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I N   S E N A T E

February 7, 2012

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Introduced by Sen. STAVISKY -- 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 requiring the MTA to post a schedule of station closings

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

1     Section 1. Section 1277 of the public authorities law, as amended by  
2 chapter 161 of the laws of 2000, is amended to read as follows:  
3     S 1277. Station operation and maintenance. 1. A. The operation, main-  
4 tenance and use of passenger stations shall be public purposes of the  
5 city of New York and the counties within the district. The total cost to  
6 the authority and each of its subsidiary corporations of operation,  
7 maintenance and use of each passenger station within the district  
8 serviced by one or more railroad facilities of the authority or of such  
9 subsidiary corporation, including the buildings, appurtenances, plat-  
10 forms, lands and approaches incidental or adjacent thereto, shall be  
11 borne by the city of New York if such station is located in such city  
12 or, if not located in such city, by such county within the district in  
13 which such station is located. On or before June first of each year, the  
14 authority shall, in accordance with the method specified herein, deter-  
15 mine and certify to the city of New York and to each county within the  
16 district the respective allocation of costs related to the operation,  
17 maintenance and use of passenger stations within such city and each such  
18 other county, for the twelve month period ending the preceding March  
19 thirty-first.  
20     (I) For the year commencing April first, nineteen hundred ninety-nine,  
21 the total payment amount to be billed by the authority for the opera-  
22 tion, maintenance and use of each passenger station within the city of  
23 New York and the counties of Nassau, Suffolk, Westchester, Dutchess,  
24 Putnam, Orange, and Rockland shall be calculated by summing the total  
25 amount listed in the base amount table plus an adjustment to such base  
26 year amount equal to the base amount times the increase or decrease in  
27 the Consumer Price Index for Wage Earners and Clerical Workers for the

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

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1 New York, Northeastern-New Jersey Standard Metropolitan Statistical Area  
 2 for the twelve-month period being billed.

3 BASE AMOUNT TABLE

4	County	Base Amount
5	Nassau	\$19,200,000
6	Suffolk	\$11,834,091
7	Westchester	\$13,269,310
8	Dutchess	\$ 1,581,880
9	Putnam	\$ 618,619
10	Orange	\$ 327,247
11	Rockland	\$ 34,791
12	City of New York	\$61,435,330

13 (II) For each year thereafter, such total payment for each such county  
 14 shall be the same amount as the total payment during the immediately  
 15 prior year, plus an adjustment equal to the prior year amount times the  
 16 increase or decrease in the Consumer Price Index for Wage Earners and  
 17 Clerical Workers for the New York, Northeastern-New Jersey Standard  
 18 Metropolitan Statistical Area for the twelve-month period being billed.

19 B. On or before the following September first, of each year, such city  
 20 and each such county shall pay to the authority such cost or amount so  
 21 certified to it on or before the preceding June first. Such city and  
 22 each such county shall have power to finance such costs to it by the  
 23 issuance of budget notes pursuant to section 29.00 of the local finance  
 24 law. For the year beginning April first, two thousand four, the author-  
 25 ity, the city of New York and the counties of Nassau, Suffolk, Westches-  
 26 ter, Dutchess, Putnam, Orange, and Rockland may, after having reached an  
 27 agreement, recommend to the legislature modifications to the amounts set  
 28 forth above based upon changes made to commuter services including but  
 29 not limited to changes in the number of passenger stations within such  
 30 counties or the level of commuter rail service provided to any such  
 31 passenger stations. Failure between the authority and between the coun-  
 32 ties to reach agreement will be referred to the state comptroller for  
 33 mediation. If the mediation is unsuccessful, each party and the state  
 34 comptroller may submit a recommendation to the governor and the legisla-  
 35 ture for legislative action.

36 C. In the event that a city or county shall fail to make payment to  
 37 the authority for station maintenance as required pursuant to this  
 38 section, or any part thereof, the chief executive officer of the author-  
 39 ity or such other person as the chairman shall designate shall certify  
 40 to the state comptroller the amount due and owing the authority at the  
 41 end of the state fiscal year and the state comptroller shall withhold an  
 42 equivalent amount from the next succeeding state aid allocated to such  
 43 county or city from the motor fuel tax and the motor vehicle registra-  
 44 tion fee distributed pursuant to former section one hundred twelve of  
 45 the highway law, or amounts distributed pursuant to section ten-c of the  
 46 highway law, or per capita local assistance pursuant to section fifty-  
 47 four of the state finance law subject to the following limitations:  
 48 prior to withholding amounts due the authority from such county or city,  
 49 the comptroller shall pay in full any amount due the state of New York  
 50 municipal bond bank agency, on account of any such county's or city's  
 51 obligation to such agency; the city university construction fund pursu-  
 52 ant to the provisions of the city university construction fund act; the  
 53 New York city housing development corporation, pursuant to the  
 54 provisions of the New York city housing development corporation act  
 55 (article twelve of the private housing finance law); and the transit

1 construction fund pursuant to the provisions of title nine-A of article  
2 five of this chapter. The comptroller shall give the director of the  
3 budget notification of any such payment. Such amount or amounts so with-  
4 held by the comptroller shall be paid to the authority and the authority  
5 shall use such amount for the repayment of the state advances hereby  
6 authorized. When such amount or amounts are received by the authority,  
7 it shall credit such amounts against any amounts due and owing by the  
8 city or county on whose account such amount was withheld and paid.

9 2. A. WHENEVER THE AUTHORITY WILL CLOSE A STATION FOR A PERIOD OF TIME  
10 IN EXCESS OF TWENTY-FOUR HOURS, THE AUTHORITY, AT LEAST SIX MONTHS PRIOR  
11 TO SUCH SCHEDULED CLOSING DATE, MUST FILE A COPY OF SUCH SCHEDULED CLOS-  
12 INGS WITH THE STATE COMPTROLLER, THE NEW YORK CITY CONTROLLER, THE NEW  
13 YORK CITY OFFICE OF ECONOMIC DEVELOPMENT, ALL AFFECTED COMMUNITY BOARDS,  
14 AND ANY LOCAL, STATE, OR FEDERAL ELECTED OFFICIAL.

15 B. THE AUTHORITY SHALL BE REQUIRED TO HOLD A PUBLIC HEARING AFTER THE  
16 FILING OF THE SCHEDULED CLOSINGS BUT PRIOR TO SUCH CLOSING DATE.

17 C. THE AUTHORITY SHALL NOT CLOSE ANY STATION FOR ONE WEEK COMMENCING  
18 ON THE FOURTH WEDNESDAY IN NOVEMBER.

19 D. THE AUTHORITY SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS  
20 OF THIS SUBDIVISION FOR ANY CLOSING THAT RESULTS FROM EMERGENCY REPAIR  
21 OR ANY CLOSING THAT WILL BE LESS THAN TWENTY-FOUR HOURS IN DURATION.

22 S 2. This act shall take effect immediately and shall apply to any  
23 station closings that occur no sooner than seven months after such  
24 effective date.