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

S. 5670 A. 8267

2011-2012 Regular Sessions

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

June 9, 2011

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

IN ASSEMBLY -- Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the transportation law, in relation to establishing the Corinth and Warren railroad authority and establishing the powers and duties of the town of Corinth, the county of Warren and other municipalities located along the railroad line

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

Section 1. Article 8 of the public authorities law is amended by adding a new title 28-D to read as follows:

TITLE 28-D
CORINTH AND WARREN RAILROAD
AUTHORITY

SECTION 2681. SHORT TITLE.
2681-A. DEFINITIONS.
2681-B. CORINTH AND WARREN RAILROAD AUTHORITY.
2681-C. PURPOSES OF THE AUTHORITY.
2681-D. GENERAL POWERS OF THE AUTHORITY.
2681-E. SPECIAL POWERS OF THE AUTHORITY.
2681-F. COOPERATION AND ASSISTANCE OF OTHER AGENCIES.
2681-G. EXEMPTION FROM TAXATION.
2681-H. ADVANCES ON BEHALF OF AUTHORITY; TRANSFER OF PROPERTY TO AUTHORITY; ACQUISITION OF PROPERTY FOR AUTHORITY.
2681-I. NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM RIGHTS OF EMPLOYEES; CIVIL SERVICE.
2681-J. EQUAL EMPLOYMENT OPPORTUNITY.

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

LBD11659-02-1

2681-K. MONIES OF THE AUTHORITY.
2681-L. CONTRACTS.
2681-M. ANNUAL REPORT AND AUDIT.
2681-N. DEFENSE AND INDEMNIFICATION.
2681-O. ACTION BY OR AGAINST THE AUTHORITY.
2681-P. TRACK, BRIDGE, SIGNAL, STATION AND OTHER FACILITY OPERATION AND MAINTENANCE.
2681-Q. STATE, COUNTY, TOWN AND MUNICIPALITIES NOT LIABLE FOR OBLIGATIONS OF THE AUTHORITY.
2681-R. EFFECT OF INCONSISTENT PROVISIONS.

S 2681. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "CORINTH AND WARREN RAILROAD AUTHORITY ACT".

S 2681-A. DEFINITIONS. AS USED OR REFERRED TO IN THIS TITLE, UNLESS A DIFFERENT MEANING APPEARS FROM THE CONTEXT:

1. "AUTHORITY" SHALL MEAN THE CORPORATION CREATED BY SECTION TWENTY-SIX HUNDRED EIGHTY-ONE-B OF THIS TITLE.

2. "AUTHORITY FACILITIES" SHALL MEAN THE AUTHORITY'S RAILROAD FACILITIES AND OPERATIONS PURSUANT TO JOINT SERVICE ARRANGEMENTS.

3. "COMPTROLLER" SHALL MEAN THE STATE COMPTROLLER.

4. "CORINTH AND WARREN RAILROAD LINE" SHALL MEAN THE RAILROAD LINE GENERALLY DESCRIBED AS LOCATED BETWEEN MILE POST 94.96 IN NORTH CREEK IN THE TOWN OF JOHNSBURG AND COUNTY OF WARREN AND RUNNING APPROXIMATELY FIFTY-SIX MILES TO MILE POST 39.44 IN THE CITY OF SARATOGA SPRINGS IN THE COUNTY OF SARATOGA.

5. "COUNTY" SHALL MEAN THE COUNTY OF WARREN.

6. "EQUIPMENT" SHALL MEAN ROLLING STOCK, VEHICLES, MOTORS, BOILERS, ENGINES, WIRES, WAYS, CONDUITS AND MECHANISMS, MACHINERY, TOOLS, IMPLEMENTS, MATERIALS, SUPPLIES, INSTRUMENTS AND DEVICES OF EVERY NATURE WHATSOEVER USED OR USEFUL FOR RAILROAD AND RELATED TRANSPORTATION PURPOSES OR FOR THE GENERATION OR TRANSMISSION OF MOTIVE POWER INCLUDING BUT NOT LIMITED TO ALL POWER HOUSES, AND ALL APPARATUS AND ALL DEVICES FOR SIGNALING, COMMUNICATIONS AND VENTILATION AS MAY BE NECESSARY, CONVENIENT OR DESIRABLE FOR THE OPERATION OF A RAILROAD OR RELATED TRANSPORTATION FACILITY.

7. "JOINT SERVICE ARRANGEMENTS" SHALL MEAN AGREEMENTS BETWEEN OR AMONG THE AUTHORITY AND ANY COMMON CARRIER OR FREIGHT FORWARDER, THE STATE, 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 THIS OR ANY OTHER STATE, RELATING TO PROPERTY, BUILDINGS, STRUCTURES, FACILITIES, SERVICES, RATES, FARES, CLASSIFICATIONS, DIVISIONS, ALLOWANCES OR CHARGES, OR RULES OR REGULATIONS PERTAINING THERETO, FOR OR IN CONNECTION WITH OR INCIDENTAL TO TRANSPORTATION IN PART IN OR UPON RAILROAD FACILITIES LOCATED WITHIN THE COUNTY OF WARREN OR COUNTY OF SARATOGA AND IN PART IN OR UPON RAILROAD FACILITIES LOCATED OUTSIDE SAID COUNTY OR TOWN.

8. "LEGISLATIVE BODY" OR "LEGISLATIVE BODIES" SHALL MEAN ANY OR ALL OF THE GOVERNING BOARDS OF THE COUNTY OF WARREN AND THE TOWN OF CORINTH.

9. "MUNICIPALITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, IMPROVEMENT DISTRICT, ANY OTHER SUCH INSTRUMENTALITY, INCLUDING AN AGENCY OR PUBLIC BENEFIT CORPORATION OF THE STATE, OR ANY OF THE FOREGOING, OR ANY COMBINATION THEREOF.

10. "RAILROAD FACILITIES" SHALL MEAN RIGHT-OF-WAY AND RELATED TRACKAGE, RAILS, CARS, LOCOMOTIVES, OTHER ROLLING STOCK, SIGNAL, POWER, FUEL, COMMUNICATION AND VENTILATION SYSTEMS, POWER PLANTS, STATIONS, TERMINALS, PARKING LOTS, GARAGES, WAREHOUSES, STORAGE YARDS, INTERMODAL FACILITIES, REPAIR AND MAINTENANCE SHOPS, YARDS, EQUIPMENT AND PARTS,

OFFICES AND OTHER REAL ESTATE OR PERSONALTY USED OR HELD FOR OR INCIDENTAL TO THE OPERATION, REHABILITATION OR IMPROVEMENT OF ANY RAILROAD OPERATING OR TO OPERATE BETWEEN POINTS WITHIN THE COUNTY OF WARREN AND THE COUNTY OF SARATOGA OR PURSUANT TO JOINT SERVICE ARRANGEMENTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES, AND AREAS NOTWITHSTANDING THAT PORTIONS THEREOF MAY NOT BE DEVOTED TO ANY RAILROAD PURPOSE OTHER THAN THE PRODUCTION OF REVENUES AVAILABLE FOR THE COSTS AND EXPENSES OF ALL OR ANY FACILITIES OF THE AUTHORITY.

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

12. "TOWN" SHALL MEAN THE TOWN OF CORINTH IN THE COUNTY OF SARATOGA.

S 2681-B. CORINTH AND WARREN RAILROAD AUTHORITY. 1. THERE IS HEREBY CREATED THE "CORINTH AND WARREN RAILROAD AUTHORITY" WHICH SHALL BE A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC BENEFIT CORPORATION.

2. THE AUTHORITY SHALL CONTINUE FOR THIRTY YEARS FROM THE EFFECTIVE DATE OF THIS TITLE, OR SO LONG AS IT SHALL HAVE BONDS OR OTHER OBLIGATIONS OUTSTANDING OR UNTIL IT CAN NO LONGER SECURE OPERATIONS OF TRAIN SERVICES WHICH PROVIDE FREIGHT, PASSENGER AND TOURIST SERVICES WITHIN THE RESOURCES AVAILABLE OR UNTIL ITS EXISTENCE SHALL OTHERWISE BE TERMINATED BY LAW. UPON THE TERMINATION OF THE EXISTENCE OF THE AUTHORITY, ALL ITS RIGHTS AND PROPERTIES SHALL PASS TO AND BE VESTED IN THE COUNTY AND THE TOWN PURSUANT TO ANY AGREEMENTS AMONG THE COUNTY, THE TOWN AND THE AUTHORITY.

3. THE AUTHORITY SHALL ADOPT BY-LAWS GOVERNING ITS OPERATION AND KEEP A RECORD OF ITS RESOLUTIONS, TRANSACTIONS, FINDINGS AND DETERMINATIONS, WHICH RECORD SHALL BE A PUBLIC RECORD.

4. THE AUTHORITY SHALL CONSIST OF THE FOLLOWING SIX MEMBERS:

(A) THE COUNTY LEGISLATIVE BODY OF THE COUNTY SHALL APPOINT THREE VOTING MEMBERS OF THE AUTHORITY WHO SHALL BE RESIDENTS OF SUCH COUNTY, UPON THE RECOMMENDATION OF THE CHIEF EXECUTIVE (COUNTY EXECUTIVE OR CHAIR OF THE COUNTY LEGISLATIVE BODY) OF THE COUNTY; AND

(B) THE TOWN BOARD OF THE TOWN SHALL APPOINT THREE VOTING MEMBERS OF THE AUTHORITY WHO SHALL BE RESIDENTS OF SUCH TOWN, UPON THE RECOMMENDATION OF THE SUPERVISOR OF THE TOWN.

5. THE TERM OF OFFICE OF MEMBERS OF THE AUTHORITY SHALL BE THREE YEARS. TWO OF THE INITIAL MEMBERS OF THE AUTHORITY SHALL SERVE A ONE YEAR TERM, TWO SHALL SERVE A TWO YEAR TERM AND TWO SHALL SERVE A THREE YEAR TERM.

6. ALL MEMBERS SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. THE RESIGNATION OF ANY MEMBER SHALL BE FILED WITH THE APPOINTING AUTHORITY AND SHALL BE EFFECTIVE WHEN SO FILED. VACANCIES OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM OF OFFICE SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL APPOINTMENT.

7. THE CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, AND OTHER NECESSARY OFFICERS SHALL BE NAMED BY A MAJORITY VOTE OF ALL THE VOTING MEMBERS TO SERVE FOR SUCH PERIOD AS THE MEMBERS SHALL DECIDE. THE CHAIRPERSON SHALL PRESIDE OVER THE MEETINGS OF THE AUTHORITY AND SHALL APPOINT MEMBERS OF THE AUTHORITY TO COMMITTEES ESTABLISHED BY THE AUTHORITY TO ASSIST THE AUTHORITY IN CARRYING OUT ITS DUTIES.

8. ANY MEMBER OF THE AUTHORITY MAY BE REMOVED BY RESOLUTION OF THE ENTITY WHICH APPOINTED SUCH MEMBER EITHER FOR CAUSE OR FOR NON-COMPLIANCE WITH MINIMUM REQUIREMENTS RELATING TO MEETING ATTENDANCE AND OTHER CRITERIA AS MAY BE ESTABLISHED BY RESOLUTION OF SUCH ENTITY.

9. NO PERSON SHALL BE PRECLUDED FROM SERVING AS A MEMBER OF THE AUTHORITY AS APPOINTED BY THE COUNTY LEGISLATIVE BODY OR THE TOWN BOARD PURSUANT TO THIS SECTION BECAUSE SUCH MEMBER IS AN ELECTED OR APPOINTED OFFICIAL OF A MUNICIPALITY, EXCEPT THAT NO MEMBER OF THE AUTHORITY SHALL VOTE ON ANY MATTER BEFORE THE AUTHORITY WHICH HAS BEEN THE SUBJECT OF A PROPOSAL, APPLICATION OR VOTE BEFORE THE MUNICIPALITY WHERE HE OR SHE SERVES IN SUCH ELECTED OR APPOINTED CAPACITY.

10. THE MEMBERS OF THE AUTHORITY SHALL RECEIVE NO SALARY OR COMPENSATION FOR THEIR SERVICES, BUT MAY BE REIMBURSED FOR AUTHORIZED, ACTUAL AND NECESSARY TRAVEL AND EXPENDITURES.

11. A MAJORITY OF THE WHOLE NUMBER OF VOTING MEMBERS OF THE AUTHORITY THEN IN OFFICE SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF THE AUTHORITY. NOTWITHSTANDING ANY PROVISION OF STATUTE OR LAW TO THE CONTRARY AND EXCEPT AS OTHERWISE SPECIFIED IN THIS TITLE, FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF THE AUTHORITY, THE AUTHORITY SHALL HAVE POWER TO ACT BY A MAJORITY OF THE WHOLE NUMBER OF VOTING MEMBERS OF THE AUTHORITY.

12. THE AUTHORITY SHALL BE DEEMED A STATE AGENCY FOR PURPOSES OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, PROVIDED, HOWEVER, THAT NO NON-VOTING MEMBER OF THE AUTHORITY SHALL BE DEEMED AN OFFICER OR EMPLOYEE OF A STATE AGENCY.

S 2681-C. PURPOSES OF THE AUTHORITY. 1. THE PURPOSES OF THE AUTHORITY SHALL BE THE ADMINISTRATION, MANAGEMENT, CONTINUANCE, FURTHER DEVELOPMENT AND IMPROVEMENT OF RAILROAD TRANSPORTATION AND OTHER SERVICES RELATED THERETO WITHIN THE COUNTIES OF WARREN AND SARATOGA AND THE PROMOTION OF TOURISM, FREIGHT AND PASSENGER TRANSPORTATION, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. IT SHALL BE THE FURTHER PURPOSE OF THE AUTHORITY TO DEVELOP AND IMPLEMENT A UNIFIED RAILROAD TRANSPORTATION POLICY AND STRATEGY FOR SUCH COUNTY AND TOWN. WHEN ADMINISTERING, MANAGING, CONTINUING, DEVELOPING AND IMPROVING RAILROAD FACILITIES, OR FORMULATING STRATEGIES, POLICIES AND MAKING DECISIONS RELATED THERETO, THE AUTHORITY SHALL UNDERTAKE TO ENCOURAGE AND WORK TO CONTINUE AND CAUSE THE GROWTH OF THE OPERATION OF TOURISM TRAINS THAT PROVIDE AN ATTRACTION AND OPPORTUNITY FOR TOURISTS TO TAKE SCENIC TRAIN RIDES, SKI TRAINS TO NORTH CREEK, THOMAS THE TANK, POLAR EXPRESS OR SIMILAR SPECIAL EVENTS AND OTHERWISE CAUSE TRAIN OPERATIONS THAT NOT ONLY PROVIDE THE USUAL FREIGHT AND PASSENGER SERVICE, BUT ALSO PROMOTE AND ENCOURAGE TOURISM IN AND AMONG THE COMMUNITIES ALONG THE RAIL LINE.

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

S 2681-D. GENERAL POWERS OF THE AUTHORITY. EXCEPT AS OTHERWISE LIMITED BY THIS TITLE, THE AUTHORITY SHALL HAVE POWER:

1. TO SUE AND BE SUED;

2. TO HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

3. TO BORROW MONEY;

4. TO INVEST ANY FUNDS HELD IN RESERVE OR SINKING FUNDS, OR ANY MONIES NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT, AT THE DISCRETION OF THE AUTHORITY, IN OBLIGATIONS IN WHICH THE STATE COMPTROLLER MAY INVEST

PURSUANT TO SECTION NINETY-EIGHT OR NINETY-EIGHT-A OF THE STATE FINANCE LAW;

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

6. TO ENTER INTO CONTRACTS AND LEASES AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT;

7. TO ACQUIRE, HOLD AND DISPOSE OF REAL OR PERSONAL PROPERTY IN THE EXERCISE OF ITS POWERS FOR ITS CORPORATE PURPOSES;

8. THE AUTHORITY MAY, WHENEVER IT SHALL DETERMINE THAT IT IS NOT IN CONFLICT WITH THE INTERESTS OR PURPOSES OF THE AUTHORITY, RENT, LEASE OR GRANT EASEMENTS OR OTHER RIGHTS IN, ANY LAND OR PROPERTY OF THE AUTHORITY, INCLUDING THE GRANTING OF MUNICIPAL UTILITY EASEMENTS;

9. TO APPOINT SUCH OFFICERS AND EMPLOYEES AS IT MAY REQUIRE FOR THE PERFORMANCE OF ITS DUTIES, AND TO FIX AND DETERMINE THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION AND TO RETAIN OR EMPLOY COUNSEL, AUDITORS, ENGINEERS AND PRIVATE CONSULTANTS ON A CONTRACT BASIS OR OTHERWISE FOR RENDERING PROFESSIONAL OR TECHNICAL SERVICES AND ADVICE; SUCH COUNSEL, AUDITORS, ENGINEERS, AND PRIVATE CONSULTANTS, OFFICERS AND EMPLOYEES MAY NOT BE A MEMBER OF THE AUTHORITY;

10. TO MAKE PLANS, SURVEYS, AND STUDIES NECESSARY, CONVENIENT OR DESIRABLE TO THE EFFECTUATION OF THE PURPOSES AND POWERS OF THE AUTHORITY AND TO PREPARE RECOMMENDATIONS IN REGARD THERETO;

11. TO CONTRACT FOR AND ACCEPT ANY GIFTS OR GRANTS, SUBSIDIES OR LOANS OF FUNDS OR PROPERTY OR FINANCIAL OR OTHER AID IN ANY FORM FROM THE FEDERAL OR STATE GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR FROM ANY OTHER SOURCE, PUBLIC OR PRIVATE, AND TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS TITLE, WITH THE TERMS AND CONDITIONS THEREOF;

12. TO DESIGNATE THE DEPOSITORIES OF ITS MONEY;

13. TO ESTABLISH ITS FISCAL YEAR; AND

14. TO DO ALL THINGS NECESSARY OR CONVENIENT OR DESIRABLE TO CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS EXPRESSLY GIVEN IN THIS TITLE.

S 2681-E. SPECIAL POWERS OF THE AUTHORITY. IN ORDER TO EFFECTUATE THE PURPOSES OF THIS TITLE: 1. THE AUTHORITY MAY ACQUIRE, BY PURCHASE, GIFT, GRANT, TRANSFER, CONTRACT OR LEASE, ANY RAILROAD FACILITY, WHOLLY OR PARTIALLY WITHIN THE COUNTY OR TOWN OR ANY PART THEREOF, OR THE USE THEREOF, AND MAY ENTER INTO ANY JOINT SERVICE ARRANGEMENTS AS PROVIDED IN THIS SECTION. ANY SUCH ACQUISITION OR JOINT SERVICE ARRANGEMENT SHALL BE AUTHORIZED ONLY BY RESOLUTION OF THE AUTHORITY APPROVED BY NOT LESS THAN A MAJORITY OF THE WHOLE NUMBER OF VOTING MEMBERS OF THE AUTHORITY. IN ADDITION TO AND NOT IN LIMITATION OF ANY OTHER POWER CONFERRED UPON THE AUTHORITY BY THE PROVISIONS OF THIS TITLE, THE AUTHORITY IS HEREBY EMPOWERED AND AUTHORIZED IN RESPECT OF ANY PROPERTY AND ASSETS AT ANY TIME OWNED OR HELD BY, OR UNDER THE JURISDICTION OF, THE STATE, ANY POLITICAL SUBDIVISION THEREOF, OR ANY PRIVATE OR OTHER PUBLIC CONCERN, TO ACCEPT AND RECEIVE ANY SUCH INTEREST THEREIN AS IT MAY HAVE BEEN OR MAY HEREAFTER BE DESIGNATED BY THE STATE, ANY POLITICAL SUBDIVISION THEREOF, OR ANY OTHER PUBLIC OR PRIVATE CONCERN, BY LAW OR OTHER LAWFUL MEANS TO RECEIVE, AND IN RESPECT THEREOF, EXCEPT AS OTHERWISE PROVIDED BY THE DESIGNATING STATUTE OR CONTRACTUAL INSTRUMENT, IT SHALL HAVE AND EXERCISE ALL OF THE POWERS AND JURISDICTION HEREIN CONFERRED UPON IT IN RESPECT OF ANY OTHER PROPERTY, RIGHTS, ASSETS, FACILITIES AND PROJECTS IN ANY OTHER MANNER ACQUIRED OR FROM ANY OTHER SOURCE RECEIVED BY IT PURSUANT TO THE PROVISIONS OF THIS TITLE.

2. THE AUTHORITY MAY ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY DETERMINE NECESSARY, CONVENIENT OR DESIRABLE ITSELF ESTABLISH,

CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR ANY SUCH RAILROAD FACILITY, OR MAY PROVIDE FOR SUCH ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENOVATION, IMPROVEMENT, EXTENSION OR REPAIR BY CONTRACT, LEASE, OR OTHER ARRANGEMENT ON SUCH TERMS AS THE AUTHORITY MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE WITH ANY PERSON, INCLUDING, BUT NOT LIMITED TO, ANY COMMON CARRIER OR FREIGHT FORWARDER OR OTHER PRIVATE FOR-PROFIT FIRM, THE STATE, ANY AGENCY OR THE STATE, THE FEDERAL GOVERNMENT, ANY OTHER STATE OR AGENCY OR INSTRUMENTALITY THEREOF, ANY NON-PROFIT CORPORATION, ANY PUBLIC AUTHORITY OF THIS OR ANY OTHER STATE OR ANY POLITICAL SUBDIVISION OR MUNICIPALITY OF THE STATE. IN CONNECTION WITH THE OPERATION OF ANY SUCH RAILROAD FACILITY, THE AUTHORITY MAY ESTABLISH, CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR OR MAY PROVIDE BY CONTRACT, LEASE OR OTHER ARRANGEMENT FOR THE ESTABLISHMENT, CONSTRUCTION, EFFECTUATION, OPERATION, MAINTENANCE, RENOVATION, IMPROVEMENT, EXTENSION OR REPAIR OF ANY RELATED SERVICES AND ACTIVITIES IT DEEMS NECESSARY, CONVENIENT OR DESIRABLE, INCLUDING, BUT NOT LIMITED TO, THE TRANSPORTATION AND STORAGE OF FREIGHT AND THE UNITED STATES MAIL, FEEDER AND CONNECTING TRANSPORTATION, PARKING AREAS, TRANSPORTATION CENTERS, STATIONS AND RELATED FACILITIES.

3. THE AUTHORITY MAY ESTABLISH, LEVY AND COLLECT OR CAUSE TO BE ESTABLISHED, LEVIED AND COLLECTED AND, IN THE CASE OF A JOINT SERVICE ARRANGEMENT, JOIN WITH OTHERS IN THE ESTABLISHMENT, LEVY AND COLLECTION OF SUCH FARES, TOLLS, RENTALS, RATES, CHARGES AND OTHER FEES AS IT MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY RAILROAD FACILITY AND RELATED SERVICES OPERATED BY THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY.

4. THE AUTHORITY MAY ESTABLISH AND, IN THE CASE OF JOINT SERVICE ARRANGEMENTS, JOIN WITH OTHERS IN THE ESTABLISHMENT OF SUCH SCHEDULES AND STANDARDS OF OPERATIONS AND SUCH OTHER RULES AND REGULATIONS INCLUDING BUT NOT LIMITED TO RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC AS IT MAY DEEM NECESSARY, CONVENIENT OR DESIRABLE FOR THE USE AND OPERATION OF ANY RAILROAD FACILITY AND RELATED SERVICES OPERATED BY THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT, INCLUDING JOINT SERVICE ARRANGEMENTS, WITH THE AUTHORITY.

5. THE AUTHORITY MAY ACQUIRE, HOLD, OWN, LEASE, ESTABLISH, CONSTRUCT, EFFECTUATE, OPERATE, MAINTAIN, RENOVATE, IMPROVE, EXTEND OR REPAIR ANY OF ITS FACILITIES.

6. THE AUTHORITY, IN ITS OWN NAME, MAY APPLY FOR AND RECEIVE AND ACCEPT GRANTS OF PROPERTY, MONEY AND SERVICES AND OTHER ASSISTANCE OFFERED OR MADE AVAILABLE TO IT BY ANY PERSON, GOVERNMENT OR AGENCY WHICH IT MAY USE TO MEET CAPITAL OR OPERATING EXPENSES AND FOR ANY OTHER USE WITHIN THE SCOPE OF ITS POWERS, AND TO NEGOTIATE FOR THE SAME UPON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY DETERMINE TO BE NECESSARY, CONVENIENT OR DESIRABLE.

7. THE AUTHORITY MAY DO ALL THINGS IT DEEMS NECESSARY, CONVENIENT OR DESIRABLE TO MANAGE, CONTROL AND DIRECT THE MAINTENANCE AND OPERATION OF RAILROAD FACILITIES, EQUIPMENT OR REAL PROPERTY OPERATED BY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. EXCEPT AS HEREINAFTER SPECIALLY PROVIDED, NO MUNICIPALITY OR POLITICAL SUBDIVISION, INCLUDING BUT NOT LIMITED TO A COUNTY, CITY, VILLAGE, TOWN OR SCHOOL OR OTHER DISTRICT SHALL HAVE JURISDICTION OVER ANY FACILITIES OF THE AUTHORITY OR ANY OF ITS ACTIVITIES OR OPERATIONS. THE LOCAL LAWS, RESOLUTIONS, ORDINANCES, RULES AND REGULATIONS OF A MUNICIPALITY OR POLITICAL SUBDIVISION IN THE STATE CONFLICTING WITH THIS TITLE OR ANY RULE OR

REGULATION OF THE AUTHORITY, SHALL NOT BE APPLICABLE TO THE ACTIVITIES OR OPERATIONS OF THE AUTHORITY, OR THE FACILITIES OF THE AUTHORITY, EXCEPT SUCH FACILITIES THAT ARE DEVOTED TO PURPOSES OTHER THAN TRANSPORTATION PURPOSES. THE AUTHORITY MAY AGREE WITH THE DEPARTMENT OF TRANSPORTATION FOR THE EXECUTION BY SUCH DEPARTMENT OF ANY GRADE CROSSING ELIMINATION PROJECT OR ANY GRADE CROSSING SEPARATION RECONSTRUCTION PROJECT ALONG ANY RAILROAD FACILITY OPERATED BY THE AUTHORITY OR UNDER CONTRACT, LEASE OR OTHER ARRANGEMENT WITH THE AUTHORITY. ANY SUCH PROJECT SHALL BE EXECUTED AS PROVIDED IN ARTICLE TEN OF THE TRANSPORTATION LAW AND THE RAILROAD LAW, RESPECTIVELY, AND THE COSTS OF ANY SUCH PROJECT SHALL BE BORNE AS PROVIDED IN SUCH LAWS.

S 2681-F. COOPERATION AND ASSISTANCE OF OTHER AGENCIES. 1. TO AVOID DUPLICATION OF EFFORT AND IN THE INTERESTS OF ECONOMY, THE AUTHORITY MAY MAKE USE OF EXISTING STUDIES, SURVEYS, PLANS, DATA AND OTHER MATERIALS IN THE POSSESSION OF ANY STATE AGENCY OR ANY MUNICIPALITY OR POLITICAL SUBDIVISION OF THE STATE. EACH SUCH AGENCY, MUNICIPALITY OR SUBDIVISION LOCATED IN OR SERVING SOME PORTION OF THE STATE IS HEREBY AUTHORIZED TO MAKE THE SAME AVAILABLE TO THE AUTHORITY AND OTHERWISE TO ASSIST IT IN THE PERFORMANCE OF ITS FUNCTIONS. AT THE REQUEST OF THE AUTHORITY, EACH SUCH AGENCY, MUNICIPALITY OR SUBDIVISION LOCATED IN OR SERVING SOME PORTION OF THE STATE WHICH IS ENGAGED IN RAILROAD OR OTHER TRANSPORTATION ACTIVITIES OR IN LAND USE OR DEVELOPMENT PLANNING, OR WHICH IS CHARGED WITH THE DUTY OF PROVIDING OR REGULATING ANY TRANSPORTATION FACILITY OR ANY OTHER PUBLIC FACILITY, IS FURTHER AUTHORIZED TO PROVIDE THE AUTHORITY WITH INFORMATION REGARDING ITS PLANS AND PROGRAMS AFFECTING RAILROAD TRANSPORTATION WITHIN THE PARTICIPATING COUNTIES SO THAT THE AUTHORITY MAY HAVE AVAILABLE TO IT CURRENT INFORMATION WITH RESPECT THERETO. THE OFFICERS AND PERSONNEL OF SUCH AGENCIES, MUNICIPALITIES OR SUBDIVISIONS, AND OF ANY OTHER GOVERNMENT OR AGENCY WHATEVER, MAY SERVE AT THE REQUEST OF THE AUTHORITY UPON SUCH ADVISORY COMMITTEES AS THE AUTHORITY SHALL DETERMINE TO CREATE AND SUCH OFFICERS AND PERSONNEL MAY SERVE UPON SUCH COMMITTEES WITHOUT FORFEITURE OF OFFICE OR EMPLOYMENT AND WITH NO LOSS OR DIMINUTION IN THE COMPENSATION, STATUS, RIGHTS AND PRIVILEGES WHICH THEY OTHERWISE ENJOY.

2. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, THE COUNTY, EVERY MUNICIPALITY LOCATED IN THE COUNTY AND THE TOWN ARE AUTHORIZED AND EMPOWERED TO CONSENT TO THE USE BY THE AUTHORITY OF ANY REAL OR PERSONAL PROPERTY OWNED BY ANY SUCH MUNICIPALITY AND NECESSARY, CONVENIENT OR DESIRABLE IN THE OPINION OF THE AUTHORITY FOR ANY OF THE FACILITIES OR PROJECTS AUTHORIZED UNDER THIS TITLE, INCLUDING SUCH REAL PROPERTY AS HAS ALREADY BEEN DEVOTED TO A PUBLIC USE, AND AS AN INCIDENT TO SUCH CONSENT, TO LEASE OR OTHERWISE TRANSFER AND CONVEY TO THE AUTHORITY ANY SUCH REAL OR PERSONAL PROPERTY UPON SUCH TERMS AS MAY BE DETERMINED BY THE AUTHORITY AND ANY SUCH MUNICIPALITY. EVERY SUCH MUNICIPALITY ALSO IS AUTHORIZED AND EMPOWERED, AS AN INCIDENT TO SUCH CONSENT, TO VEST IN THE AUTHORITY THE CONTROL, POSSESSION, OPERATION, MAINTENANCE, RENTS, CHARGES AND ANY AND ALL OTHER REVENUES OF ANY FACILITIES NOW OWNED BY ANY SUCH MUNICIPALITY, THE TITLE TO SUCH FACILITIES REMAINING IN SUCH MUNICIPALITY.

S 2681-G. EXEMPTION FROM TAXATION. 1. IT IS HEREBY DETERMINED THAT THE CREATION OF THE AUTHORITY AND THE CARRYING OUT OF ITS PURPOSES UNDER THIS TITLE ARE IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND IS A PUBLIC PURPOSE. ACCORDINGLY, THE AUTHORITY SHALL BE REGARDED AS PERFORMING AN ESSENTIAL GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS TITLE, AND THE AUTHORITY SHALL NOT BE REQUIRED TO PAY ANY FEES, TAXES, SPECIAL AD VALO-

REM LEVIES OR ASSESSMENTS OF ANY KIND, WHETHER STATE OR LOCAL, INCLUDING BUT NOT LIMITED TO FEES, TAXES, SPECIAL AD VALOREM LEVIES OR ASSESSMENTS ON REAL PROPERTY, FRANCHISE TAXES, SALES TAXES OR OTHER TAXES, UPON OR WITH RESPECT TO ANY PROPERTY OWNED BY IT OR UNDER ITS JURISDICTION, CONTROL OR SUPERVISION, OR UPON THE USES THEREOF, OR UPON OR WITH RESPECT TO ITS ACTIVITIES OR OPERATIONS IN FURTHERANCE OF THE POWERS CONFERRED UPON IT BY THIS TITLE, OR UPON OR WITH RESPECT TO ANY FARES, TOLLS, RENTALS, RATES, CHARGES, FEES, REVENUES OR OTHER INCOME RECEIVED BY THE AUTHORITY, EXCEPT THAT THE AUTHORITY SHALL PAY REAL PROPERTY TAXES, SPECIAL AD VALOREM LEVIES AND ASSESSMENTS ON THAT PART OF THE RAILROAD TRACKS AND PROPERTY OWNED BY THE COUNTY ON THE EFFECTIVE DATE OF THIS TITLE AND LOCATED IN THE COUNTY OF SARATOGA, AND ON RAILROAD TRACKS AND PROPERTY OWNED BY THE TOWN ON THE EFFECTIVE DATE OF THIS TITLE AND LOCATED OUTSIDE OF THE TOWN.

2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE AUTHORITY OR ANY LESSEES OF THE AUTHORITY SHALL BE REQUIRED TO PAY WATER AND SEWER FEES, WATER AND SEWER ASSESSMENTS OR WATER AND SEWER SPECIAL AD VALOREM LEVIES, EXCEPT THAT SUCH TAXING JURISDICTIONS WHERE THE AUTHORITY IS REQUIRED TO PAY REAL PROPERTY TAXES AND SPECIAL AD VALOREM LEVIES AND ASSESSMENTS PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

3. THE AUTHORITY MAY PAY, OR MAY ENTER INTO AGREEMENTS WITH ANY MUNICIPALITY, INCLUDING SCHOOL DISTRICTS, TO PAY, A SUM OR SUMS ANNUALLY OR OTHERWISE OR TO PROVIDE OTHER CONSIDERATIONS WITH RESPECT TO REAL PROPERTY OWNED BY THE AUTHORITY LOCATED WITHIN SUCH MUNICIPALITY.

S 2681-H. ADVANCES ON BEHALF OF AUTHORITY; TRANSFER OF PROPERTY TO AUTHORITY; ACQUISITION OF PROPERTY FOR AUTHORITY. 1. IN ADDITION TO ANY POWERS GRANTED TO IT BY LAW, THE COUNTY OR THE TOWN MAY BY RESOLUTION ADVANCE SUMS OF MONEY TO OR ON BEHALF OF THE AUTHORITY TO DEFRAY COSTS OR EXPENSES OF THE AUTHORITY TO BE INCURRED PRIOR TO THE FIRST ISSUANCE OF BONDS. SUBJECT TO THE RIGHTS OF ANY BONDHOLDERS, THE MONEYS SO APPROPRIATED MAY BE REPAID BY THE AUTHORITY TO THE COUNTY OR THE TOWN AT SUCH TIME AND IN SUCH MANNER AS MAY BE AGREED UPON BETWEEN THE AUTHORITY AND THE COUNTY OR THE TOWN.

2. THE COUNTY OR THE TOWN OR ANY OTHER MUNICIPALITY ALONG THE CORINTH AND WARREN RAILROAD LINE MAY BY RESOLUTION GIVE, GRANT, SELL, CONVEY, LEND, OR LICENSE THE USE OF OR LEASE TO THE AUTHORITY ANY PROPERTY OR FACILITY WHICH IS USEFUL TO THE AUTHORITY IN ORDER TO CARRY OUT ITS POWERS UNDER THIS TITLE. ANY SUCH TRANSFER OF PROPERTY SHALL BE UPON SUCH TERMS AND CONDITIONS, SUBJECT TO THE RIGHTS OF ANY BONDHOLDERS, AS THE AUTHORITY AND THE COUNTY, THE TOWN OR THE MUNICIPALITY MAY AGREE.

3. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, GENERAL, SPECIAL, OR LOCAL, REAL PROPERTY ACQUIRED BY THE AUTHORITY OR THE COUNTY OR THE TOWN FROM THE STATE MAY BE USED FOR ANY CORPORATE PURPOSE OF THE AUTHORITY.

S 2681-I. NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM RIGHTS OF EMPLOYEES; CIVIL SERVICE. 1. IN ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THE CIVIL SERVICE LAW, ANY OFFICER OR EMPLOYEE OF A MUNICIPALITY TRANSFERRED TO THE AUTHORITY SHALL BE ELIGIBLE FOR SUCH TRANSFER AND APPOINTMENT, WITHOUT FURTHER EXAMINATION, TO APPLICABLE OFFICES, POSITIONS AND EMPLOYMENT UNDER THE AUTHORITY. ANY SUCH OFFICERS OR EMPLOYEES SO TRANSFERRED TO THE AUTHORITY PURSUANT TO THIS SECTION, WHO ARE MEMBERS OF OR BENEFIT UNDER ANY EXISTING PENSION OR RETIREMENT FUND OR SYSTEM, SHALL CONTINUE TO HAVE ALL RIGHTS, PRIVILEGES, OBLIGATIONS AND STATUS WITH RESPECT TO SUCH FUND OR SYSTEM AS ARE NOW PRESCRIBED BY LAW.

2. NOTHING CONTAINED IN THIS TITLE SHALL BE CONSTRUED (A) TO DIMINISH THE RIGHTS OF EMPLOYEES PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT OR (B) TO AFFECT EXISTING LAW WITH RESPECT TO AN APPLICATION TO THE PUBLIC EMPLOYMENT RELATIONS BOARD SEEKING A DESIGNATION BY THE BOARD THAT CERTAIN PERSONS ARE MANAGERIAL OR CONFIDENTIAL.

S 2681-J. EQUAL EMPLOYMENT OPPORTUNITY. THE AUTHORITY SHALL ENSURE THAT ALL EMPLOYEES OR APPLICANTS FOR EMPLOYMENT ARE AFFORDED EQUAL OPPORTUNITY EMPLOYMENT WITHOUT DISCRIMINATION ON ANY BASIS PROHIBITED UNDER SUBDIVISION TWO OF SECTION FORTY-C OF THE CIVIL RIGHTS LAW.

S 2681-K. MONIES OF THE AUTHORITY. ALL MONIES OF THE AUTHORITY FROM WHATEVER SOURCE DERIVED SHALL BE PAID TO THE TREASURER OF THE AUTHORITY AND SHALL BE DEPOSITED FORTHWITH IN AN INTEREST-BEARING ACCOUNT IN A BANK OR BANKS DESIGNATED BY THE AUTHORITY. THE MONIES IN SUCH ACCOUNTS SHALL BE PAID OUT OR WITHDRAWN ON THE ORDER OF SUCH PERSON OR PERSONS AS THE AUTHORITY MAY AUTHORIZE TO MAKE SUCH REQUISITIONS. ALL DEPOSITS OF SUCH MONIES SHALL BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE OR OF ANY MUNICIPALITY OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT ON DEPOSIT AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITY FOR SUCH DEPOSITS. TO THE EXTENT PRACTICABLE, CONSISTENT WITH THE CASH REQUIREMENTS OF THE AUTHORITY, ALL SUCH MONIES SHALL BE DEPOSITED IN INTEREST-BEARING ACCOUNTS. ANY MONIES OF THE AUTHORITY NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT MAY, BE INVESTED IN ACCORDANCE WITH SECTION NINETY-EIGHT OR NINETY-EIGHT-A OF THE STATE FINANCE LAW.

S 2681-L. CONTRACTS. 1. ALL CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF BUILDINGS LET BY THE AUTHORITY SHALL COMPLY WITH THE PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THE LABOR LAW AND SHALL ALSO BE SUBJECT TO THE PROVISIONS OF LAW APPLICABLE TO CONTRACTS LET BY A MUNICIPAL CORPORATION, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

2. ALL CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF BUILDINGS LET BY THE AUTHORITY SHALL BE IN CONFORMITY WITH THE APPLICABLE PROVISIONS OF SECTION ONE HUNDRED THIRTY-FIVE OF THE STATE FINANCE LAW.

3. THE AUTHORITY MAY, IN ITS DISCRETION, ASSIGN CONTRACTS FOR SUPERVISION AND COORDINATION TO THE SUCCESSFUL BIDDER FOR ANY SUBDIVISION OF WORK FOR WHICH THE AUTHORITY RECEIVES BIDS. ANY CONSTRUCTION CONTRACT AWARDED BY THE AUTHORITY SHALL CONTAIN SUCH OTHER TERMS AND CONDITIONS AS THE AUTHORITY MAY DEEM DESIRABLE. THE AUTHORITY SHALL AWARD ANY CONSTRUCTION CONTRACT INVOLVING AN EXPENDITURE OF MORE THAN THIRTY-FIVE THOUSAND DOLLARS TO THE LOWEST BIDDER WHO, IN ITS OPINION, IS QUALIFIED TO PERFORM THE WORK REQUIRED AND WHO IS RESPONSIBLE AND RELIABLE. THE AUTHORITY MAY, HOWEVER, REJECT ANY OR ALL BIDS OR WAIVE ANY INFORMALITY IN A BID IF IT BELIEVES THAT THE PUBLIC INTEREST WILL BE PROMOTED THEREBY. THE AUTHORITY MAY REJECT ANY BID, IF, IN ITS JUDGMENT, THE BUSINESS AND TECHNICAL ORGANIZATION, PLANT, RESOURCES, FINANCIAL STANDING, OR EXPERIENCE OF THE BIDDER JUSTIFIES SUCH REJECTION IN VIEW OF THE WORK TO BE PERFORMED.

4. FOR THE PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW ONLY, THE AUTHORITY SHALL BE DEEMED A STATE AGENCY AS THAT TERM IS USED IN SUCH ARTICLE, AND ALL CONTRACTS FOR PROCUREMENT, DESIGN, CONSTRUCTION, SERVICES AND MATERIALS SHALL BE DEEMED STATE CONTRACTS WITHIN THE MEANING OF THAT TERM AS SET FORTH IN SUCH ARTICLE.

S 2681-M. ANNUAL REPORT AND AUDIT. IN CONFORMITY WITH THE PROVISIONS OF SECTION FIVE OF ARTICLE TEN OF THE CONSTITUTION, THE ACCOUNTS OF THE AUTHORITY SHALL BE SUBJECT TO THE SUPERVISION OF THE COMPTROLLER AND AN

ANNUAL AUDIT SHALL BE PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT. THE AUTHORITY SHALL ANNUALLY SUBMIT TO THE COUNTY LEGISLATURE, TOWN BOARD, GOVERNOR AND THE COMPTROLLER AND TO THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY WAYS AND MEANS COMMITTEE A DETAILED REPORT PURSUANT TO THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED OF THIS CHAPTER, AND A COPY OF SUCH REPORT SHALL BE FILED WITH THE CLERK OF THE COUNTY LEGISLATURE AND THE CLERK OF THE TOWN BOARD.

S 2681-N. DEFENSE AND INDEMNIFICATION. 1. THE AUTHORITY SHALL NOT EXECUTE ANY OF ITS POWERS EXCEPT AS NECESSARY TO COMMENCE ITS CORPORATE EXISTENCE, UNTIL IT HAS ELECTED TO MAKE THE PROVISION OF SECTION EIGHTEEN OF THE PUBLIC OFFICERS LAW APPLICABLE TO ITS EMPLOYEES (AS SUCH TERM IS DEFINED IN SECTION EIGHTEEN OF THE PUBLIC OFFICERS LAW) PURSUANT TO SUBDIVISION TWO OF SUCH SECTION; PROVIDED, HOWEVER, THAT NOTHING CONTAINED WITHIN THIS SECTION SHALL BE DEEMED TO PERMIT THE AUTHORITY TO EXTEND THE PROVISIONS OF SECTION EIGHTEEN OF THE PUBLIC OFFICERS LAW UPON ANY INDEPENDENT CONTRACTOR.

2. NEITHER THE MEMBERS OF THE AUTHORITY, NOR THE COUNTY, THE TOWN, OR ANY MUNICIPALITY, OFFICER OR EMPLOYEE ACTING ON THE AUTHORITY'S BEHALF, WHILE ACTING WITHIN THE SCOPE OF HIS, HER OR ITS AUTHORITY, SHALL BE SUBJECT TO ANY PERSONAL LIABILITY RESULTING FROM THE CONSTRUCTION, MAINTENANCE OR OPERATION OF ANY OF THE PROPERTIES OF THE AUTHORITY OR FROM CARRYING OUT ANY OF THE POWERS EXPRESSLY GIVEN IN THIS TITLE; PROVIDED, HOWEVER, THAT THIS SHALL NOT BE HELD TO APPLY TO ANY INDEPENDENT CONTRACTOR.

S 2681-O. ACTION BY OR AGAINST THE AUTHORITY. 1. EXCEPT IN AN ACTION FOR WRONGFUL DEATH, NO ACTION OR SPECIAL PROCEEDING SHALL BE PROSECUTED OR MAINTAINED AGAINST THE AUTHORITY, ITS MEMBERS, OFFICERS OR EMPLOYEES FOR PERSONAL INJURY OR DAMAGE TO REAL OR PERSONAL PROPERTY ALLEGED TO HAVE BEEN SUSTAINED BY REASON OF THE NEGLIGENCE, TORT OR WRONGFUL ACT OF THE AUTHORITY OR OF ANY MEMBER, OFFICER, AGENT OR EMPLOYEE THEREOF, UNLESS (A) NOTICE OF CLAIM SHALL HAVE BEEN MADE AND SERVED UPON THE AUTHORITY WITHIN THE TIME LIMIT SET BY AND IN COMPLIANCE WITH SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW, (B) IT SHALL APPEAR BY AND AS AN ALLEGATION IN THE COMPLAINT OR MOVING PAPERS THAT AT LEAST THIRTY DAYS HAVE ELAPSED SINCE THE SERVICE OF SUCH NOTICE AND THAT ADJUSTMENT OR PAYMENT THEREOF HAS BEEN NEGLECTED OR REFUSED, AND (C) THE ACTION OR SPECIAL PROCEEDING SHALL BE COMMENCED WITHIN ONE YEAR AND NINETY DAYS AFTER THE HAPPENING OF THE EVENT UPON WHICH THE CLAIM IS BASED. AN ACTION AGAINST THE AUTHORITY FOR WRONGFUL DEATH SHALL BE COMMENCED IN ACCORDANCE WITH THE NOTICE OF CLAIM AND TIME LIMITATION PROVISIONS OF TITLE ELEVEN OF ARTICLE NINE OF THIS CHAPTER.

2. WHENEVER A NOTICE OF CLAIM IS SERVED UPON THE AUTHORITY, IT SHALL HAVE THE RIGHT TO DEMAND AN EXAMINATION OF THE CLAIMANT RELATIVE TO THE OCCURRENCE AND EXTENT OF THE INJURIES OR DAMAGES FOR WHICH CLAIM IS MADE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FIFTY-H OF THE GENERAL MUNICIPAL LAW.

3. THE AUTHORITY SHALL HAVE POWER TO SETTLE OR ADJUST ALL CLAIMS IN FAVOR OF OR AGAINST THE AUTHORITY.

4. ANY ACTION OR PROCEEDING TO WHICH THE AUTHORITY OR THE PEOPLE OF THE STATE MAY BE PARTIES, IN WHICH ANY QUESTION ARISES AS TO THE VALIDITY OF THIS TITLE, SHALL BE PREFERRED OVER ALL OTHER CIVIL CAUSES OF ACTION OR CASES, EXCEPT ELECTION CAUSES OF ACTION OR CASES, IN ALL COURTS OF THE STATE AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER CIVIL BUSINESS PENDING THEREIN EXCEPT ELECTION CAUSES, IRRESPECTIVE OF POSITION ON THE CALENDAR. THE SAME PREFERENCE SHALL BE

GRANTED UPON APPLICATION OF THE AUTHORITY OR ITS COUNSEL IN ANY ACTION OR PROCEEDING QUESTIONING THE VALIDITY OF THIS TITLE IN WHICH THE AUTHORITY MAY BE ALLOWED TO INTERVENE. THE VENUE OF ANY SUCH ACTION OR PROCEEDING SHALL BE LAID IN THE SUPREME COURT OF ANY OF THE PARTICIPATING COUNTIES.

5. THE RATE OF INTEREST TO BE PAID BY THE AUTHORITY UPON ANY JUDGMENT FOR WHICH IT IS LIABLE, SHALL BE THE RATE PRESCRIBED BY SECTION FIVE THOUSAND FOUR OF THE CIVIL PRACTICE LAW AND RULES.

6. ALL ACTIONS OR PROCEEDINGS AGAINST THE AUTHORITY OF WHATEVER NATURE SHALL BE BROUGHT IN A SUPREME COURT IN THE COUNTY OR THE COUNTY OF SARATOGA.

S 2681-P. TRACK, BRIDGE, SIGNAL, STATION AND OTHER FACILITY OPERATION AND MAINTENANCE. THE OPERATION, MAINTENANCE AND USE OF TRACK, BRIDGES, SIGNALS, FREIGHT STATIONS, PASSENGER STATIONS AND OTHER FACILITIES SHALL BE PUBLIC PURPOSES OF THE AUTHORITY, THE COUNTY AND THE TOWN. THE TOTAL COST TO THE AUTHORITY OF OPERATION, MAINTENANCE AND USE OF EACH TRACK, BRIDGE, SIGNAL, FREIGHT STATION, PASSENGER STATION AND OTHER FACILITY WITHIN THE COUNTY OR THE COUNTY OF SARATOGA AND SERVICED BY ONE OR MORE RAILROAD FACILITIES OF THE AUTHORITY OR CORPORATIONS, INCLUDING THE BUILDINGS, APPURTENANCES, PLATFORMS, LANDS AND APPROACHES INCIDENTAL OR ADJACENT THERETO, SHALL BE BORNE BY THE AUTHORITY. PROVIDED, THAT, NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROHIBIT THE AUTHORITY FROM DELEGATING OR ASSIGNING THE DUTIES ASSIGNED TO THE AUTHORITY PURSUANT TO THIS SECTION AND THE COSTS THEREOF TO A THIRD PARTY OPERATOR OR COMMON CARRIER WHICH IS LICENSED, CLEARED OR OTHERWISE AUTHORIZED TO USE THE TRACK, BRIDGE, SIGNAL, STATION AND/OR OTHER FACILITY OPERATED AND MAINTAINED PURSUANT TO THIS SECTION.

S 2681-Q. STATE, COUNTY, TOWN AND MUNICIPALITIES NOT LIABLE FOR OBLIGATIONS OF THE AUTHORITY. 1. NEITHER THE STATE, THE COUNTY, THE TOWN, NOR ANY MUNICIPALITY OR PUBLIC CORPORATION SHALL BE LIABLE ON ANY BOND, NOTE OR OTHER OBLIGATION OF THE AUTHORITY, AND SUCH BONDS, NOTES OR OTHER OBLIGATIONS SHALL NOT BE DEBTS OF THE STATE, THE COUNTY, THE TOWN, NOR ANY MUNICIPALITY OR PUBLIC CORPORATION, AND SUCH BONDS, NOTES OR OTHER OBLIGATIONS SHALL CONTAIN A STATEMENT TO SUCH EFFECT.

2. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO OBLIGATE THE STATE IN ANY WAY IN CONNECTION WITH THE OPERATIONS AND OBLIGATIONS OF THE AUTHORITY.

S 2681-R. EFFECT OF INCONSISTENT PROVISIONS. INSOFAR AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT WITH THE PROVISIONS OF ANY OTHER ACT, GENERAL OR SPECIAL, OR OF A COUNTY CHARTER, ANY LOCAL LAW, ORDINANCE OR RESOLUTION OF A MUNICIPALITY, THE PROVISIONS OF THIS TITLE SHALL BE CONTROLLING. NOTHING CONTAINED IN THIS SECTION SHALL BE HELD TO SUPPLEMENT OR OTHERWISE EXPAND THE POWERS OR DUTIES OF THE AUTHORITY OTHERWISE SET FORTH IN THIS TITLE.

S 2. The second undesignated paragraph of paragraph (d) of subdivision 4 of section 14-k of the transportation law, as amended by chapter 75 of the laws of 2000, is amended to read as follows:

The commissioner shall request the project sponsors to furnish such information in writing as may be necessary. For the purposes of this section, the Chautauqua, Cattaraugus, Allegany and Steuben southern tier extension railroad authority shall be an authorized project sponsor. FURTHERMORE, FOR THE PURPOSES OF THIS SECTION, THE CORINTH AND WARREN RAILROAD AUTHORITY SHALL BE AN AUTHORIZED PROJECT SPONSOR.

S 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the

judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 4. This act shall take effect immediately.