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

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I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. CUSICK, TITONE, MALLIOTAKIS, TOBACCO -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 774 of the laws of 1950, providing for an agreement with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, and chapter 47 of the laws of 1931, declaring the policy of the states of New York and New Jersey in regard to certain vehicular bridges and tunnels within the port of New York district, in relation to limiting the tolls imposed for the use of bridges

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

Section 1. Section 2 of chapter 774 of the laws of 1950, providing for an agreement with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, is amended and a new section 2-a is added to read as follows:

S 2. (A) No traffic shall be permitted in or upon vehicular crossings except upon the payment of such tolls and other charges as may from time to time be prescribed by the port authority. It is hereby declared to be unlawful for any person to refuse to pay, or to evade or to attempt to evade the payment of such tolls or other charges.

(B) THE TOLLS AND OTHER CHARGES PRESCRIBED FOR THE USE OF VEHICULAR CROSSINGS THAT ARE BRIDGES DURING EACH CALENDAR YEAR SHALL NOT EXCEED THE COSTS OF MAINTAINING AND OPERATING SUCH BRIDGES, AND THE PAYMENT OF, WITH INTEREST UPON, AND AMORTIZATION OF BONDS AND OTHER SECURITIES OR OBLIGATIONS ISSUED FOR THE PURPOSES OF SUCH BRIDGES, AND INCURRED BY THE PORT AUTHORITY DURING SUCH CALENDAR YEAR. ALL SUCH TOLLS AND OTHER CHARGES FOR THE USE OF PORT AUTHORITY BRIDGES SHALL BE DEPOSITED AND CREDITED TO THE PORT AUTHORITY BRIDGE FUND. FURTHERMORE, IN ANY INSTANCE IN WHICH THE AMOUNT OF FUNDS IN THE PORT AUTHORITY BRIDGE FUND EXCEEDS ONE HUNDRED FIVE PERCENT OF THE ANNUAL COSTS OF MAINTAINING AND OPERAT-

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

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ING PORT AUTHORITY BRIDGES, AND THE PAYMENT OF, WITH INTEREST UPON, AND AMORTIZATION OF BONDS AND OTHER SECURITIES OR OBLIGATIONS ISSUED FOR THE PURPOSES OF SUCH BRIDGES, THE TOLLS AND OTHER CHARGES IMPOSED FOR THE USE OF PORT AUTHORITY BRIDGES SHALL BE REDUCED DURING SUBSEQUENT CALENDAR YEARS SO AS TO REDUCE THE FUNDS IN THE PORT AUTHORITY FUND BELOW ONE HUNDRED FIVE PERCENT OF THE ANNUAL PORT AUTHORITY BRIDGE COSTS.

S 2-A. (A) THE PORT AUTHORITY SHALL ESTABLISH A SEPARATE SPECIAL FUND TO BE KNOWN AS THE "PORT AUTHORITY BRIDGE FUND".

(B) SUCH FUND SHALL CONSIST OF ALL REVENUE, TOLLS AND OTHER CHARGES RECEIVED BY THE PORT AUTHORITY FOR THE USE OF VEHICULAR CROSSINGS THAT ARE BRIDGES, AND ALL OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

(C) MONEYS IN THE PORT AUTHORITY BRIDGE FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE PORT AUTHORITY.

(D) THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE COSTS OF MAINTAINING AND OPERATING THE PORT AUTHORITY BRIDGES, AND THE PAYMENT OF, WITH INTEREST UPON, AND AMORTIZATION OF BONDS AND OTHER SECURITIES OR OBLIGATIONS ISSUED FOR THE PURPOSES OF SUCH BRIDGES.

(E) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL STATUTES, THE COMPTROLLER OF THE STATE OF NEW YORK AND THE COMPTROLLER OF THE STATE OF NEW JERSEY AND THEIR LEGALLY AUTHORIZED REPRESENTATIVES ARE HEREBY AUTHORIZED AND EMPOWERED FROM TIME TO TIME TO EXAMINE THE PORT AUTHORITY BRIDGE FUND IN ACCORDANCE WITH CHAPTER SIX HUNDRED FORTY-EIGHT OF THE LAWS OF NINETEEN HUNDRED TWENTY-NINE OF THE STATE OF NEW YORK AND CHAPTER NINETY OF THE LAWS OF NINETEEN HUNDRED FIFTY OF THE STATE OF NEW JERSEY.

S 2. The opening paragraph of section 11 of chapter 47 of the laws of 1931, declaring the policy of the states of New York and New Jersey in regard to certain vehicular bridges and tunnels within the port of New York district, as amended by chapter 807 of the laws of 1955, is amended to read as follows:

The port authority is hereby authorized to make and enforce such rules and regulations and, SUBJECT TO THE PROVISIONS OF SECTIONS TWO AND TWO-A OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY OF THE STATE OF NEW YORK AND CHAPTER ONE HUNDRED NINETY-TWO OF THE LAWS OF NINETEEN HUNDRED FIFTY OF THE STATE OF NEW JERSEY, to establish, levy and collect such tolls and other charges in connection with any vehicular bridges and tunnels which it may now or hereafter be authorized to own, construct, operate or control (including the said Holland tunnel and the said Midtown Hudson tunnel), as it may deem necessary, proper or desirable, which said tolls and charges shall be [at least] sufficient to meet the expenses of the construction, operation and maintenance thereof, and to provide for the payment of, with interest upon, and the amortization and retirement of bonds or other securities or obligations issued or incurred for bridge or tunnel purposes. There shall be allocated to the cost of the construction, operation and maintenance of such bridges and tunnels, such proportion of the general expenses of the port authority as it shall deem properly chargeable thereto.

S 3. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately; provided that the chairman of the port authority of New York and New Jersey shall notify the legislative bill drafting commission upon the occurrence of the

enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.