

1386

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sens. PERKINS, DILAN, DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to eliminating the metropolitan commuter transportation authority's environmental quality review exemption

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

1 Section 1. Subdivisions 3 and 11 of section 1266 of the public author-
2 ities law, subdivision 3 as amended and subdivision 11 as added by chap-
3 ter 314 of the laws of 1981, are amended to read as follows:
4 3. The authority may establish, levy and collect or cause to be estab-
5 lished, levied and collected and, in the case of a joint service
6 arrangement, join with others in the establishment, levy and collection
7 of such fares, tolls, rentals, rates, charges and other fees as it may
8 deem necessary, convenient or desirable for the use and operation of any
9 transportation facility and related services operated by the authority
10 or by a subsidiary corporation of the authority or under contract, lease
11 or other arrangement, including joint service arrangements, with the
12 authority. Any such fares, tolls, rentals, rates, charges or other fees
13 for the transportation of passengers shall be established and changed
14 only if approved by resolution of the authority adopted by not less than
15 a majority vote of the whole number of members of the authority then in
16 office, with the chairman having one additional vote in the event of a
17 tie vote, and only after a public hearing, provided however, that fares,
18 tolls, rentals, rates, charges or other fees for the transportation of
19 passengers on any transportation facility which are in effect at the
20 time that the then owner of such transportation facility becomes a
21 subsidiary corporation of the authority or at the time that operation of
22 such transportation facility is commenced by the authority or is
23 commenced under contract, lease or other arrangement, including joint

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

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1 service arrangements, with the authority may be continued in effect
2 without such a hearing. Such fares, tolls, rentals, rates, charges and
3 other fees shall be established as may in the judgment of the authority
4 be necessary to maintain the combined operations of the authority and
5 its subsidiary corporations on a self-sustaining basis. The said oper-
6 ations shall be deemed to be on a self-sustaining basis as required by
7 this title, when the authority is able to pay or cause to be paid from
8 revenue and any other funds or property actually available to the
9 authority and its subsidiary corporations (a) as the same shall become
10 due, the principal of and interest on the bonds and notes and other
11 obligations of the authority and of such subsidiary corporations,
12 together with the maintenance of proper reserves therefor, (b) the cost
13 and expense of keeping the properties and assets of the authority and
14 its subsidiary corporations in good condition and repair, and (c) the
15 capital and operating expenses of the authority and its subsidiary
16 corporations. The authority may contract with the holders of bonds and
17 notes with respect to the exercise of the powers authorized by this
18 section. [No acts or activities taken or proposed to be taken by the
19 authority or any subsidiary of the authority pursuant to the provisions
20 of this subdivision shall be deemed to be "actions" for the purposes or
21 within the meaning of article eight of the environmental conservation
22 law.]

23 11. No project to be constructed upon real property theretofore used
24 for a transportation purpose, or on an insubstantial addition to such
25 property contiguous thereto, which will not change in a material respect
26 the general character of such prior transportation use, nor any acts or
27 activities in connection with such project, shall be subject to the
28 provisions of article [eight,] nineteen, twenty-four or twenty-five of
29 the environmental conservation law, or to any local law or ordinance
30 adopted pursuant to any such article. [Nor shall any acts or activities
31 taken or proposed to be taken by the authority or by any other person or
32 entity, public or private, in connection with the planning, design,
33 acquisition, improvement, construction, reconstruction or rehabilitation
34 of a transportation facility, other than a marine or aviation facility,
35 be subject to the provisions of article eight of the environmental
36 conservation law, or to any local law or ordinance adopted pursuant to
37 any such article if such acts or activities require the preparation of a
38 statement under or pursuant to any federal law or regulation as to the
39 environmental impact thereof.]

40 S 2. This act shall take effect immediately.