

1357

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the public authorities law, in relation to requiring the metropolitan commuter transportation authority to obtain approval from the state comptroller to increase fares

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

1     Section 1. Subdivision 1 of section 1205 of the public authorities  
2 law, as amended by chapter 717 of the laws of 1967, is amended to read  
3 as follows:  
4     1. Notwithstanding the provisions of any other law, the terms of any  
5 contract or franchise, the authority shall have the power at all times  
6 to fix or adjust the rate or rates of fare to be charged for the use of  
7 any transit facility operated by the authority as may in the judgment of  
8 the authority be necessary to maintain the operations of the authority  
9 on a self-sustaining basis, UPON APPROVAL OF THE STATE COMPTROLLER  
10 PURSUANT TO SECTION TWELVE HUNDRED SIXTY-FIVE-C OF THIS ARTICLE. The  
11 operations of the authority shall be deemed to be on a self-sustaining  
12 basis, as required by this title, when the authority is able to pay from  
13 revenue, from any funds granted or transferred to the authority pursuant  
14 to any provision of law, including funds granted pursuant to the  
15 provisions of section ninety-eight-b of the general municipal law, and  
16 from any other funds actually available to the authority, including the  
17 proceeds of borrowings for working capital purposes, the expenses of  
18 operation of the authority as the same shall become due.  
19     S 2. Section 1207-i of the public authorities law, as amended by  
20 section 17 of part O of chapter 61 of the laws of 2000, is amended to  
21 read as follows:  
22     S 1207-i. Rates of fare while bonds, notes and other obligations are  
23 outstanding. Notwithstanding the provisions of section twelve hundred

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

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1 five of this title or the provisions of any other law to the contrary,  
2 so long as the authority shall have outstanding and unpaid bonds, notes  
3 or other obligations issued pursuant to section twelve hundred seven-b  
4 of this title, or the metropolitan transportation authority or Tribor-  
5 ough bridge and tunnel authority shall have outstanding and unpaid  
6 bonds, notes or other obligations secured by or payable from, in whole  
7 or in part, the revenues, assets or other monies of the authority or its  
8 subsidiary corporations, the authority shall have the power at all times  
9 to fix or adjust the rate or rates of fare to be charged for the use of  
10 any transit facility operated by the authority, UPON APPROVAL OF THE  
11 STATE COMPTROLLER PURSUANT TO SECTION TWELVE HUNDRED SIXTY-FIVE-C OF  
12 THIS ARTICLE, as may, in the judgment of the board, be necessary to  
13 produce sufficient revenues to pay, as the same shall become due, the  
14 principal of and interest on such bonds, notes and other obligations of  
15 the authority, metropolitan transportation authority and Triborough  
16 bridge and tunnel authority, together with the maintenance of proper  
17 reserves therefor, in addition to paying as the same shall become due  
18 the expenses of operation of the authority. The authority, metropolitan  
19 transportation authority and Triborough bridge and tunnel authority,  
20 shall be authorized to contract with the holders of such bonds, notes  
21 and other obligations with respect to the exercise of the power author-  
22 ized by this section. In furtherance of the mandate of the metropolitan  
23 transportation authority to develop and implement a unified mass trans-  
24 portation policy for the metropolitan commuter transportation district  
25 and the exercise of its powers, including the power to issue notes,  
26 bonds and other obligations secured in whole or in part by the revenues  
27 of the authority and its subsidiaries, metropolitan transportation  
28 authority and its subsidiaries, and the Triborough bridge and tunnel  
29 authority, the authority shall join with the metropolitan transportation  
30 authority in connection with the establishment, levy and collection of  
31 fares, tolls, rentals, rates, charges and other fees for the transporta-  
32 tion of passengers on any transit facilities operated by authority and  
33 its subsidiaries, including any changes thereto.

34 S 3. Subdivision 3 of section 1266 of the public authorities law, as  
35 amended by chapter 314 of the laws of 1981, is amended to read as  
36 follows:

37 3. [The] EXCEPT AS PROVIDED IN SECTION TWELVE HUNDRED SIXTY-FIVE-C OF  
38 THIS TITLE, THE authority may establish, levy and collect or cause to be  
39 established, levied and collected and, in the case of a joint service  
40 arrangement, join with others in the establishment, levy and collection  
41 of such fares, tolls, rentals, rates, charges and other fees as it may  
42 deem necessary, convenient or desirable for the use and operation of any  
43 transportation facility and related services operated by the authority  
44 or by a subsidiary corporation of the authority or under contract, lease  
45 or other arrangement, including joint service arrangements, with the  
46 authority. Any such fares, tolls, rentals, rates, charges or other fees  
47 for the transportation of passengers shall be established and changed  
48 only if approved by resolution of the authority adopted by not less than  
49 a majority vote of the whole number of members of the authority then in  
50 office, with the chairman having one additional vote in the event of a  
51 tie vote, EXCEPT AS PROVIDED IN SECTION TWELVE HUNDRED SIXTY-FIVE-C OF  
52 THIS TITLE, and only after a public hearing, provided however, that  
53 fares, tolls, rentals, rates, charges or other fees for the transporta-  
54 tion of passengers on any transportation facility which are in effect at  
55 the time that the then owner of such transportation facility becomes a  
56 subsidiary corporation of the authority or at the time that operation of

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

25 S 4. The public authorities law is amended by adding a new section  
26 1265-c to read as follows:

27 S 1265-C. APPROVAL OF STATE COMPTROLLER. 1. THE AUTHORITY SHALL  
28 SUBMIT A WRITTEN REPORT TO THE STATE COMPTROLLER PRIOR TO THE DATE OF  
29 ANY INCREASE IN FARES FOR THE TRANSPORTATION OF PASSENGERS TAKES EFFECT.  
30 SUCH REPORT SHALL INCLUDE A JUSTIFICATION FOR SUCH PROPOSED FARE  
31 INCREASE AND THE CURRENT FINANCIAL CONDITION OF THE AUTHORITY. THE STATE  
32 COMPTROLLER MAY REQUIRE ANY ADDITIONAL DATA OR INFORMATION THAT HE OR  
33 SHE DEEMS NECESSARY IN SUCH REPORT. NO PROPOSED FARE INCREASE SHALL TAKE  
34 EFFECT UNTIL APPROVED BY RESOLUTION OF THE AUTHORITY PURSUANT TO SECTION  
35 TWELVE HUNDRED SIXTY-SIX OF THIS TITLE AND APPROVED BY THE STATE COMP-  
36 TROLLER.

37 2. THIS SECTION SHALL NOT BE DEEMED TO ADVERSELY AFFECT OR DIMINISH  
38 ANY PUBLIC HEARING REQUIREMENTS.

39 S 5. This act shall take effect on the ninetieth day after it shall  
40 have become a law and shall apply to any fares increased on or after  
41 such effective date.