

# STATE OF NEW YORK

8141--A

## IN SENATE

April 6, 2018

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to requiring public hearings prior to certain transportation facility closures

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 § 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

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

LBD15335-02-8

1 the Consumer Price Index for Wage Earners and Clerical Workers for the  
 2 New York, Northeastern-New Jersey Standard Metropolitan Statistical Area  
 3 for the twelve-month period being billed.

4 BASE AMOUNT TABLE

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

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

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

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

(article twelve of the private housing finance law); and the transit construction fund pursuant to the provisions of title nine-A of article five of this chapter. The comptroller shall give the director of the budget notification of any such payment. Such amount or amounts so withheld by the comptroller shall be paid to the authority and the authority shall use such amount for the repayment of the state advances hereby authorized. When such amount or amounts are received by the authority, it shall credit such amounts against any amounts due and owing by the city or county on whose account such amount was withheld and paid.

2. A public hearing or hearings shall be held at least thirty days prior to the closure of any transportation facility due to construction, improvement, reconstruction or rehabilitation where such facility will be out-of-service for ninety days or longer. Public hearings required by this subdivision shall be held at one or more locations conveniently accessible to the persons who would be affected by such closure.

§ 2. This act shall take effect immediately and shall apply to any station closings that occur no sooner than six months after such effective date.