# STATE OF NEW YORK

2688

2019-2020 Regular Sessions

# IN ASSEMBLY

January 24, 2019

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

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

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 1277 of the public authorities law, as amended by chapter 521 of the laws of 2018, is amended to read as follows:

§ 1277. Station operation and maintenance. 1. [~~a.~~] The operation, maintenance and use of passenger stations shall be public purposes of the city of New York and the counties within the district. The total cost to the authority and each of its subsidiary corporations of operation, maintenance and use of each passenger station within the district serviced by one or more railroad facilities of the authority or of such subsidiary corporation, including the buildings, appurtenances, platforms, lands and approaches incidental or adjacent thereto, shall be borne by the city of New York if such station is located in such city or, if not located in such city, by such county within the district in which such station is located. On or before June first of each year, the authority shall, in accordance with the method specified herein, determine and certify to the city of New York and to each county within the district the respective allocation of costs related to the operation, maintenance and use of passenger stations within such city and each such other county, for the twelve month period ending the preceding March thirty-first.

[~~(i)~~] *a.* For the year commencing April first, nineteen hundred ninety-nine, the total payment amount to be billed by the authority for the operation, maintenance and use of each passenger station within the city of New York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, and Rockland shall be calculated by summing the total amount listed in the base amount table plus an adjustment to such base

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

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year amount equal to the base amount times the increase or decrease in the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern-New Jersey Standard Metropolitan Statistical Area for the twelve-month period being billed.

BASE AMOUNT TABLE

| County | Base Amount |
|---|---|
| Nassau | $19,200,000 |
| Suffolk | $11,834,091 |
| Westchester | $13,269,310 |
| Dutchess | $ 1,581,880 |
| Putnam | $ 618,619 |
| Orange | $ 327,247 |
| Rockland | $ 34,791 |
| City of New York | $61,435,330 |

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

[~~b.~~] **2.** On or before the following September first, of each year, such city and each such county shall pay to the authority such cost or amount so certified to it on or before the preceding June first. Such city and each such county shall have power to finance such costs to it by the issuance of budget notes pursuant to section 29.00 of the local finance law. For the year beginning April first, two thousand four, the authority, the city of New York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, and Rockland may, after having reached an agreement, recommend to the legislature modifications to the amounts set forth above based upon changes made to commuter services including but not limited to changes in the number of passenger stations within such counties or the level of commuter rail service provided to any such passenger stations. Failure between the authority and between the counties to reach agreement will be referred to the state comptroller for mediation. If the mediation is unsuccessful, each party and the state comptroller may submit a recommendation to the governor and the legislature for legislative action.

[~~c.~~] **3.** In the event that a city or county shall fail to make payment to the authority for station maintenance as required pursuant to this section, or any part thereof, the chief executive officer of the authority or such other person as the chairman shall designate shall certify to the state comptroller the amount due and owing the authority at the end of the state fiscal year and the state comptroller shall withhold an equivalent amount from the next succeeding state aid allocated to such county or city from the motor fuel tax and the motor vehicle registration fee distributed pursuant to former section one hundred twelve of the highway law, or amounts distributed pursuant to section ten-c of the highway law, or per capita local assistance pursuant to section fifty-four of the state finance law subject to the following limitations: prior to withholding amounts due the authority from such county or city, the comptroller shall pay in full any amount due the state of New York municipal bond bank agency, on account of any such county's or city's obligation to such agency; the city university construction fund pursuant to the provisions of the city university construction fund act; the

New York city housing development corporation, pursuant to the 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. Subdivision 5 of section 1205 of the public authorities law, as added by chapter 930 of the laws of 1977, is amended to read as follows:

5. **(a)** Any complete or partial closing of a passenger station within the city of New York, or any means of public access to such facility, except for purposes of repair or renovation or in case of emergency shall be accomplished only if approved by resolution of the authority adopted by not less than a majority of the whole number of members of the authority then in office, and only after a public hearing. Such hearing shall be held not less than thirty days after notice of such proposed closing has been given to, and comments solicited from, the community board as established pursuant to section eighty-four of the New York city charter whose area of jurisdiction includes the station proposed to be closed or otherwise affected.

**(b) In the case of a planned complete closure of a passenger station for purposes of repair or renovation, where such station will be out of service for sixty days or longer the MTA board shall adopt a policy, within ninety days of the effective date of the chapter of the laws of two thousand nineteen which amended this subdivision, that will ensure adequate communication of such work to impacted stakeholders where such passenger station is located including but not limited to: elected representatives, senate and assembly representatives, and community boards at least forty-five days prior to such closure. Such policy shall require the authority to notify the community board or boards whose district contains a passenger station subject to a planned complete closure or is contiguous to a district that contains a passenger station subject to a planned complete closure located on the same line of service as the passenger station subject to closure in writing. Such written notice shall provide such board or boards with an option to request a presentation from the authority regarding such planned complete closure. Upon request from such board or boards the authority shall, at a date convenient to such board or boards prior to such closure, present information regarding such closure and related service alternatives and also allow for public comment. The policy shall also require that the authority provide notice to the public at least thirty days prior to such closure by: (i) posting notice in the passenger stations that are scheduled for closure; and (ii) posting notice on the authority's website and social media accounts; providing information about the planned complete closure, service alternatives, and directions on how the public can provide comment to the authority regarding such**

**closure. This subdivision shall not apply to emergency station closures resulting from unforeseen circumstances where such closure is necessary to ensure public health, safety and welfare.**

§ 3. This act shall take effect immediately and shall apply to any passenger station closings that occur no sooner than 90 days after such effective date.