

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

S. 2871--A

A. 4170--A

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 2, 2011

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, ENGLEBRIGHT, LOSQUADRO, MURRAY -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means 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 tax law, in relation to the definition of the metropolitan commuter transportation district for the purposes of the metropolitan commuter transportation mobility tax; and to amend the public authorities law, in relation to requiring the metropolitan transportation authority to renegotiate the joint service operating agreement with the state of Connecticut

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

1 Section 1. Legislative findings. Pursuant to chapter 25 of the laws of
2 2009, the legislature did enact the metropolitan mobility tax within the
3 twelve county region constituting the metropolitan transportation
4 district. The legislature hereby finds that the residents of the towns
5 of Brookhaven, East Hampton, Riverhead, Shelter Island, Southold and
6 Southampton in the county of Suffolk receive minimal mass transit
7 services from the metropolitan transportation authority. Further, these
8 towns already pay substantial taxes to the MTA for these minimal
9 services, including increased sales taxes and mortgage recording taxes.
10 It has been estimated these five towns contribute more than \$60 million
11 annually to the MTA than they receive back in service.

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

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1 In the interest of tax fairness and to avoid such additional inequita-
2 ble taxation on these towns, it is the purpose of this act to exempt
3 such towns from the newly adopted metropolitan commuter transportation
4 mobility tax.

5 S 2. Subsection (a) of section 800 of the tax law, as added by section
6 1 of part C of chapter 25 of the laws of 2009, is amended to read as
7 follows:

8 (a) Metropolitan commuter transportation district. The metropolitan
9 commuter transportation district ("MCTD") means the area of the state
10 included in the district created and governed by section twelve hundred
11 sixty-two of the public authorities law, EXCEPT THAT FOR THE PURPOSES OF
12 THIS ARTICLE, THE TOWNS OF BROOKHAVEN, EAST HAMPTON, RIVERHEAD, SHELTER
13 ISLAND, SOUTHAMPTON AND SOUTHOLD IN SUFFOLK COUNTY SHALL BE EXCLUDED
14 FROM THE DISTRICT FOR THE PURPOSES OF THIS ARTICLE AND ANY REVENUES
15 PREVIOUSLY COLLECTED FROM WITHIN THESE COUNTIES SHALL BE REIMBURSED TO
16 EACH PAYOR BY MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN.

17 S 3. Section 1266 of the public authorities law is amended by adding
18 a new subdivision 19 to read as follows:

19 19. THE AUTHORITY IS REQUIRED BY MARCH THIRTY-FIRST, TWO THOUSAND
20 THIRTEEN TO:

21 (A) RENEGOTIATE THE JOINT SERVICE AGREEMENT BETWEEN THE AUTHORITY AND
22 THE STATE OF CONNECTICUT RELATED TO THE OPERATION OF THE METRO-NORTH NEW
23 HAVEN LINE TO (I) REQUIRE CONNECTICUT TO SET NEW HAVEN LINE FARE
24 INCREASES AT LEVELS NECESSARY TO SUSTAIN EQUIVALENT FARE LEVELS BETWEEN
25 NEW YORK STATE RESIDENTS RIDING THE METRO-NORTH COMMUTER RAILROAD AND
26 CONNECTICUT RESIDENTS RIDING THE METRO-NORTH COMMUTER RAILROAD, (II)
27 REQUIRE THAT CONNECTICUT OPERATING DEFICIT SUBSIDY PAYMENTS SHALL BE
28 BASED ON CONNECTICUT RESIDENT UTILIZATION OF THE METRO-NORTH COMMUTER
29 RAILROAD AND CONNECTICUT RESIDENT UTILIZATION OF THE NEW YORK CITY TRAN-
30 SIT AUTHORITY WITH SUCH SUBSIDIES TO BE DETERMINED BY MULTIPLYING THE
31 CONNECTICUT RESIDENT UTILIZATION PERCENTAGES FOR THE METRO-NORTH COMMU-
32 TER RAILROAD AND THE NEW YORK CITY TRANSIT AUTHORITY BY THE RESPECTIVE
33 BASELINE OPERATING DEFICIT OF THESE OPERATING ENTITIES PRIOR TO SUBSIDY
34 ADJUSTMENTS AND PRIOR TO INCREASED REVENUES PROVIDED TO THE AUTHORITY BY
35 NEW YORK STATE RESIDENTS PURSUANT TO PAYMENTS MANDATED BY CHAPTER TWEN-
36 TY-FIVE OF THE LAWS OF TWO THOUSAND NINE, AND (III) PROVIDE FOR RETROAC-
37 TIVE LUMP SUM PAYMENTS DUE FROM THE STATE OF CONNECTICUT RELATED TO
38 CALENDAR YEAR TWO THOUSAND NINE; OR

39 (B) REDUCE SERVICES AND EXPENSES RELATED TO THE METRO-NORTH NEW HAVEN
40 LINE OPERATION BY AN AMOUNT WHICH PRODUCES RECURRING SAVINGS TO THE
41 AUTHORITY WHICH ARE EQUIVALENT TO THE INCREASED JOINT SERVICE AGREEMENT
42 PAYMENTS WHICH WOULD BE DETERMINED UNDER PARAGRAPH (A) OF THIS SUBDIVI-
43 SION.

44 S 4. This act shall take effect immediately.