COVERED BY THE PLAN
55 AND EXPLAIN HOW EACH PROPOSED PROJECT SUPPORTS THE GOALS AND OBJECTIVES
56 AND THE SERVICE AND OPERATIONAL STANDARDS ESTABLISHED IN THE PERFORMANCE

1 PLAN. THE PLAN SHALL LIST SEPARATELY BY FUNCTION THOSE PROJECTS CONTRIB-
2 UTING TO THE MAINTENANCE OF THE SYSTEM INFRASTRUCTURE AND THOSE INTENDED
3 TO ENHANCE THE SYSTEM. THE PLAN SHALL ALSO INCLUDE AN ESTIMATED COST FOR
4 EACH PROJECT AND SET FORTH AN ESTIMATE OF THE AMOUNT OF CAPITAL FUNDING
5 REQUIRED FOR EACH YEAR OF THE PLAN AND THE EXPECTED SOURCES OF SUCH
6 FUNDING. IT SHALL ALSO INCLUDE A PROJECT SCHEDULE FOR THE INITIATION AND
7 COMPLETION OF EACH PROJECT. EACH PLAN SUBSEQUENT TO THE FIRST SUCH PLAN
8 SHALL DESCRIBE THE CURRENT STATUS OF EACH CAPITAL PROJECT WHICH HAS A
9 TOTAL ESTIMATED COST OF ONE HUNDRED THOUSAND DOLLARS OR MORE AND WHICH
10 WAS INCLUDED IN THE PREVIOUSLY ADOPTED PLAN.

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

21 3. (A) ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, AND ANNUALLY
22 THEREAFTER ON OR BEFORE JANUARY FIRST, THE AUTHORITY SHALL ADOPT AN
23 OPERATING FINANCE PLAN FOR THE FIVE-YEAR PERIOD COMMENCING JANUARY
24 FIRST. THE PLAN SHALL INCLUDE THE ANNUAL ESTIMATED OPERATING COST FOR
25 EACH FUNCTION. THE PLAN SHALL INCLUDE THE PROPOSED METHOD OF FINANCING
26 FOR THE LEVEL OF SERVICE DEFINED FOR EACH YEAR OF THE PLAN AND SHALL
27 FULLY ALLOCATE THE AUTHORITY'S GENERAL COSTS TO EACH OF THE ABOVE SEPA-
28 RATE FUNCTIONS. THE PLAN SHALL PROVIDE A NARRATIVE DESCRIBING THE OVER-
29 ALL FINANCIAL CONDITION OF THE OPERATING BUDGET OF THE AUTHORITY.

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

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

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

48 (A) TO SUE AND BE SUED;

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

50 (C) TO BORROW MONEY AND ISSUE NEGOTIABLE NOTES, BONDS OR OTHER OBLI-
51 GATIONS AND TO PROVIDE FOR THE RIGHTS OF THE HOLDERS THEREOF;

52 (D) TO INVEST ANY FUNDS HELD IN RESERVE OR SINKING FUNDS, OR ANY
53 MONIES NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT, AT THE DISCRETION
54 OF THE AUTHORITY, IN OBLIGATIONS OF THE STATE OR THE UNITED STATES
55 GOVERNMENT OR OBLIGATIONS THE PRINCIPAL AND INTEREST OF WHICH ARE GUAR-
56 ANTEED BY THE STATE OR THE UNITED STATES GOVERNMENT; OR CERTIFICATES OF

1 DEPOSIT OF BANKS OR TRUST COMPANIES OR IN BANK OR TRUST ACCOUNTS OF
2 BANKS IN THIS STATE, SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF
3 THE STATE OF NEW YORK OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT
4 OF THE DEPOSIT;

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

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

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

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

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

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

42 (J) TO MAKE PLANS, SURVEYS, AND STUDIES NECESSARY, CONVENIENT OR
43 DESIRABLE TO THE EFFECTUATION OF THE PURPOSES AND POWERS OF THE AUTHORI-
44 TY AND TO PREPARE RECOMMENDATIONS IN REGARD THERETO;

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

50 (L) THE AUTHORITY MAY CONDUCT INVESTIGATIONS AND HEARINGS IN THE
51 FURTHERANCE OF ITS GENERAL PURPOSES, AND IN AID THEREOF HAVE ACCESS TO
52 ANY BOOKS, RECORDS OR PAPERS RELEVANT THERETO; AND IF ANY PERSON WHOSE
53 TESTIMONY SHALL BE REQUIRED FOR THE PROPER PERFORMANCE OF THE DUTIES OF
54 THE AUTHORITY SHALL FAIL OR REFUSE TO AID OR ASSIST THE AUTHORITY IN THE
55 CONDUCT OF ANY INVESTIGATION OR HEARING, OR TO PRODUCE ANY RELEVANT
56 BOOKS, RECORDS OR OTHER PAPERS, THE AUTHORITY IS AUTHORIZED TO APPLY FOR

1 PROCESS OF SUBPOENA, TO ISSUE OUT OF ANY COURT OF GENERAL ORIGINAL
2 JURISDICTION WHOSE PROCESS CAN REACH SUCH PERSON, UPON DUE CAUSE SHOWN;

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

5 (N) TO ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH LABOR REPRE-
6 SENTATIVES DULY ELECTED BY THE EMPLOYEES OF THE AUTHORITY; AND

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

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

15 (A) COST BREAKDOWN OF REAL PROPERTY ACQUIRED;

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

17 (C) OPERATING REVENUES; AND

18 (D) OPERATING EXPENSES.

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

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

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

32 2. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY
33 DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ITSELF ESTABLISH,
34 CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR
35 REPAIR ANY SUCH TRANSPORTATION FACILITY, OR MAY PROVIDE FOR SUCH ESTAB-
36 LISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENO-
37 VATION, IMPROVEMENT, EXTENSION OR REPAIR BY CONTRACT, LEASE, OR OTHER
38 ARRANGEMENT ON SUCH TERMS AS THE AUTHORITY MAY DEEM NECESSARY, CONVEN-
39 IENT OR DESIRABLE WITH ANY PERSON, INCLUDING BUT NOT LIMITED TO ANY
40 COMMON CARRIER OR FREIGHT FORWARDER, THE STATE, ANY STATE AGENCY, THE
41 FEDERAL GOVERNMENT, ANY OTHER STATE OR AGENCY OR INSTRUMENTALITY THERE-
42 OF, ANY PUBLIC AUTHORITY OF THIS OR ANY OTHER STATE OR ANY POLITICAL
43 SUBDIVISION OR MUNICIPALITY OF THE STATE. IN CONNECTION WITH THE OPERA-
44 TION OF ANY SUCH TRANSPORTATION FACILITY, THE AUTHORITY MAY ESTABLISH,
45 CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR
46 REPAIR OR MAY PROVIDE BY CONTRACT, LEASE OR OTHER ARRANGEMENT FOR THE
47 ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENO-
48 VATION, IMPROVEMENT, EXTENSION OR REPAIR OF ANY RELATED SERVICES AND
49 ACTIVITIES IT DEEMS NECESSARY, CONVENIENT OR DESIRABLE, INCLUDING BUT
50 NOT LIMITED TO THE TRANSPORTATION AND STORAGE OF FREIGHT AND THE UNITED
51 STATES MAIL, FEEDER AND CONNECTING TRANSPORTATION, PARKING AREAS, TRANS-
52 PORTATION CENTERS, PORTS, STATIONS AND RELATED FACILITIES.

53 3. THE AUTHORITY MAY ESTABLISH, LEVY AND COLLECT OR CAUSE TO BE ESTAB-
54 LISHED, LEVIED AND COLLECTED AND, IN THE CASE OF A JOINT SERVICE
55 ARRANGEMENT, JOIN WITH OTHERS IN THE ESTABLISHMENT, LEVY AND COLLECTION
56 OF SUCH FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES AS IT MAY

1 DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY
2 TRANSPORTATION FACILITY AND RELATED SERVICES OPERATED BY THE AUTHORITY
3 OR BY A SUBSIDIARY CORPORATION OF THE AUTHORITY OR UNDER CONTRACT, LEASE
4 OR OTHER ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE
5 AUTHORITY. ANY SUCH FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER FEES
6 FOR THE TRANSPORTATION OF PASSENGERS SHALL BE ESTABLISHED AND CHANGED
7 ONLY IF APPROVED BY RESOLUTION OF THE AUTHORITY ADOPTED BY NOT LESS THAN
8 A MAJORITY VOTE OF THE AUTHORITY AND ONLY AFTER A PUBLIC HEARING,
9 PROVIDED HOWEVER, THAT FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER
10 FEES FOR THE TRANSPORTATION OF PASSENGERS ON ANY TRANSPORTATION FACILITY
11 WHICH ARE IN EFFECT AT THE TIME THAT THE THEN OWNER OF SUCH TRANSPORTA-
12 TION FACILITY BECOMES A SUBSIDIARY CORPORATION OF THE AUTHORITY OR AT
13 THE TIME THAT OPERATION OF SUCH TRANSPORTATION FACILITY IS COMMENCED BY
14 THE AUTHORITY OR IS COMMENCED UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT
15 INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY MAY BE CONTIN-
16 UED IN EFFECT WITHOUT SUCH A HEARING. SUCH FARES, TOLLS, RENTALS, RATES,
17 CHARGES AND OTHER FEES SHALL BE ESTABLISHED AS MAY IN THE JUDGMENT OF
18 THE AUTHORITY BE NECESSARY TO MAINTAIN THE COMBINED OPERATIONS OF THE
19 AUTHORITY AND ITS SUBSIDIARY CORPORATIONS ON A SELF-SUSTAINING BASIS.
20 THE SAID OPERATIONS SHALL BE DEEMED TO BE ON A SELF-SUSTAINING BASIS AS
21 REQUIRED BY THIS TITLE, WHEN THE AUTHORITY IS ABLE TO PAY OR CAUSE TO BE
22 PAID FROM REVENUE AND ANY OTHER FUNDS OR PROPERTY ACTUALLY AVAILABLE TO
23 THE AUTHORITY AND ITS SUBSIDIARY CORPORATIONS (A) AS THE SAME SHALL
24 BECOME DUE, THE PRINCIPAL OF AND INTEREST ON THE BONDS AND NOTES AND
25 OTHER OBLIGATIONS OF THE AUTHORITY AND OF SUCH SUBSIDIARY CORPORATIONS,
26 TOGETHER WITH THE MAINTENANCE OF PROPER RESERVES THEREFOR, (B) THE COST
27 AND EXPENSE OF KEEPING THE PROPERTIES AND ASSETS OF THE AUTHORITY AND
28 ITS SUBSIDIARY CORPORATIONS IN GOOD CONDITION AND REPAIR, AND (C) THE
29 CAPITAL AND OPERATING EXPENSES OF THE AUTHORITY AND ITS SUBSIDIARY
30 CORPORATIONS. THE AUTHORITY MAY CONTRACT WITH THE HOLDERS OF BONDS AND
31 NOTES WITH RESPECT TO THE EXERCISE OF THE POWERS AUTHORIZED BY THIS
32 SECTION.

33 4. THE AUTHORITY MAY ESTABLISH AND, IN THE CASE OF JOINT SERVICE
34 ARRANGEMENTS, JOIN WITH OTHERS IN THE ESTABLISHMENT OF SUCH SCHEDULES
35 AND STANDARDS OF OPERATIONS AND SUCH OTHER RULES AND REGULATIONS INCLUD-
36 ING BUT NOT LIMITED TO RULES AND REGULATIONS GOVERNING THE CONDUCT AND
37 SAFETY OF THE PUBLIC AS IT MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE
38 FOR THE USE AND OPERATION OF ANY TRANSPORTATION FACILITY AND RELATED
39 SERVICES OPERATED BY THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER
40 ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY.
41 SUCH RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE
42 PUBLIC SHALL BE FILED WITH THE DEPARTMENT OF STATE IN THE MANNER
43 PROVIDED BY SECTION ONE HUNDRED TWO OF THE EXECUTIVE LAW. IN THE CASE OF
44 ANY CONFLICT BETWEEN ANY SUCH RULE OR REGULATION OF THE AUTHORITY
45 GOVERNING THE CONDUCT OR SAFETY OF THE PUBLIC AND ANY LOCAL LAW, ORDI-
46 NANCE, RULE OR REGULATION, SUCH RULE OR REGULATION OF THE AUTHORITY
47 SHALL PREVAIL. VIOLATION OF ANY SUCH RULE OR REGULATION OF THE AUTHORI-
48 TY GOVERNING THE CONDUCT OR THE SAFETY OF THE PUBLIC IN OR UPON ANY
49 FACILITY OF THE AUTHORITY SHALL CONSTITUTE AN OFFENSE AND SHALL BE
50 PUNISHABLE BY A FINE NOT EXCEEDING FIFTY DOLLARS OR IMPRISONMENT FOR NOT
51 MORE THAN THIRTY DAYS OR BOTH.

52 5. THE AUTHORITY MAY ACQUIRE, HOLD, OWN, LEASE, ESTABLISH, CONSTRUCT,
53 EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR ANY
54 OF ITS FACILITIES THROUGH, AND CAUSE ANY ONE OR MORE OF ITS POWERS,
55 DUTIES, FUNCTIONS OR ACTIVITIES TO BE EXERCISED OR PERFORMED BY, ONE OR
56 MORE WHOLLY OWNED SUBSIDIARY CORPORATIONS OF THE AUTHORITY AND MAY

1 TRANSFER TO OR FROM ANY SUCH CORPORATION ANY MONEYS, REAL PROPERTY OR
2 OTHER PROPERTY FOR ANY OF THE PURPOSES OF THIS TITLE. THE DIRECTORS OR
3 MEMBERS OF EACH SUCH SUBSIDIARY CORPORATION SHALL BE THE SAME PERSONS
4 HOLDING THE OFFICES OF MEMBERS OF THE AUTHORITY. EACH SUCH SUBSIDIARY
5 CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS AND ACTIVITIES SHALL HAVE
6 ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS AND OTHER EXEMPTIONS
7 OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY, FUNCTIONS AND ACTIV-
8 ITIES. EACH SUCH SUBSIDIARY CORPORATION SHALL BE SUBJECT TO THE
9 RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. EACH
10 SUCH SUBSIDIARY CORPORATION SHALL BE SUBJECT TO SUIT IN ACCORDANCE WITH
11 SECTION THIRTEEN HUNDRED FORTY-NINE-S OF THIS TITLE. THE EMPLOYEES OF
12 ANY SUCH SUBSIDIARY CORPORATION, EXCEPT THOSE WHO ARE ALSO EMPLOYEES OF
13 THE AUTHORITY, SHALL NOT BE DEEMED EMPLOYEES OF THE AUTHORITY. IF THE
14 AUTHORITY SHALL DETERMINE THAT ONE OR MORE OF ITS SUBSIDIARY CORPO-
15 RATIONS SHOULD BE IN THE FORM OF A PUBLIC BENEFIT CORPORATION, IT SHALL
16 CREATE EACH SUCH PUBLIC BENEFIT CORPORATION BY EXECUTING AND FILING WITH
17 THE SECRETARY OF STATE A CERTIFICATE OF INCORPORATION, WHICH MAY BE
18 AMENDED FROM TIME TO TIME BY FILING, WHICH SHALL SET FORTH THE NAME OF
19 SUCH PUBLIC BENEFIT SUBSIDIARY CORPORATION, ITS DURATION, THE LOCATION
20 OF ITS PRINCIPAL OFFICE, AND ANY OR ALL OF THE PURPOSES OF ACQUIRING,
21 OWNING, LEASING, ESTABLISHING, CONSTRUCTING, EFFECTUATING, OPERATING,
22 MAINTAINING, RENOVATING, IMPROVING, EXTENDING OR REPAIRING ONE OR MORE
23 FACILITIES OF THE AUTHORITY. EACH SUCH PUBLIC BENEFIT SUBSIDIARY CORPO-
24 RATION SHALL BE A BODY POLITIC AND CORPORATE AND SHALL HAVE ALL THOSE
25 POWERS VESTED IN THE AUTHORITY BY THE PROVISIONS OF THIS TITLE WHICH THE
26 AUTHORITY SHALL DETERMINE TO INCLUDE IN ITS CERTIFICATE OF INCORPORATION
27 EXCEPT THE POWER TO CONTRACT INDEBTEDNESS. WHENEVER ANY STATE, POLI-
28 TICAL SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPART-
29 MENT, BOARD, DIVISION OR PERSON IS AUTHORIZED AND EMPOWERED FOR ANY OF
30 THE PURPOSES OF THIS TITLE TO COOPERATE AND ENTER INTO AGREEMENTS WITH
31 THE AUTHORITY SUCH STATE, POLITICAL SUBDIVISION, MUNICIPALITY, COMMIS-
32 SION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION OR PERSON SHALL HAVE
33 THE SAME AUTHORIZATION AND POWER FOR ANY OF SUCH PURPOSES TO COOPERATE
34 AND ENTER INTO AGREEMENTS WITH A SUBSIDIARY CORPORATION OF THE AUTHORI-
35 TY.

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

43 7. THE AUTHORITY MAY DO ALL THINGS IT DEEMS NECESSARY, CONVENIENT OR
44 DESIRABLE TO MANAGE, CONTROL AND DIRECT THE MAINTENANCE AND OPERATION OF
45 TRANSPORTATION FACILITIES, EQUIPMENT OR REAL PROPERTY OPERATED BY OR
46 UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. EXCEPT AS
47 SPECIALLY PROVIDED IN THIS TITLE, NO MUNICIPALITY OR POLITICAL SUBDIVI-
48 SION, INCLUDING BUT NOT LIMITED TO A COUNTY, CITY, VILLAGE, TOWN OR
49 SCHOOL OR OTHER DISTRICT SHALL HAVE JURISDICTION OVER ANY FACILITIES OF
50 THE AUTHORITY OR ANY OF ITS ACTIVITIES OR OPERATIONS. IN THE OPERATION,
51 MAINTENANCE AND CONTROL OF ANY FACILITIES DEVOTED TO PURPOSES OTHER THAN
52 DIRECT TRANSPORTATION PURPOSES, THE AUTHORITY SHALL BE SUBJECT TO ALL
53 LOCAL LAWS, RESOLUTIONS, ORDINANCES, RULES AND REGULATIONS OF A MUNICI-
54 PALITY OR POLITICAL SUBDIVISION. EACH MUNICIPALITY OR POLITICAL SUBDIVI-
55 SION, INCLUDING BUT NOT LIMITED TO A COUNTY, CITY, VILLAGE, TOWN OR
56 DISTRICT IN WHICH ANY FACILITIES OF THE AUTHORITY ARE LOCATED SHALL

1 PROVIDE FOR SUCH FACILITIES POLICE, FIRE AND HEALTH PROTECTION SERVICES
2 OF THE SAME CHARACTER AND TO THE SAME EXTENT AS THOSE PROVIDED FOR RESI-
3 DENTS OF SUCH MUNICIPALITY OR POLITICAL SUBDIVISION. THE AUTHORITY MAY
4 AGREE WITH THE STATE DEPARTMENT OF TRANSPORTATION FOR THE EXECUTION BY
5 SUCH DEPARTMENT OF ANY GRADE CROSSING ELIMINATION PROJECT OR ANY GRADE
6 CROSSING SEPARATION RECONSTRUCTION PROJECT ALONG ANY RAILROAD FACILITY
7 OPERATED BY THE AUTHORITY OR BY ONE OF ITS SUBSIDIARY CORPORATIONS OR
8 UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. ANY SUCH
9 PROJECT SHALL BE EXECUTED AS PROVIDED IN THE GRADE CROSSING ELIMINATION
10 ACT AND THE RAILROAD LAW, RESPECTIVELY, AND THE COSTS OF ANY SUCH
11 PROJECT SHALL BE BORNE AS PROVIDED IN SUCH LAWS, EXCEPT THAT THE AUTHOR-
12 ITY'S SHARE OF SUCH COSTS SHALL BE BORNE BY THE STATE.

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

26 9. THE AUTHORITY IS HEREBY DIRECTED TO PREPARE A TRANSPORTATION PLAN
27 FOR THE PECONIC BAY REGIONAL TRANSPORTATION DISTRICT. SUCH PLAN SHALL
28 CONSIDER BUT NOT BE LIMITED TO THE FOLLOWING TRANSPORTATION ALTERNA-
29 TIVES:

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

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

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

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

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

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

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

47 (H) A BIKE PATH NETWORK; AND

48 (I) PASSENGER FERRIES.

49 10. NOTWITHSTANDING ANY OF THE ABOVE PROVISIONS, NO PROJECT MAY BE
50 UNDERTAKEN BY THE AUTHORITY UNLESS SUCH PROJECT IS A PART OF OR CONSIST-
51 ENT WITH THE ADOPTED MASTER PLAN.

52 S 1349-J. ACQUISITION AND DISPOSITION OF REAL PROPERTY. 1. IN ADDITION
53 TO THE POWERS PROVIDED IN SECTION THIRTEEN HUNDRED FORTY-NINE-H OF THIS
54 TITLE TO ACQUIRE TRANSPORTATION FACILITIES, EQUIPMENT AND REAL PROPERTY,
55 THE AUTHORITY MAY ACQUIRE, BY CONDEMNATION PURSUANT TO THE EMINENT
56 DOMAIN PROCEDURE LAW AND/OR IN ACCORDANCE WITH THE CONDEMNATION

1 PROVISIONS OF SUBDIVISION SEVEN OF THIS SECTION, ANY REAL PROPERTY IT
2 MAY DEEM NECESSARY, CONVENIENT, OR DESIRABLE TO EFFECTUATE THE PURPOSE
3 OF THIS TITLE, PROVIDED, HOWEVER, THAT ANY SUCH CONDEMNATION PROCEEDINGS
4 SHALL BE BROUGHT ONLY IN THE SUPREME COURT AND THE COMPENSATION TO BE
5 PAID SHALL BE ASCERTAINED AND DETERMINED BY THE COURT WITHOUT A JURY.
6 NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, NO REAL
7 PROPERTY MAY BE ACQUIRED BY THE AUTHORITY BY CONDEMNATION OR BY PURCHASE
8 FOR PURPOSES OTHER THAN A TRANSPORTATION FACILITY UNLESS THE GOVERNING
9 BODY OF THE CITY, VILLAGE OR TOWN IN WHICH SUCH REAL PROPERTY IS LOCATED
10 SHALL FIRST CONSENT TO SUCH ACQUISITION.

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

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

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

26 5. THE AUTHORITY MAY, WHENEVER IT DETERMINES THAT IT IS IN THE INTER-
27 EST OF THE AUTHORITY, DISPOSE OF ANY REAL PROPERTY OR PROPERTY OTHER
28 THAN REAL PROPERTY, WHICH IT DETERMINES IS NOT NECESSARY, CONVENIENT OR
29 DESIRABLE FOR ITS PURPOSES.

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

33 7. THE AUTHORITY MAY ADOPT THE FOLLOWING CONDEMNATION PROCEDURES. A
34 CERTIFIED COPY OF A RESOLUTION ADOPTED BY THE AUTHORITY AUTHORIZING THE
35 ACQUISITION AND IDENTIFYING AND DESCRIBING THE PROPERTY AND FRANCHISES,
36 IF ANY, SOUGHT TO BE ACQUIRED BY CONDEMNATION SHALL BE FILED IN THE
37 OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH SUCH PROPERTY IS SITU-
38 ATED, HELD OR MAINTAINED. A PETITION FOR AN ORDER VESTING TITLE TO SUCH
39 PROPERTY AND FRANCHISES, IF ANY, SOUGHT TO BE ACQUIRED BY CONDEMNATION
40 SHALL SET FORTH A DESCRIPTION OF THE SAID PROPERTY AND FRANCHISES, IF
41 ANY, AND A PRAYER THAT TITLE BE VESTED IN THE AUTHORITY, SHALL BE
42 PRESENTED, UPON NOTICE OF THE APPLICATION TO CONDEMN PUBLISHED IN FIVE
43 SUCCESSIVE ISSUES OF A PUBLICATION OF GENERAL CIRCULATION WITHIN THE
44 COUNTY WHERE SUCH PROPERTY AND FRANCHISES, IF ANY, ARE LOCATED, TO A
45 SPECIAL TERM OF THE SUPREME COURT HELD AT THE TIME AND PLACE SPECIFIED
46 IN SUCH NOTICE, WITHIN THE JUDICIAL DISTRICT IN WHICH THE PROPERTY BEING
47 ACQUIRED OR SOME PART THEREOF IS SITUATED. SUCH PROCEEDINGS SHALL HAVE
48 PRECEDENCE OVER ALL OTHER CASES ON THE CALENDAR OF SUCH COURT, ANY OTHER
49 PROVISION OF LAW TO THE CONTRARY NOTWITHSTANDING. UPON DUE PROOF TO THE
50 SATISFACTION OF THE COURT OF THE FILING OF THE RESOLUTION AS DESCRIBED
51 IN THIS TITLE, SUCH COURT, NOT LATER THAN THREE DAYS AFTER THE PRESENTA-
52 TION OF THE PETITION, SHALL THEREUPON ENTER AN ORDER VESTING TITLE TO
53 SUCH PROPERTY AND FRANCHISES, IF ANY, IN THE AUTHORITY. UPON SUCH VEST-
54 ING OF TITLE THE AUTHORITY SHALL HAVE THE RIGHT TO ENTER UPON AND TAKE
55 POSSESSION OF SUCH PROPERTY. A NOTICE OF SUCH ACQUISITION SHALL BE
56 DIRECTED TO THE OWNERS OF THE PROPERTY AND FRANCHISES, IF ANY, SO

1 ACQUIRED AND TO ANY OTHER PERSON OR PERSONS HAVING AN ESTATE, INTEREST
2 OR EASEMENT IN SUCH PROPERTY OR A LIEN, CHARGE OR ENCUMBRANCE THEREON BY
3 PERSONAL SERVICE OR BY REGISTERED MAIL AT THE LAST KNOWN ADDRESS WITHIN
4 FIFTEEN DAYS AFTER SUCH VESTING OF TITLE. SUCH NOTICE SHALL SET FORTH
5 SUCH RESOLUTION, THE DATE OF THE SUBMISSION TO THE COURT, THE DATE OF
6 THE ORDER VESTING TITLE IN SUCH AUTHORITY AND SUCH OTHER MATTERS AS THE
7 AUTHORITY MAY DETERMINE.

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

33 S 1349-K. COOPERATION AND ASSISTANCE OF OTHER AGENCIES. IN THE INTER-
34 EST OF ECONOMY AND TO PROMOTE COORDINATION OF AUTHORITY PROJECTS WITH
35 STATE, LOCAL, COUNTY AND REGIONAL PLANS AND ALSO TO CARRY OUT THE OBJEC-
36 TIVE OF FULL PARTICIPATION OF ALL AGENCIES IN THE DEVELOPMENT OF A
37 TRANSPORTATION SYSTEM AND FACILITIES TO MEET THE OBJECTIVES OF THIS
38 TITLE, THE AUTHORITY SHALL REQUEST AND USE EXISTING STUDIES, MASTER
39 PLANS, SURVEYS, DATA AND OTHER MATERIALS COMPLETED BY OR UNDER DEVELOP-
40 MENT BY ANY STATE AGENCY OR ANY MUNICIPALITY OR POLITICAL SUBDIVISION OF
41 THE STATE. THE AUTHORITY SHALL CONSULT WITH AND COOPERATE WITH THE
42 COMMISSIONER AND WITH PLANNING AUTHORITIES IN THE AREAS OF ITS OPER-
43 ATIONS AND SHALL UTILIZE LOCAL OR STATE PLANNING. WHEN A PROJECT IS
44 CONTEMPLATED BY THE AUTHORITY, THE AUTHORITY SHALL SUBMIT A PRELIMINARY
45 PROSPECTUS THEREOF TO THE COMMISSIONER FOR REVIEW AND COMMENT AND SHALL
46 CONSIDER THE REPORT OF THE COMMISSIONER IN FORMULATING DETAILED PLANS
47 FOR SUCH PROJECT. WHEN A PROJECT IS CONTEMPLATED BY THE AUTHORITY WITHIN
48 THE JURISDICTION OF ANY SUFFOLK COUNTY PLANNING BOARD, THE AUTHORITY
49 SHALL PREPARE A PRELIMINARY PROSPECTUS THEREOF, DESCRIBING THE PURPOSE,
50 GENERAL LOCATION, AND NATURE OF THE PROJECT CONTEMPLATED, WITH SUCH
51 FURTHER DATA RELATIVE THERETO THAT THE AUTHORITY SHALL CONSIDER PERTI-
52 NENT. WITHIN SIXTY DAYS OF RECEIPT OF SUCH PROSPECTUS SUCH PLANNING
53 BOARD SHALL PREPARE A REPORT THEREON, COMMENTING ON ITS CONFORMITY OR
54 LACK OF CONFORMITY WITH ANY RELATED OFFICIAL PLAN OF THE STATE OR ANY
55 OFFICIAL PLANNING AGENCY WITHIN THE REGION. SUCH REPORT SHALL BE CONSID-
56 ERED BY THE AUTHORITY IN FORMULATING DETAILED PLANS FOR SUCH A PROJECT.

1 AT THE REQUEST OF THE AUTHORITY, EACH SUCH AGENCY, MUNICIPALITY OR
2 SUBDIVISION WHICH IS ENGAGED IN HIGHWAY OR OTHER TRANSPORTATION ACTIV-
3 ITIES OR IN LAND USE OR DEVELOPMENT PLANNING, OR WHICH IS CHARGED WITH
4 THE DUTY OF PROVIDING OR REGULATING ANY TRANSPORTATION FACILITY OR ANY
5 OTHER PUBLIC FACILITY, IS FURTHER AUTHORIZED TO PROVIDE THE AUTHORITY
6 WITH INFORMATION REGARDING ITS PLANS AND PROGRAMS AFFECTING THE TRANS-
7 PORTATION DISTRICT SO THAT THE AUTHORITY MAY HAVE AVAILABLE TO IT
8 CURRENT INFORMATION WITH RESPECT THERETO. THE OFFICERS AND PERSONNEL OF
9 SUCH AGENCIES, MUNICIPALITIES OR SUBDIVISIONS, AND OF ANY OTHER GOVERN-
10 MENT OR AGENCY WHATEVER, MAY SERVE AT THE REQUEST OF THE AUTHORITY UPON
11 SUCH ADVISORY COMMITTEES AS THE AUTHORITY SHALL DETERMINE TO CREATE AND
12 SUCH OFFICERS AND PERSONNEL MAY SERVE UPON SUCH COMMITTEES WITHOUT
13 FORFEITURE OF OFFICE OR EMPLOYMENT AND WITH NO LOSS OR DIMINUTION IN THE
14 COMPENSATION, STATUS, RIGHTS AND PRIVILEGES WHICH THEY OTHERWISE ENJOY.

15 S 1349-L. NOTES AND BONDS OF THE AUTHORITY. 1. (A) THE AUTHORITY SHALL
16 HAVE POWER AND IS HEREBY AUTHORIZED FROM TIME TO TIME TO BORROW MONEY
17 AND ISSUE ITS NEGOTIABLE BONDS AND NOTES IN SUCH PRINCIPAL AMOUNT, AS,
18 IN THE OPINION OF THE AUTHORITY, SHALL BE NECESSARY TO PROVIDE SUFFI-
19 CIENT FUNDS FOR ACHIEVING ITS PURPOSES, INCLUDING THE ACQUISITION,
20 ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENO-
21 VATION, IMPROVEMENT, EXTENSION OR REPAIR OF ANY TRANSPORTATION FACILITY,
22 THE PAYMENT OF INTEREST ON BONDS AND NOTES OF THE AUTHORITY, ESTABLISH-
23 MENT OF RESERVES TO SECURE SUCH BONDS AND NOTES, THE PROVISION OF WORK-
24 ING CAPITAL AND ALL OTHER EXPENDITURES OF THE AUTHORITY AND ITS SUBSID-
25 IARY CORPORATIONS INCIDENT TO AND NECESSARY OR CONVENIENT TO CARRY OUT
26 THEIR PURPOSES AND POWERS;

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

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

39 (D) WHETHER OR NOT THE NOTES OR BONDS ARE OF SUCH FORM AND CHARACTER
40 AS TO BE NEGOTIABLE INSTRUMENTS UNDER ARTICLE EIGHT OF THE UNIFORM
41 COMMERCIAL CODE, THE NOTES OR BONDS SHALL BE AND HEREBY ARE MADE NEGOTI-
42 ABLE INSTRUMENTS WITHIN THE MEANING OF AND FOR ALL THE PURPOSES OF ARTI-
43 CLE EIGHT OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY TO THE PROVISIONS
44 OF THE NOTES OR BONDS FOR REGISTRATION.

45 2. THE NOTES AND BONDS SHALL BE AUTHORIZED BY RESOLUTION APPROVED BY
46 NOT LESS THAN A MAJORITY VOTE OF THE AUTHORITY, SHALL BEAR SUCH DATE OR
47 DATES, AND SHALL MATURE AT SUCH TIME OR TIMES, AS SPECIFIED THEREIN, AND
48 IN THE CASE OF ANY SUCH BOND NOT EXCEEDING FIFTY YEARS FROM THE DATE OF
49 ISSUE, AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE NOTES AND
50 BONDS SHALL BEAR INTEREST AT SUCH RATE OR RATES, BE IN SUCH DENOMI-
51 NATIONS, BE IN SUCH FORM, EITHER COUPON OR REGISTERED, CARRY SUCH REGIS-
52 TRATION PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDI-
53 UM OF PAYMENT, AT SUCH PLACE OR PLACES AND BE SUBJECT TO SUCH TERMS OF
54 REDEMPTION AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE NOTES AND
55 BONDS OF THE AUTHORITY MAY BE SOLD BY THE AUTHORITY, AT PUBLIC OR
56 PRIVATE SALE, AT SUCH PRICE OR PRICES AS THE AUTHORITY SHALL DETERMINE.

1 NO NOTES OR BONDS OF THE AUTHORITY MAY BE SOLD BY THE AUTHORITY AT
2 PRIVATE SALE, HOWEVER, UNLESS SUCH SALE AND THE TERMS THEREOF HAVE BEEN
3 APPROVED IN WRITING BY (A) THE COMPTROLLER, WHERE SUCH SALE IS NOT TO
4 THE COMPTROLLER, OR (B) THE DIRECTOR OF THE BUDGET, WHERE SUCH SALE IS
5 TO THE COMPTROLLER.

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

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

18 (C) THE USE, AND DISPOSITION OF FARES, TOLLS, RENTALS, RATES, CHARGES
19 AND OTHER FEES MADE OR RECEIVED BY THE AUTHORITY OR ANY OF ITS SUBSID-
20 IARY CORPORATIONS;

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

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

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

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

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

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

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

44 4. IN ADDITION TO THE POWERS CONFERRED UPON THE AUTHORITY TO SECURE
45 ITS NOTES AND BONDS, THE AUTHORITY SHALL HAVE POWER IN CONNECTION WITH
46 THE ISSUANCE OF NOTES AND BONDS TO ENTER INTO SUCH AGREEMENTS AS THE
47 AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE CONCERNING THE USE
48 OR DISPOSITION OF ITS MONIES OR PROPERTY OR THE MONIES OR PROPERTY OF
49 ANY OF ITS SUBSIDIARY CORPORATIONS, INCLUDING THE MORTGAGING OF ANY SUCH
50 PROPERTY AND THE ENTRUSTING, PLEDGING OR CREATION OF ANY OTHER SECURITY
51 INTEREST IN ANY SUCH MONIES OR PROPERTY AND THE DOING OF ANY ACT
52 (INCLUDING REFRAINING FROM DOING ANY ACT) WHICH THE AUTHORITY WOULD HAVE
53 THE RIGHT TO DO IN THE ABSENCE OF SUCH AGREEMENTS. THE AUTHORITY SHALL
54 HAVE POWER TO ENTER INTO AMENDMENTS OF ANY SUCH AGREEMENTS WITHIN THE
55 POWERS GRANTED TO THE AUTHORITY BY THIS TITLE AND TO PERFORM SUCH AGREE-

1 MENTS. THE PROVISIONS OF ANY SUCH AGREEMENTS MAY BE MADE A PART OF THE
2 CONTRACT WITH THE HOLDERS OF THE NOTES AND BONDS OF THE AUTHORITY.

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

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

21 7. THE AUTHORITY, SUBJECT TO SUCH AGREEMENTS WITH NOTEHOLDERS OR BOND-
22 HOLDERS AS MAY THEN EXIST, SHALL HAVE POWER OUT OF ANY FUNDS AVAILABLE
23 THEREFOR TO PURCHASE NOTES OR BONDS OF THE AUTHORITY, WHICH SHALL THERE-
24 UPON BE CANCELLED, AT A PRICE NOT EXCEEDING (A) IF THE NOTES OR BONDS
25 ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLICABLE PLUS ACCRUED
26 INTEREST TO THE NEXT INTEREST PAYMENT DATE THEREON, OR (B) IF THE NOTES
27 OR BONDS ARE NOT THEN REDEEMABLE, THE REDEMPTION PRICE APPLICABLE ON THE
28 FIRST DATE AFTER SUCH PURCHASE UPON WHICH THE NOTES OR BONDS BECOME
29 SUBJECT TO REDEMPTION PLUS ACCRUED INTEREST TO SUCH DATE.

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

34 S 1349-M. RESERVE FUNDS AND APPROPRIATIONS. 1. THE AUTHORITY MAY
35 CREATE AND ESTABLISH ONE OR MORE RESERVE FUNDS TO BE KNOWN AS DEBT
36 SERVICE RESERVE FUNDS AND MAY PAY INTO SUCH DEBT SERVICE RESERVE FUNDS
37 (A) ANY MONIES APPROPRIATED AND MADE AVAILABLE BY THE STATE FOR THE
38 PURPOSES OF SUCH FUNDS, (B) ANY PROCEEDS OF SALE OF NOTES OR BONDS TO
39 THE EXTENT PROVIDED IN THE RESOLUTION OF THE AUTHORITY AUTHORIZING THE
40 ISSUANCE THEREOF, AND (C) ANY OTHER MONIES WHICH MAY BE MADE AVAILABLE
41 TO THE AUTHORITY FOR THE PURPOSE OF SUCH FUNDS FROM ANY OTHER SOURCE OR
42 SOURCES. THE MONIES HELD IN OR CREDITED TO ANY DEBT SERVICE RESERVE FUND
43 ESTABLISHED UNDER THIS SECTION, EXCEPT AS PROVIDED IN THIS TITLE, SHALL
44 BE USED SOLELY FOR THE PAYMENT OF THE PRINCIPAL OF BONDS OF THE AUTHORI-
45 TY SECURED BY SUCH DEBT SERVICE RESERVE FUND AS THE SAME MATURE, THE
46 PURCHASE OF SUCH BONDS OF THE AUTHORITY, THE PAYMENT OF INTEREST ON SUCH
47 BONDS OF THE AUTHORITY OR THE PAYMENT OF ANY REDEMPTION PREMIUM REQUIRED
48 TO BE PAID WHEN SUCH BONDS ARE REDEEMED PRIOR TO MATURITY; PROVIDED,
49 HOWEVER, THAT THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT MONIES IN
50 ANY SUCH FUND SHALL NOT BE WITHDRAWN THEREFROM AT ANY TIME IN SUCH
51 AMOUNT AS WOULD REDUCE THE AMOUNT OF SUCH FUND TO LESS THAN THE MAXIMUM
52 AMOUNT OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY
53 SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON THE
54 BONDS OF THE AUTHORITY THEN OUTSTANDING AND SECURED BY SUCH DEBT SERVICE
55 RESERVE FUND, EXCEPT FOR THE PURPOSE OF PAYING PRINCIPAL OF AND INTEREST
56 ON SUCH BONDS OF THE AUTHORITY SECURED BY SUCH DEBT SERVICE RESERVE FUND

1 MATURING AND BECOMING DUE AND FOR THE PAYMENT OF WHICH OTHER MONIES OF
2 THE AUTHORITY ARE NOT AVAILABLE. ANY INCOME OR INTEREST EARNED BY, OR
3 INCREMENT TO, ANY SUCH DEBT SERVICE RESERVE FUND DUE TO THE INVESTMENT
4 THEREOF MAY BE TRANSFERRED BY THE AUTHORITY TO ANY OTHER FUND OR ACCOUNT
5 OF THE AUTHORITY AND THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT ANY
6 SUCH TRANSFER SHALL NOT REDUCE THE AMOUNT OF SUCH DEBT SERVICE RESERVE
7 FUND BELOW THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATURING AND
8 BECOMING DUE IN ANY SUCCEEDING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO
9 SUCH YEARS ON ALL BONDS OF THE AUTHORITY THEN OUTSTANDING AND SECURED BY
10 SUCH DEBT SERVICE RESERVE FUND.

11 2. THE AUTHORITY SHALL HAVE POWER TO PROVIDE THAT IT SHALL NOT ISSUE
12 BONDS AT ANY TIME IF THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST MATUR-
13 ING AND BECOMING DUE IN ANY SUCCEEDING CALENDAR YEAR OR YEARS NOT
14 EXCEEDING TWO SUCH YEARS ON THE BONDS OUTSTANDING AND THEN TO BE ISSUED
15 AND SECURED BY A DEBT SERVICE RESERVE FUND WILL EXCEED THE AMOUNT OF
16 SUCH DEBT SERVICE RESERVE FUND AT THE TIME OF ISSUANCE, UNLESS THE
17 AUTHORITY, AT THE TIME OF THE ISSUANCE OF SUCH BONDS, SHALL DEPOSIT IN
18 SUCH DEBT SERVICE RESERVE FUND FROM THE PROCEEDS OF THE BONDS SO TO BE
19 ISSUED, OR OTHERWISE, AN AMOUNT WHICH, TOGETHER WITH THE AMOUNT THEN IN
20 SUCH DEBT SERVICE RESERVE FUND, WILL BE NOT LESS THAN THE MAXIMUM AMOUNT
21 OF PRINCIPAL AND INTEREST MATURING AND BECOMING DUE IN ANY SUCH SUCCEED-
22 ING CALENDAR YEAR OR YEARS NOT EXCEEDING TWO SUCH YEARS ON THE BONDS
23 THEN TO BE ISSUED AND ON ALL OTHER BONDS OF THE AUTHORITY THEN OUTSTAND-
24 ING AND SECURED BY SUCH DEBT SERVICE RESERVE FUND.

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

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

41 S 1349-O. RIGHT OF STATE TO REQUIRE REDEMPTION OF BONDS. NOTWITHSTAND-
42 ING AND IN ADDITION TO ANY PROVISIONS FOR THE REDEMPTION OF BONDS WHICH
43 MAY BE CONTAINED IN ANY CONTRACT WITH THE HOLDERS OF THE BONDS, THE
44 STATE MAY, UPON FURNISHING SUFFICIENT FUNDS THEREFOR, REQUIRE THE
45 AUTHORITY TO REDEEM, PRIOR TO MATURITY, AS A WHOLE, ANY ISSUE OF BONDS
46 ON ANY INTEREST PAYMENT DATE NOT LESS THAN TWENTY YEARS AFTER THE DATE
47 OF THE BONDS OF SUCH ISSUE AT ONE HUNDRED FIVE PER CENTUM OF THEIR FACE
48 VALUE AND ACCRUED INTEREST OR AT SUCH LOWER REDEMPTION PRICE AS MAY BE
49 PROVIDED IN THE BONDS IN CASE OF THE REDEMPTION THEREOF AS A WHOLE ON
50 THE REDEMPTION DATE. NOTICE OF SUCH REDEMPTION SHALL BE PUBLISHED IN AT
51 LEAST TWO NEWSPAPERS PUBLISHED AND CIRCULATING IN THE REGIONAL TRANSPOR-
52 TATION DISTRICT, AT LEAST TWICE, THE FIRST PUBLICATION TO BE AT LEAST
53 THIRTY DAYS BEFORE THE DATE OF REDEMPTION.

54 S 1349-P. REMEDIES OF NOTEHOLDERS AND BONDHOLDERS. 1. IN THE EVENT
55 THAT THE AUTHORITY SHALL DEFAULT IN THE PAYMENT OF PRINCIPAL OF OR
56 INTEREST ON ANY ISSUE OF NOTES OR BONDS AFTER THE SAME SHALL BECOME DUE,

1 WHETHER AT MATURITY OR UPON CALL FOR REDEMPTION, AND SUCH DEFAULT SHALL
2 CONTINUE FOR A PERIOD OF THIRTY DAYS, OR IN THE EVENT THAT THE AUTHORITY
3 SHALL FAIL OR REFUSE TO COMPLY WITH THE PROVISIONS OF THIS TITLE OR
4 SHALL DEFAULT IN ANY AGREEMENT MADE WITH THE HOLDERS OF ANY ISSUE OF
5 NOTES OR BONDS, THE HOLDERS OF TWENTY-FIVE PER CENTUM IN AGGREGATE PRIN-
6 CIPAL AMOUNT OF THE NOTES OR BONDS OF SUCH ISSUE THEN OUTSTANDING, BY
7 INSTRUMENT OR INSTRUMENTS FILED IN THE OFFICE OF THE CLERK OF ANY COUNTY
8 IN WHICH THE AUTHORITY OPERATES AND HAS AN OFFICE AND PROVED OR ACKNOWL-
9 EDGED IN THE SAME MANNER AS A DEED TO BE RECORDED, MAY APPOINT A TRUSTEE
10 TO REPRESENT THE HOLDERS OF SUCH NOTES OR BONDS FOR THE PURPOSES
11 PROVIDED IN THIS SECTION.

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

15 (A) BY SUIT, ACTION OR PROCEEDING IN ACCORDANCE WITH THE CIVIL PRAC-
16 TICE LAW AND RULES, ENFORCE ALL RIGHTS OF THE NOTEHOLDERS OR BONDHOLD-
17 ERS, INCLUDING THE RIGHT TO REQUIRE THE AUTHORITY TO COLLECT FARES,
18 TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES ADEQUATE TO CARRY OUT ANY
19 AGREEMENT AS TO, OR PLEDGE OF, SUCH FARES, TOLLS, RENTALS, RATES, CHARG-
20 ES AND OTHER FEES AND TO REQUIRE THE AUTHORITY TO CARRY OUT ANY OTHER
21 AGREEMENTS WITH THE HOLDERS OF SUCH NOTES OR BONDS AND TO PERFORM ITS
22 DUTIES UNDER THIS TITLE;

23 (B) BRING SUIT UPON SUCH NOTES OR BONDS;

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

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

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

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

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

42 5. BEFORE DECLARING THE PRINCIPAL OF NOTES OR BONDS DUE AND PAYABLE,
43 THE TRUSTEE SHALL FIRST GIVE THIRTY DAYS NOTICE IN WRITING TO THE GOVER-
44 NOR, TO THE AUTHORITY, TO THE COMPTROLLER AND TO THE ATTORNEY GENERAL OF
45 THE STATE.

46 S 1349-Q. NOTES AND BONDS AS LEGAL INVESTMENT. THE NOTES AND BONDS OF
47 THE AUTHORITY ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS
48 AND BODIES OF THE STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVI-
49 SIONS, ALL INSURANCE COMPANIES AND ASSOCIATIONS AND OTHER PERSONS CARRY-
50 ING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES,
51 SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSO-
52 CIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER
53 PERSONS CARRYING ON A BANKING BUSINESS, ALL ADMINISTRATORS, GUARDIANS,
54 EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES, AND ALL OTHER PERSONS WHATSOEVER
55 WHO ARE NOW OR WHO MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS
56 OR OTHER OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS

1 INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM. NOTWITHSTANDING
2 ANY OTHER PROVISIONS OF LAW, THE BONDS OF THE AUTHORITY ARE ALSO HEREBY
3 MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND SHALL BE RECEIVED BY ALL
4 PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES AND
5 POLITICAL SUBDIVISIONS FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR
6 OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

7 S 1349-R. EXEMPTION FROM TAXATION. IT IS HEREBY FOUND, DETERMINED AND
8 DECLARED THAT THE CREATION OF THE AUTHORITY AND THE CARRYING OUT OF ITS
9 PURPOSES IS IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE
10 OF NEW YORK AND FOR THE IMPROVEMENT OF THEIR HEALTH, WELFARE AND PROS-
11 PERITY AND IS A PUBLIC PURPOSE, AND THAT THE AUTHORITY WILL BE PERFORM-
12 ING AN ESSENTIAL GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS
13 CONFERRED UPON IT BY THIS TITLE. WITHOUT LIMITING THE GENERALITY OF THE
14 FOLLOWING PROVISIONS OF THIS SECTION, PROPERTY OWNED BY THE AUTHORITY
15 AND USED FOR TRANSPORTATION PURPOSES, PROPERTY LEASED BY THE AUTHORITY
16 AND USED FOR TRANSPORTATION PURPOSES, AND PROPERTY USED FOR TRANSPORTA-
17 TION PURPOSES BY OR FOR THE BENEFIT OF THE AUTHORITY EXCLUSIVELY PURSU-
18 ANT TO THE PROVISIONS OF A JOINT SERVICE ARRANGEMENT OR OF A JOINT
19 FACILITIES AGREEMENT OR TRACKAGE RIGHTS AGREEMENT SHALL ALL BE EXEMPT
20 FROM TAXATION AND SPECIAL AD VALOREM LEVIES. THE AUTHORITY SHALL BE
21 REQUIRED TO PAY NO FEES, TAXES OR ASSESSMENTS, WHETHER STATE OR LOCAL,
22 EXCEPT SPECIAL BENEFIT ASSESSMENTS IF SAID PROPERTY IS LOCATED IN A
23 SPECIAL BENEFIT DISTRICT, INCLUDING BUT NOT LIMITED TO FEES, TAXES OR
24 ASSESSMENTS ON REAL ESTATE, FRANCHISE TAXES, SALES TAXES OR OTHER EXCISE
25 TAXES, UPON ANY OF ITS PROPERTY, OR UPON THE USES THEREOF, OR UPON ITS
26 ACTIVITIES IN THE OPERATION AND MAINTENANCE OF ITS FACILITIES OR ON ANY
27 FARES, TOLLS, RENTALS, RATES, CHARGES OR OTHER FEES, REVENUES OR OTHER
28 INCOME RECEIVED BY THE AUTHORITY AND ALL BONDS, NOTES AND OBLIGATIONS OF
29 THE AUTHORITY AND THE INCOME THEREFROM SHALL AT ALL TIMES BE EXEMPT FROM
30 TAXATION, EXCEPT FOR GIFT AND ESTATE TAXES AND TAXES ON TRANSFERS. THIS
31 SECTION SHALL CONSTITUTE A COVENANT AND AGREEMENT WITH THE HOLDERS OF
32 ALL BONDS, NOTES AND OBLIGATIONS ISSUED BY THE AUTHORITY. THE TERMS
33 "TAXATION" AND "SPECIAL AD VALOREM LEVY" SHALL HAVE THE SAME MEANINGS AS
34 DEFINED IN SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW AND THE
35 TERM "TRANSPORTATION PURPOSES" SHALL HAVE THE SAME MEANING AS USED IN
36 TITLES TWO-A AND TWO-B OF ARTICLE FOUR OF SUCH LAW.

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

46 2. AN ACTION AGAINST THE AUTHORITY FOUNDED ON TORT, EXCEPT AN ACTION
47 FOR WRONGFUL DEATH, SHALL NOT BE COMMENCED MORE THAN ONE YEAR AFTER THE
48 CAUSE OF ACTION THEREFOR SHALL HAVE ACCRUED, NOR UNLESS A NOTICE OF
49 CLAIM SHALL HAVE BEEN SERVED ON THE AUTHORITY WITHIN THE TIME LIMITED BY
50 AND IN COMPLIANCE WITH ALL THE REQUIREMENTS OF SECTION FIFTY-E OF THE
51 GENERAL MUNICIPAL LAW. AN ACTION AGAINST THE AUTHORITY FOR WRONGFUL
52 DEATH SHALL BE COMMENCED IN ACCORDANCE WITH THE NOTICE OF CLAIM AND TIME
53 LIMITATION PROVISIONS OF TITLE ELEVEN OF ARTICLE NINE OF THIS CHAPTER.

54 3. THE AUTHORITY SHALL BE LIABLE, AND SHALL ASSUME THE LIABILITY TO
55 THE EXTENT THAT IT SHALL SAVE HARMLESS ANY DULY APPOINTED OFFICER OR
56 EMPLOYEE OF THE AUTHORITY, FOR THE NEGLIGENCE OF SUCH OFFICER OR EMPLOY-

EE, 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

1 AN OFFICER, AGENT, SERVANT OR EMPLOYEE EMPLOYED BY OR APPOINTED BY THE
2 AUTHORITY, TO BE IN ANY WAY OR MANNER INTERESTED, DIRECTLY OR INDIRECT-
3 LY, AS PRINCIPAL, SURETY OR OTHERWISE, IN A CONTRACT, THE EXPENSE OR
4 CONSIDERATION WHEREOF IS PAYABLE OUT OF THE FUNDS OF THE AUTHORITY.

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

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

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

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

28 S 2. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.