

STATE OF NEW YORK

9850

IN ASSEMBLY

February 20, 2020

Introduced by M. of A. CARROLL -- 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 big apple transit authority and the commuter transportation authority for the purpose of providing such authorities with municipal control over the New York city subway system; and to repeal certain provisions of the public authorities law relating thereto (Part A); to amend the public authorities law, in relation to establishing the big apple transit authority within the New York city transit authority (Part B); to amend the public authorities law, in relation to establishing the big apple transit authority; and to repeal subdivision 5 of section 553-k of the public authorities law relating thereto (Part C); to amend the public authorities law in relation to establishing the big apple transit authority (Part D); and to amend the public authorities law, in relation to establishing the commuter transportation authority (Part E)

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

1 Section 1. This act enacts into law major components of legislation
2 which establish the Big Apple Transit Authority and the Commuter Transit
3 Authority. Each component is wholly contained within a Part identified
4 as Parts A through E. The effective date for each particular provision
5 contained within such Part is set forth in the last section of such
6 Part. Any provision in any section contained within a Part, including
7 the effective date of the Part, which makes a reference to a section "of
8 this act", when used in connection with that particular component, shall
9 be deemed to mean and refer to the corresponding section of the Part in
10 which it is found. Section three of this act sets forth the general
11 effective date of this act.

12 PART A

13 Section 1. Section 1261 of the public authorities law, as amended by
14 section 1 of part H of chapter 25 of the laws of 2009, subdivision 18-a

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

LBD15005-02-0

1 as amended by section 1 of part PP of chapter 58 of the laws of 2017, is
2 amended to read as follows:

3 § 1261. Definitions. As used or referred to in this title, unless a
4 different meaning clearly appears from the context:

5 1. "Authority" shall mean the corporation created by section twelve
6 hundred sixty-three of this title.

7 ~~2. ["Authority facilities" shall mean the authority's railroad, omni-~~
8 ~~bus, marine and aviation facilities and operations pursuant to joint~~
9 ~~service arrangements.~~

10 ~~3.]~~ "Budget" shall mean the preliminary, final proposed and adopted
11 final plans of the authority, and each of its agencies.

12 ~~[4.]~~ 3. "Comptroller" shall mean the comptroller of the state of New
13 York.

14 ~~[5.]~~ 4. "Equipment" shall mean rolling stock, omnibuses, vehicles,
15 air, marine or surface craft, motors, boilers, engines, wires, ways,
16 conduits and mechanisms, machinery, tools, implements, materials,
17 supplies, instruments and devices of every nature whatsoever used or
18 useful for transportation purposes or for the generation or transmission
19 of motive power including but not limited to all power houses, and all
20 apparatus and all devices for signalling, communications and ventilation
21 as may be necessary, convenient or desirable for the operation of a
22 transportation facility.

23 ~~[6.]~~ 5. "Federal government" shall mean the United States of America,
24 and any officer, department, board, commission, bureau, division, corpo-
25 ration, agency or instrumentality thereof.

26 ~~[7. "Gap" shall mean the difference between projected revenues and~~
27 ~~expenses for any given fiscal year based on the existing fare structure.~~

28 ~~8. "Gap-closing initiative" shall mean any action to reduce a project-~~
29 ~~ed gap.~~

30 ~~9.]~~ 6. "Governor" shall mean the governor of the state of New York.

31 ~~[10.]~~ 7. "Joint service arrangements" shall mean agreements between or
32 among the authority and any common carrier or freight forwarder, the
33 state, any state agency, the federal government, any other state or
34 agency or instrumentality thereof, any public authority of this or any
35 other state, or any political subdivision or municipality of the state,
36 relating to property, buildings, structures, facilities, services,
37 rates, fares, classifications, divisions, allowances or charges (includ-
38 ing charges between operators of railroad, omnibus, marine and aviation
39 facilities), or rules or regulations pertaining thereto, for or in
40 connection with or incidental to transportation in part in or upon rail-
41 road, omnibus, marine or aviation facilities located within the district
42 and in part in or upon railroad, omnibus, marine or aviation facilities
43 located outside the district.

44 ~~[11.]~~ 8. "Marine and aviation facilities" shall mean equipment and
45 craft for the transportation of passengers, mail and cargo between
46 points within the district or pursuant to joint service arrangements, by
47 marine craft and aircraft of all types including but not limited to
48 hydrofoils, ferries, lighters, tugs, barges, helicopters, amphibians,
49 seaplanes or other contrivances now or hereafter used in navigation or
50 movement on waterways or in the navigation of or flight in airspace. It
51 shall also mean any marine port or airport facility within the transpor-
52 tation district but outside the port of New York district as defined in
53 chapter one hundred fifty-four of the laws of nineteen hundred twenty-
54 one, including but not limited to terminals, docks, piers, bulkheads,
55 ramps or any facility or real property necessary, convenient or desira-
56 ble for the accommodation of passengers and cargo or the docking, sail-

1 ing, landing, taking off, accommodation or servicing of such marine
2 craft or aircraft.

3 [~~12-~~] 9. "Omnibus facilities" shall mean motor vehicles, of the type
4 operated by carriers subject to the jurisdiction of the public service
5 commission, engaged in the transportation of passengers and their
6 baggage, express and mail between points within the district or pursuant
7 to joint service arrangements, and equipment, property, buildings,
8 structures, improvements, loading or unloading areas, parking areas or
9 other facilities, necessary, convenient or desirable for the accommo-
10 dation of such motor vehicles or their passengers, including but not
11 limited to buildings, structures and areas notwithstanding that portions
12 may not be devoted to any omnibus purpose other than the production of
13 revenues available for the costs and expenses of all or any facilities
14 of the authority.

15 [~~13-~~] 10. "Railroad facilities" shall mean right of way and related
16 trackage, rails, cars, locomotives, other rolling stock, signal, power,
17 fuel, communication and ventilation systems, power plants, stations,
18 terminals, storage yards, repair and maintenance shops, yards, equipment
19 and parts, offices and other real estate or personalty used or held for
20 or incidental to the operation, rehabilitation or improvement of any
21 railroad operating or to operate between points within the district or
22 pursuant to joint service arrangements, including but not limited to
23 buildings, structures, and areas notwithstanding that portions thereof
24 may not be devoted to any railroad purpose other than the production of
25 revenues available for the costs and expenses of all or any facilities
26 of the authority.

27 [~~14-~~] 11. "Real property" shall mean lands, structures, franchises and
28 interests in land, waters, lands under water, riparian rights and air
29 rights and any and all things and rights included within said term and
30 includes not only fees simple absolute but also any and all lesser
31 interests including but not limited to easements, rights of way, uses,
32 leases, licenses and all other incorporeal hereditaments and every
33 estate, interest or right, legal or equitable, including terms for years
34 and liens thereon by way of judgments, mortgages or otherwise.

35 [~~15-~~] 12. "State" shall mean the state of New York.

36 [~~16-~~] 13. "State agency" shall mean any officer, department, board,
37 commissioner, bureau, division, public benefit corporation, agency or
38 instrumentality of the state.

39 [~~17-~~] 14. "Transportation facility" shall mean any transit, railroad,
40 omnibus, marine or aviation facility and any person, firm, partnership,
41 association or, corporation which owns, leases or operates any such
42 facility or any other facility used for service in the transportation of
43 passengers, United States mail or personal property as a common carrier
44 for hire and any portion thereof and the rights, leaseholds or other
45 interest therein together with routes, tracks, extensions, connections,
46 parking lots, garages, warehouses, yards, storage yards, maintenance and
47 repair shops, terminals, stations and other related facilities thereof,
48 the devices, appurtenances, and equipment thereof and power plants and
49 other instrumentalities used or useful therefor or in connection there-
50 with.

51 [~~18-~~] 15. "Transportation district" and "district" shall mean the
52 metropolitan commuter transportation district created by section twelve
53 hundred sixty-two of this title.

54 [~~18-a-~~] 16. "Transportation purpose" shall mean a purpose that direct-
55 ly supports the missions or purposes of the authority, any of its
56 subsidiaries, New York city transit authority or its subsidiary, includ-

1 ing the realization of revenues derived from property that is, or is to
2 be used as, a transportation facility.

3 ~~[19.]~~ 17. "New York city transit authority" shall mean the corporation
4 created by section twelve hundred one of this chapter.

5 ~~[20.]~~ 18. "Triborough bridge and tunnel authority" shall mean the
6 corporation created by section five hundred fifty-two of this chapter.

7 ~~[21.]~~ 19. "Inspector general" shall mean the metropolitan transporta-
8 tion authority inspector general.

9 ~~[22. "Revenues." All]~~ 20. "Revenues" shall mean all monies received by
10 the authority or its subsidiaries, or New York city transit authority or
11 its subsidiaries, or Triborough bridge and tunnel authority, as the case
12 may be, from whatever source, derived directly or indirectly from or in
13 connection with the operations of the respective entity.

14 ~~[23. "Transit facility." Transit facility as defined in subdivision
15 fifteen of section twelve hundred of this article.~~

16 ~~24. "Utilization" shall mean public usage of the subway, bus, railroad
17 and paratransit services, and bridge and tunnel crossings, of the
18 authority and its affiliates and subsidiaries as reflected in empirical
19 data.]~~

20 21. "Big apple transit authority" shall mean the corporation created
21 by section thirteen hundred forty-nine-c of this article.

22 22. "Big apple transit authority and its affiliates" shall mean the
23 big apple transit authority, the New York city transit authority, the
24 Triborough bridge and tunnel authority, and all their respective subsid-
25 iaries.

26 23. "Commuter transportation authority" shall mean the corporation
27 created by section thirteen hundred forty-nine-cccc of this chapter.

28 § 2. Section 1262 of the public authorities law, as amended by chapter
29 669 of the laws of 1986, is amended to read as follows:

30 § 1262. Metropolitan commuter transportation district. There is hereby
31 created and established a commuter transportation district to be known
32 as the metropolitan commuter transportation district which shall embrace
33 the city of New York and the counties of Dutchess, Nassau, Orange,
34 Putnam, Rockland, Suffolk and Westchester, provided, however, that the
35 district shall not include a county that has withdrawn from the district
36 pursuant to section [~~twelve~~] thirteen hundred [~~seventy-nine-b~~] forty-
37 nine-wwwww of this article.

38 § 3. Paragraph (a-1) of subdivision 1 and subdivision 9 of section
39 1263 of the public authorities law are REPEALED.

40 § 4. Paragraph (b) of subdivision 4 of section 1263 of the public
41 authorities law is REPEALED, and paragraphs (c) and (d) of subdivision
42 4, paragraph (c) as added by chapter 247 of the laws of 1990, and para-
43 graph (d) as added by section 5 of part H of chapter 25 of the laws of
44 2009, are amended to read as follows:

45 ~~[(e)]~~ (b) The chairman shall ensure that at every meeting of the board
46 and at every meeting of each committee the public shall be allotted a
47 period of time, not less than thirty minutes, to speak on any topic on
48 the agenda.

49 ~~[(d)]~~ (c) Notwithstanding paragraph ~~[(e)]~~ (b) of subdivision one of
50 section twenty-eight hundred twenty-four of this chapter or any other
51 provision of law to the contrary, the chairman shall not participate in
52 establishing authority policies regarding the payment of salary, compen-
53 sation and reimbursement to, nor establish rules for the time and
54 attendance of, the chief executive officer. The salary of the chairman,
55 as determined pursuant to subdivision two of this section, shall also be
56 compensation for all services performed as chief executive officer.

1 § 5. Subdivision 1 of section 1264 of the public authorities law, as
2 amended by section 2 of subpart B of part ZZZ of chapter 59 of the laws
3 of 2019, is amended to read as follows:

4 1. The purposes of the authority shall be the [~~continuance, further~~
5 ~~development and improvement of commuter transportation and other~~
6 ~~services related thereto within the metropolitan commuter transportation~~
7 ~~district, including but not limited to such transportation by railroad,~~
8 ~~omnibus, marine and air, in accordance with the provisions of this~~
9 ~~title. It shall be the further purpose of the authority, consistent with~~
10 ~~its status as the ex officio board of both the New York city transit~~
11 ~~authority and the triborough bridge and tunnel authority, to develop and~~
12 ~~implement a unified mass transportation policy for such district in an~~
13 ~~efficient and cost-effective manner that includes the use of design-~~
14 ~~build contracting on all projects over twenty-five million dollars in~~
15 ~~cost except where a waiver is granted by the New York state budget~~
16 ~~director pursuant to a request in writing from the metropolitan trans-~~
17 ~~portation authority. For purposes of granting a waiver pursuant to this~~
18 ~~section, such review shall consider whether the design build contracting~~
19 ~~method is appropriate for the project that such waiver is sought for,~~
20 ~~and the amount of savings and efficiencies that could be achieved using~~
21 ~~such method. The determination for such waiver shall be made in writing~~
22 ~~within forty five days from request or shall be deemed granted]~~ payment
23 of debt interest and principal, and the fulfillment of all terms, coven-
24 ants, and other obligations entered into with the holders of said debt.

25 § 6. Section 1264-a of the public authorities law is REPEALED.

26 § 7. Subdivisions 3, 10 and 11 of section 1265 of the public authori-
27 ties law are REPEALED.

28 § 8. Subdivision 6 of section 1265 of the public authorities law, as
29 amended by chapter 988 of the laws of 1984, is amended to read as
30 follows:

31 6. [~~(a)~~] To enter into contracts and leases and to execute all instru-
32 ments necessary or convenient;

33 [~~(b) With respect to any lease transaction entered into pursuant to~~
34 ~~section 168 (f) (8) of the United States internal revenue code or any~~
35 ~~successor provisions, the authority shall meet the following standards~~
36 ~~and procedures:~~

37 ~~(i) notice of intention to negotiate shall be published in at least~~
38 ~~one newspaper of general circulation, and a copy thereof shall be mailed~~
39 ~~to all parties who have requested notification from the authority to~~
40 ~~engage in transactions of this type. Such notice shall describe the~~
41 ~~nature of the proposed transaction and the factors subject to negoti-~~
42 ~~ation, which shall include, but not be limited to, the price to be paid~~
43 ~~to the authority;~~

44 ~~(ii) the authority shall negotiate with those respondents whose~~
45 ~~response complies with the requirements set forth in the notice;~~

46 ~~(iii) the board of the authority shall resolve on the basis of parti-~~
47 ~~cularized findings relevant to the factors negotiated that such trans-~~
48 ~~action will provide maximum available financial benefits, consistent~~
49 ~~with other defined objectives and requirements.~~

50 ~~(c) The authority shall provide to the governor, the temporary presi-~~
51 ~~dent of the senate, the speaker of the assembly, the minority leader of~~
52 ~~the senate and the minority leader of the assembly, notice of each lease~~
53 ~~entered into pursuant to paragraph (b) of this subdivision and support-~~
54 ~~ing documentation of compliance by the authority with subparagraphs (i),~~
55 ~~(ii) and (iii) of paragraph (b) of this subdivision;~~

~~(d) Paragraphs (b) and (c) of this subdivision shall be of no force and effect with respect to any lease transaction entered into pursuant to a commitment approved prior to January first, nineteen hundred eighty-five by the board of the authority.]~~

§ 9. Section 1265-a of the public authorities law is REPEALED.

§ 10. Section 1265-b of the public authorities law is REPEALED.

§ 11. Section 1266 of the public authorities law, as added by chapter 324 of the laws of 1965, subdivisions 1, 2, 6 and 8 as amended and subdivisions 3-a and 6-a as added by section 23 of part O and subdivision 17 as added by section 8 of part N of chapter 61 of the laws of 2000, subdivision 3 as amended and subdivisions 10, 11 and 12 as added by chapter 314 of the laws of 1981, subdivision 4 as amended by chapter 460 of the laws of 2015, subdivision 5 as amended by section 8 of part H of chapter 25 of the laws of 2009, the opening paragraph of subdivision 5 as amended by chapter 506 of the laws of 2009, subdivision 9 as added by chapter 717 of the laws of 1967, the opening paragraph of subdivision 9 as separately amended by chapters 657 and 789 of the laws of 1973, paragraphs (a), (b), (c) and (d) of subdivision 9 as relettered by chapter 789 of the laws of 1973, paragraph (b) as amended by chapter 420 of the laws of 1968, subdivision 13 as added by chapter 530 of the laws of 1986, subdivision 14 as amended by chapter 182 of the laws of 2013, subdivision 15 as added by chapter 523 of the laws of 1999, subdivision 16 as amended by chapter 25 of the laws of 2000 and subdivision 18 as amended by chapter 607 of the laws of 2003, is amended to read as follows:

§ 1266. 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 transportation facility other than a transit facility or, subject to subdivision two of this section or any transportation facility constituting a transit facility, wholly or partially within the metropolitan commuter transportation district, or any part thereof, or the use thereof, and may enter into any joint service arrangements as hereinafter provided. Any such acquisition or joint service arrangement shall be authorized only by resolution of the authority approved by not less than a majority vote of the whole number of members of the authority then in office, except that in the event of a tie vote the chairman shall cast one additional vote.]~~

2. ~~The authority may on such terms and conditions as the authority may determine necessary, convenient or desirable itself plan, design, acquire, establish, construct, effectuate, operate, maintain, renovate, improve, extend, rehabilitate or repair (a) any transportation facility other than a transit project, or (b) upon the request of the New York city transit authority, and upon such terms and conditions as shall be agreed to by the authority or any transportation facility constituting a transit facility (a "transportation assistance project"), or may provide for such planning, design, acquisition, establishment, construction, effectuation, operation, maintenance, renovation, improvement, extension, rehabilitation 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, the state, any state agency, the federal government, any other state or agency or instrumentality thereof, any public authority of this or any other state, the port of New York authority or any political subdivision or municipality of the state. In connection with the operation of any transportation facility, the authority may plan,~~

~~design, acquire, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair or may provide by contract, lease or other arrangement for the planning, design, acquisition, 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. Upon the completion of any such transportation assistance project or any part thereof or the termination of any contract, lease or other arrangement relating to such transportation assistance project, the authority shall cause the same to be transferred, leased or subleased to the New York city transit authority or its designated subsidiary, as appropriate, with or without consideration.~~

~~3-~~ (a) The authority [may] shall ensure that its revenues and any other funds or property actually available to the authority are sufficient to maintain the operations of the authority on a self-sustaining basis. The operations of the authority shall be deemed to be on a self-sustaining basis as required by this title when the authority is able to pay or cause to be paid from revenue and any other funds or property actually available to the authority: (i) as the same shall become due, the principal of and interest on the bonds and notes and other obligations of the authority; (ii) the cost and expense of keeping the properties and assets of the authority in good condition and repair; (iii) the operating expenses of the authority; and (iv) any additional investment or savings necessary to maintain proper reserves.

(b) The term "proper reserves" as used in this title means the funds necessary, taking into consideration projections of future revenues and expenses, to ensure that total funds available for the following month will exceed two hundred fifty percent of the amount necessary to pay or cause to be paid:

(i) as the same shall become due, the principal of and interest on the bonds and notes and other obligations of the authority;

(ii) the cost and expense of keeping the properties and assets of the authority in good condition and repair; and

(iii) the operating expenses of the authority, for that following month.

(c) Notwithstanding any contrary provision of law in title eleven-E or title eleven-F of this article, if monthly revenues fall below one hundred twenty-five percent of the amount necessary to maintain the operations of the authority on a self-sustaining basis, the authority shall, in accordance with sections thirteen hundred forty-nine-h and thirteen hundred forty-nine-iiii of this article, 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 transportation facility and related services operated by the authority or by a subsidiary corporation of the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority, until such time that monthly revenues and any other funds or property actually available to the authority, including its reserves, exceed two hundred percent of the amount necessary to maintain the monthly operations of the authority on a self-sustaining basis for three consecutive months.

1 (d) Any such fares, tolls, rentals, rates, charges or other fees for
2 the transportation of passengers shall be established and changed only
3 if approved by resolution of the authority adopted by not less than a
4 majority vote of the whole number of members of the authority then in
5 office, with the chairman having one additional vote in the event of a
6 tie vote, and only after a public hearing, provided however, that fares,
7 tolls, rentals, rates, charges or other fees for the transportation of
8 passengers on any transportation facility which are in effect at the
9 time that the then owner of such transportation facility becomes a
10 subsidiary corporation of the authority or at the time that operation of
11 such transportation facility is commenced by the authority or is
12 commenced under contract, lease or other arrangement, including joint
13 service arrangements, with the authority may be continued in effect
14 without such a hearing. [~~Such fares, tolls, rentals, rates, charges and
15 other fees shall be established as may in the judgment of the authority
16 be necessary to maintain the combined operations of the authority and
17 its subsidiary corporations on a self-sustaining basis. The said oper-
18 ations shall be deemed to be on a self-sustaining basis as required by
19 this title, when the authority is able to pay or cause to be paid from
20 revenue and any other funds or property actually available to the
21 authority and its subsidiary corporations (a) as the same shall become
22 due, the principal of and interest on the bonds and notes and other
23 obligations of the authority and of such subsidiary corporations,
24 together with the maintenance of proper reserves therefor, (b) the cost
25 and expense of keeping the properties and assets of the authority and
26 its subsidiary corporations in good condition and repair, and (c) the
27 capital and operating expenses of the authority and its subsidiary
28 corporations.~~]

29 (e) The authority may contract with the holders of bonds and notes
30 with respect to the exercise of the powers authorized by this section.

31 (f) No acts or activities taken or proposed to be taken by the author-
32 ity or any subsidiary of the authority pursuant to the provisions of
33 this subdivision shall be deemed to be "actions" for the purposes or
34 within the meaning of article eight of the environmental conservation
35 law.

36 [~~3-a. In furtherance of the authority's mandate to develop and imple-
37 ment a unified mass transportation policy for the metropolitan commuter
38 transportation district and the exercise of its powers, including the
39 power to issue notes, bonds and other obligations secured in whole or in
40 part by the revenues of the authority and its subsidiaries, and New York
41 city transit authority and its subsidiaries, the authority shall join
42 with the New York city transit authority and its subsidiaries in
43 connection with any change in the establishment, levy and collection of
44 fares, tolls, rentals, rates, charges and other fees for the transporta-
45 tion of passengers on any transportation facilities operated by New York
46 city transit authority and its subsidiaries. Such fares, tolls, rentals,
47 charges and other fees on transit facilities shall be established in
48 accordance with the requirements of sections twelve hundred five and
49 twelve hundred seven-i of this article.~~]

50 4. The authority may establish and, in the case of joint service
51 arrangements, join with others in the establishment of such schedules
52 and standards of operations and such other rules and regulations includ-
53 ing but not limited to rules and regulations governing the conduct and
54 safety of the public as it may deem necessary, convenient or desirable
55 for the use and operation of any transportation facility and related
56 services operated by the authority or under contract, lease or other

1 ~~arrangement, including joint service arrangements, with the authority.~~
2 ~~Such rules and regulations governing the conduct and safety of the~~
3 ~~public shall be filed with the department of state in the manner~~
4 ~~provided by section one hundred two of the executive law. In the case of~~
5 ~~any conflict between any such rule or regulation of the authority~~
6 ~~governing the conduct or the safety of the public and any local law,~~
7 ~~ordinance, rule or regulation, such rule or regulation of the authority~~
8 ~~shall prevail. Violation of any such rule or regulation of the authority~~
9 ~~governing the conduct or the safety of the public in or upon any facili-~~
10 ~~ty of the authority shall constitute an offense and shall be punishable~~
11 ~~by a fine not exceeding fifty dollars or imprisonment for not more than~~
12 ~~thirty days or both or may be punishable by the imposition of a civil~~
13 ~~penalty by the transit adjudication bureau established pursuant to the~~
14 ~~provisions of title nine of this article.~~

15 ~~5. The authority may acquire, hold, own, lease, establish, construct,~~
16 ~~effectuate, operate, maintain, renovate, improve, extend or repair any~~
17 ~~transportation facilities through, and cause any one or more of its~~
18 ~~powers, duties, functions or activities to be exercised or performed by,~~
19 ~~one or more wholly owned subsidiary corporations of the authority, or by~~
20 ~~New York city transit authority or any of its subsidiary corporations in~~
21 ~~the case of transit facilities and may transfer to or from any such~~
22 ~~corporations any moneys, real property or other property for any of the~~
23 ~~purposes of this title upon such terms and conditions as shall be agreed~~
24 ~~to and subject to such payment or repayment obligations as are required~~
25 ~~by law or by any agreement to which any of the affected entities is~~
26 ~~subject. The directors or members of each such subsidiary corporation of~~
27 ~~the authority corporation shall be the same persons holding the offices~~
28 ~~of members of the authority. The chairman of the board of each such~~
29 ~~subsidiary shall be the chairman of the authority, serving ex officio~~
30 ~~and, provided that there is an executive director of the metropolitan~~
31 ~~transportation authority, the executive director of such subsidiary~~
32 ~~shall be the executive director of the metropolitan transportation~~
33 ~~authority, serving ex officio. Notwithstanding any provision of law to~~
34 ~~the contrary, the chairman shall be the chief executive officer of each~~
35 ~~such subsidiary and shall be responsible for the discharge of the execu-~~
36 ~~tive and administrative functions and powers of each such subsidiary.~~
37 ~~The chairman and executive director, if any, shall be empowered to dele-~~
38 ~~gate his or her functions and powers to one or more officers or employ-~~
39 ~~ees of each such subsidiary designated by him or her. Each such subsid-~~
40 ~~iary corporation of the authority and any of its property, functions and~~
41 ~~activities shall have all of the privileges, immunities, tax exemptions~~
42 ~~and other exemptions of the authority and of the authority's property,~~
43 ~~functions and activities. Each such subsidiary corporation shall be~~
44 ~~subject to the restrictions and limitations to which the authority may~~
45 ~~be subject. Each such subsidiary corporation of the authority shall be~~
46 ~~subject to suit in accordance with section twelve hundred seventy six of~~
47 ~~this title. The employees of any such subsidiary corporation, except~~
48 ~~those who are also employees of the authority, shall not be deemed~~
49 ~~employees of the authority.~~

50 ~~If the authority shall determine that one or more of its subsidiary~~
51 ~~corporations should be in the form of a public benefit corporation, it~~
52 ~~shall create each such public benefit corporation by executing and~~
53 ~~filing with the secretary of state a certificate of incorporation, which~~
54 ~~may be amended from time to time by filing, which shall set forth the~~
55 ~~name of such public benefit subsidiary corporation, its duration, the~~
56 ~~location of its principal office, and any or all of the purposes of~~

~~acquiring, owning, leasing, establishing, constructing, effectuating, operating, maintaining, renovating, improving, extending or repairing one or more facilities of the authority. Each such public benefit subsidiary corporation shall be a body politic and corporate and shall have all those powers vested in the authority by the provisions of this title which the authority shall determine to include in its certificate of incorporation except the power to contract indebtedness.~~

~~Whenever any state, political subdivision, municipality, commission, agency, officer, department, board, division or person is authorized and empowered for any of the purposes of this title to co-operate and enter into agreements with the authority such state, political subdivision, municipality, commission, agency, officer, department, board, division or person shall have the same authorization and power for any of such purposes to co-operate and enter into agreements with a subsidiary corporation of the authority.~~

~~6. Each of the~~ 2. On a monthly basis, or more frequently if required by law or agreement, the authority shall:

(a) pay:

(i) as the same shall become due, the principal of and interest on the bonds and notes and other obligations of the authority, together with the maintenance of proper reserves therefor;

(ii) the cost and expense of keeping the properties and assets of the authority in good condition and repair; and

(iii) the operating expenses of the authority;

(b) make all other payments and transfers as required by law, including those required by sections twelve hundred seventy-a, twelve hundred seventy-b, twelve hundred seventy-c, twelve hundred seventy-d, twelve hundred seventy-h, and twelve hundred seventy-i of this title; and

(c) transfer all remaining funds, except those required to be held in reserve by law, to the big apple transit authority and the commuter transportation authority as follows: eighty percent of the funds shall be transferred to the big apple transit authority and twenty percent of the funds shall be transferred to the commuter transportation authority.

~~3. The authority [and its subsidiaries, and the New York city transit authority and its subsidiaries, in its own name or in the name of the state,]~~ 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 respective authority may determine to be necessary, convenient or desirable.

~~[6-a.]~~ 4. Subject to the rights of the holders of any outstanding bonds, notes or other obligations of the authority, [New York city transit authority and Triborough bridge and tunnel authority] the big apple transit authority and its affiliates, and the commuter transportation authority, and to facilitate the efficient financial management of the authority, [its subsidiary corporations, New York city transit authority and its subsidiary corporations, and Triborough bridge and tunnel authority] the big apple transit authority and its affiliates, and the commuter transportation authority, (the "affiliated entities"), the authority may[, and may permit and direct any affiliated entity to,] transfer revenues, subsidies and other monies or securities to one or more funds or accounts of another affiliated entity for use by such other affiliated entity, provided at the time of such transfer it is reasonably anticipated that the monies and securities so transferred will be reimbursed, repaid or otherwise provided for by the end of the

1 next succeeding calendar year if reimbursement or repayment is required
2 by law or by any agreement to which any of the affected affiliated enti-
3 ties is subject. Any revenues of an affiliated entity that are trans-
4 ferred to another affiliated entity, which transfer was not authorized
5 by a provision of law other than this subdivision, shall be considered
6 to be required to be repaid to the affiliated entity which was the
7 source of such revenues by the end of the next succeeding calendar year
8 following such transfer.

9 ~~7. The authority may lease railroad cars for use in its passenger
10 service pursuant to the provisions of chapter six hundred thirty eight
11 of the laws of nineteen hundred fifty nine.~~

12 ~~8. The authority may do all things it deems necessary, convenient or
13 desirable to manage, control and direct the maintenance and operation of
14 transportation facilities, equipment or real property operated by or
15 under contract, lease or other arrangement with the authority and its
16 subsidiaries, and New York city transit authority and its subsidiaries.
17 Except as hereinafter specially provided, no municipality or political
18 subdivision, including but not limited to a county, city, village, town
19 or school or other district shall have jurisdiction over any facilities
20 of the authority and its subsidiaries, and New York city transit author-
21 ity and its subsidiaries, or any of their activities or operations. The
22 local laws, resolutions, ordinances, rules and regulations of a munici-
23 pality or political subdivision, heretofore or hereafter adopted,
24 conflicting with this title or any rule or regulation of the authority
25 or its subsidiaries, or New York city transit authority or its subsid-
26 iaries, shall not be applicable to the activities or operations of the
27 authority and its subsidiaries, and New York city transit authority, or
28 the facilities of the authority and its subsidiaries, and New York city
29 transit authority and its subsidiaries, except such facilities that are
30 devoted to purposes other than transportation or transit purposes. Each
31 municipality or political subdivision, including but not limited to a
32 county, city, village, town or district in which any facilities of the
33 authority or its subsidiaries, or New York city transit authority or its
34 subsidiaries are located shall provide for such facilities police, fire
35 and health protection services of the same character and to the same
36 extent as those provided for residents of such municipality or political
37 subdivision.~~

38 ~~The jurisdiction, supervision, powers and duties of the department of
39 transportation of the state under the transportation law shall not
40 extend to the authority in the exercise of any of its powers under this
41 title. The authority may agree with such department for the execution by
42 such department of any grade crossing elimination project or any grade
43 crossing separation reconstruction project along any railroad facility
44 operated by the authority or by one of its subsidiary corporations or
45 under contract, lease or other arrangement with the authority. Any such
46 project shall be executed as provided in article ten of the transporta-
47 tion law and the railroad law, respectively, and the costs of any such
48 project shall be borne as provided in such laws, except that the author-
49 ity's share of such costs shall be borne by the state.~~

50 ~~9. Upon approval by the commissioner of transportation of the state of
51 New York of detailed plans and specifications, which approval may be
52 based upon considerations of relative need and the timing of
53 construction, the authority is authorized to design, construct, main-
54 tain, operate, improve and reconstruct a highway bridge crossing Long
55 Island sound, as follows:~~

1 ~~(a) Upon (i) the enactment by the state of Connecticut of legislation~~
2 ~~having like effect as the provisions of this paragraph and the granting~~
3 ~~of the consent of the congress of the United States of America to the~~
4 ~~interstate compact thereby created, and (ii) in conformity with recom-~~
5 ~~mendations of the New York Connecticut bi-state bridge study commission,~~
6 ~~the authority is authorized, in cooperation with any duly designated~~
7 ~~agency or agencies of the state of Connecticut, to design, construct,~~
8 ~~maintain, operate, improve and reconstruct a highway bridge crossing~~
9 ~~Long Island sound from a point in the vicinity of the city of Bridgeport~~
10 ~~in the state of Connecticut to a point in the vicinity of the village of~~
11 ~~Port Jefferson in the state of New York, together with approaches to~~
12 ~~such bridge, and to contract from time to time with such agency or agen-~~
13 ~~cies of the state of Connecticut with respect to all matters affecting~~
14 ~~these authorizations, including, without limitation, the sharing of all~~
15 ~~capital, operational and maintenance expense (except that the capital~~
16 ~~expense of the original construction of such bridge, other than the~~
17 ~~expense of acquiring the needed real property, shall be in the ratio of~~
18 ~~fifty per centum for the authority and fifty per centum for such agency~~
19 ~~or agencies of the state of Connecticut), the manner and by whom the~~
20 ~~work of design, construction, reconstruction, improvement, maintenance~~
21 ~~and operation is to be performed or contracted to others for perform-~~
22 ~~ance, the tolls, fees and other charges to be imposed from time to time~~
23 ~~for the use of such bridge, and the sharing of revenues derived from the~~
24 ~~imposition of such tolls, fees and charges (except that net revenues~~
25 ~~remaining after deduction of operational and maintenance expense of such~~
26 ~~bridge shall be in the ratio of fifty per centum for the authority and~~
27 ~~fifty per centum for the state of Connecticut or for such agency or~~
28 ~~agencies of the state of Connecticut. Subject to the limitations imposed~~
29 ~~upon the authority by the provisions of the said contracts, that portion~~
30 ~~of the said bridge and its approaches situate and lying within the~~
31 ~~territorial boundaries of the state of New York shall be deemed a~~
32 ~~"transportation facility" of the authority for all the purposes of this~~
33 ~~title, but tolls, fees and other charges imposed for the use of such~~
34 ~~bridge shall not be deemed to have been imposed "for the transportation~~
35 ~~of passengers" within the intendment of subdivision three of this~~
36 ~~section.~~

37 ~~(b) If funds are made available by the authority for the payment of~~
38 ~~the cost and expense of the acquisition thereof, the commissioner of~~
39 ~~transportation of the state of New York, when requested by the authori-~~
40 ~~ty, may acquire in the name of the state such real property lying within~~
41 ~~the territorial boundaries of the state as may be determined from time~~
42 ~~to time by the authority to be necessary, convenient or desirable to~~
43 ~~carry out the authorizations set forth in paragraphs (a) and (b) of this~~
44 ~~subdivision, may remove the owner or occupant thereof where necessary~~
45 ~~and obtain possession and, when requested by the authority, may dispose~~
46 ~~of any real property so acquired, all according to the procedure~~
47 ~~provided in section thirty of the highway law. The authority shall have~~
48 ~~the right to possess and use for its corporate purposes all such real~~
49 ~~property so acquired, all according to the procedure provided in section~~
50 ~~thirty of the highway law. The authority shall have the right to possess~~
51 ~~and use for its corporate purposes all such real property so acquired.~~
52 ~~Claims for the value of the property appropriated and for legal damages~~
53 ~~caused by any such appropriation shall be adjusted and determined by the~~
54 ~~commissioner of transportation with the approval of the authority or by~~
55 ~~the court of claims as provided in section thirty of the highway law.~~
56 ~~When a claim has been filed with the court of claims, the claimant shall~~

1 ~~cause a copy of such claim to be served upon the authority and the~~
2 ~~authority shall have the right to be represented and heard before such~~
3 ~~court. All awards and judgments arising from such claims shall be paid~~
4 ~~out of moneys of the authority.~~

5 ~~(c) The authority, acting independently or jointly or in cooperation~~
6 ~~with such agency or agencies of the state of Connecticut, may also apply~~
7 ~~for and accept, upon condition or otherwise, from the duly authorized~~
8 ~~agencies of the federal government, and of the governments of the states~~
9 ~~of Connecticut and New York, such underwater and overwater grants of~~
10 ~~real property, licenses or permits as shall be necessary, convenient or~~
11 ~~desirable to carry out the authorizations set forth in paragraphs (a)~~
12 ~~and (b) of this subdivision.~~

13 ~~(d) The provisions of chapter four hundred forty-two of the laws of~~
14 ~~nineteen hundred sixty-five (and of any agreement entered into in~~
15 ~~pursuance thereof) relating to the repayment of a loan made by the state~~
16 ~~to the authority for the purchase of the Long Island railroad shall be~~
17 ~~inapplicable to (i) the construction of such bridges and their~~
18 ~~approaches, (ii) bonds, notes or other obligations of the authority~~
19 ~~issued for or in connection with the financing of the cost of design,~~
20 ~~construction and reconstruction of such bridges and their approaches, or~~
21 ~~the proceeds realized upon such issuance, and (iii) revenues derived~~
22 ~~from the investment of such proceeds or of any part thereof, and from~~
23 ~~the imposition of tolls, fees or other charges for the use of such~~
24 ~~bridges.~~

25 ~~10.]~~ 5. Notwithstanding the provisions of any other law, general,
26 special or local, or of any agreement entered into in pursuance thereof,
27 relating to the repayment of any loan or advance made by the state to
28 the authority or to the New York city transit authority, neither the
29 authority nor the New York city transit authority shall be required to
30 repay any such loan or advance heretofore made from or by reason of the
31 issuance of bonds or notes of either of them or from the proceeds real-
32 ized upon such issuance or from any other funds received by either of
33 them from any source whatever in aid or assistance of the project or
34 projects for the financing of which such bonds or notes are issued.

35 ~~[11. No project to be constructed upon real property theretofore used~~
36 ~~for a transportation purpose, or on an insubstantial addition to such~~
37 ~~property contiguous thereto, which will not change in a material respect~~
38 ~~the general character of such prior transportation use, nor any acts or~~
39 ~~activities in connection with such project, shall be subject to the~~
40 ~~provisions of article eight, nineteen, twenty four or twenty five of the~~
41 ~~environmental conservation law, or to any local law or ordinance adopted~~
42 ~~pursuant to any such article. Nor shall any acts or activities taken or~~
43 ~~proposed to be taken by the authority or by any other person or entity,~~
44 ~~public or private, in connection with the planning, design, acquisition,~~
45 ~~improvement, construction, reconstruction or rehabilitation of a trans-~~
46 ~~portation facility, other than a marine or aviation facility, be subject~~
47 ~~to the provisions of article eight of the environmental conservation~~
48 ~~law, or to any local law or ordinance adopted pursuant to any such arti-~~
49 ~~cle if such acts or activities require the preparation of a statement~~
50 ~~under or pursuant to any federal law or regulation as to the environ-~~
51 ~~mental impact thereof.~~

52 ~~12. The authority may, upon suitable notice to and an offer to consult~~
53 ~~with an officer designated by the city of New York, occupy the streets~~
54 ~~of the city of New York for the purpose of doing any work over or under~~
55 ~~the same in connection with the improvement, construction, recon-~~

1 ~~struction or rehabilitation of a transportation facility without the~~
2 ~~consent of or payment to such city.~~

3 ~~13. The authority and each of its subsidiary corporations shall place~~
4 ~~on each transformer and substation which contains polychlorinated biphe-~~
5 ~~nyls (PCBs) a symbol so indicating the presence of PCBs. Use of a PCB~~
6 ~~mark illustrated in the rules and regulations promulgated pursuant to~~
7 ~~the federal Toxic Substances Control Act shall constitute compliance~~
8 ~~with the provisions of this subdivision.~~

9 ~~14. Notwithstanding any other provisions of law or the terms of any~~
10 ~~contract, the authority, in consultation with the Long Island Rail Road,~~
11 ~~shall establish and implement a no fare program for transportation on~~
12 ~~the Long Island Rail Road for police officers employed by the city of~~
13 ~~New York, county of Nassau, Nassau county villages and cities, county of~~
14 ~~Suffolk, Suffolk county villages and towns, the division of state~~
15 ~~police, the port authority of New York and New Jersey, the Metro North~~
16 ~~Commuter Railroad Company, the New York city housing authority and the~~
17 ~~New York city transit authority. In establishing such program, which has~~
18 ~~as its goal increased protection and improved safety for its commuters,~~
19 ~~the authority and the Long Island Rail Road shall, among other things,~~
20 ~~consider: (a) requiring police officers who ride without cost to regis-~~
21 ~~ter with the Long Island Rail Road as a condition of riding without~~
22 ~~cost; (b) requiring such officers to indicate during such registration~~
23 ~~process their regular working hours and the Long Island Rail Road trains~~
24 ~~that such officers expect to ride; and (c) periodically re-registering~~
25 ~~and re-validating such officers. The authority and the Long Island Rail~~
26 ~~Road shall also have the power to consider other matters necessary to~~
27 ~~carry out the goals and objectives of this section.~~

28 ~~15. (a) Notwithstanding any other provisions of law or the terms of~~
29 ~~any contract, the authority, in consultation with the New York city~~
30 ~~transit authority, the Long Island Rail Road and the Metro North Commu-~~
31 ~~ter Railroad Company, shall establish and implement a no fare program~~
32 ~~for transportation on New York city transit authority systems, the Long~~
33 ~~Island Rail Road and the Metro North Commuter Railroad Company for indi-~~
34 ~~viduals serving as personal care attendants accompanying an Americans~~
35 ~~With Disabilities Act paratransit eligible individual.~~

36 ~~(b) In order to be eligible for such no fare program the personal care~~
37 ~~attendant must show his or her community based personal care attendant~~
38 ~~agency issued identification card.~~

39 ~~(c) In order to be considered accompanying an Americans With Disabili-~~
40 ~~ties Act paratransit eligible individual the personal care attendant~~
41 ~~shall have the same origin and destination as such paratransit eligible~~
42 ~~individual.~~

43 ~~16. Notwithstanding any other provision of law, the authority and any~~
44 ~~of its subsidiary corporations shall establish and implement a half fare~~
45 ~~rate program for persons with serious mental illness who are eligible to~~
46 ~~receive supplemental security income benefits as defined pursuant to~~
47 ~~title sixteen of the federal social security act and section two hundred~~
48 ~~nine of the social services law.~~

49 ~~17. Notwithstanding any conflicting provisions of general, special or~~
50 ~~local law, and pursuant to the authority's 2000-2004 capital program~~
51 ~~plans approved by the metropolitan transportation authority capital~~
52 ~~program review board, the authority or any of its subsidiaries, the New~~
53 ~~York city transit authority or any of its subsidiaries, or Triborough~~
54 ~~bridge and tunnel authority, shall provide, from funds identified in~~
55 ~~such approved 2000-2004 capital program plans, up to twelve million~~
56 ~~dollars for the financing of a bus and heavy duty vehicles emission~~

~~research and testing facility and related equipment located in the state of New York, whether within or outside of the transportation district, which facility shall be operated by the department of environmental conservation and shall be available for use on a non-exclusive basis by the authority and any of its subsidiaries, the New York city transit authority and any of its subsidiaries, and Triborough bridge and tunnel authority.~~

~~18. The authority shall conduct a campaign of public outreach to inform the public of the provisions pertaining to assault on employees described in subdivision eleven of section 120.05 of the penal law.]~~

§ 12. Section 1266-a of the public authorities law is REPEALED.

§ 13. Section 1266-b of the public authorities law is REPEALED.

§ 14. Section 1266-c of the public authorities law is REPEALED.

§ 15. Section 1266-d of the public authorities law is REPEALED.

§ 16. Section 1266-e of the public authorities law is REPEALED.

§ 17. Section 1266-f of the public authorities law is REPEALED.

§ 18. Section 1266-g of the public authorities law is REPEALED.

§ 19. Section 1266-h of the public authorities law is REPEALED and a new section 1266-h is added to read as follows:

§ 1266-h. Transfer of employees. 1. In order to assist the big apple transportation authority and the commuter transportation authority in carrying out their powers and responsibilities, the authority shall develop and complete a personnel reorganization plan to transfer its employees to the big apple transportation authority and the commuter transportation authority to perform any operation or function subject only to a determination that they are substantially similar to any operation or function currently performed. Substantially similar operation or function shall be determined by the authority receiving the employees.

2. Such assignment, transfer, sharing, or consolidation pursuant to this section shall occur only if approved by resolution of the boards of the authority, the big apple transportation authority, and the commuter transportation authority, adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote.

3. Nothing set forth in this section shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or impact or change an employee's membership in a bargaining unit.

4. A transferred employee who is a member or beneficiary of any existing pension or retirement system shall continue to have the rights, privileges, obligations and status with respect to such system or systems as if they had continued in their employment with the authority.

5. Pursuant to this section, any such assigning, transferring, sharing, or consolidating of powers, duties, functions or activities shall not be authorized where it would impair any rights and remedies of any holders of notes, bonds or other obligations issued by the authority, its subsidiaries, or affiliates or their subsidiaries.

6. Such transfers shall be subject to section seventy of the civil service law; or, where not subject to civil service, the provisions of such section seventy shall be deemed applicable, except where the context clearly requires otherwise. Any such employee who, at the time of such transfer, has a temporary or provisional appointment shall be transferred subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement.

1 7. A transferred employee shall remain in the same collective bargain-
 2 ing unit as was the case prior to his or her transfer; successor employ-
 3 ees to the positions held by such transferred employees shall, consist-
 4 ent with the provisions of article fourteen of the civil service law, be
 5 included in the same unit as their predecessors. Employees, other than
 6 managerial or confidential persons (as defined in article fourteen of
 7 the civil service law), serving in positions in newly created titles
 8 shall be assigned to the appropriate bargaining unit. Nothing contained
 9 in this section shall be construed to affect:

10 (a) the rights of employees pursuant to a collective bargaining agree-
 11 ment;

12 (b) the representational relationships among employee organizations or
 13 the bargaining relationships between the state and an employee organiza-
 14 tion; or

15 (c) existing law with respect to an application to the public employ-
 16 ment relations board, provided, however, that the merger of such negoti-
 17 ating units of employees shall be effected only with the consent of the
 18 recognized and certified representatives of such units and of the
 19 authority.

20 8. Notwithstanding the provisions of any other law to the contrary,
 21 all lawful appointees holding positions which hereinbefore were subject
 22 to the civil service law and are transferred to the authority shall
 23 continue to hold their positions without further examination or quali-
 24 fications.

25 § 20. Section 1266-i of the public authorities law is REPEALED.

26 § 21. Section 1266-j of the public authorities law is REPEALED.

27 § 22. Section 1266-k of the public authorities law is REPEALED.

28 § 23. Section 1267 of the public authorities law is REPEALED.

29 § 24. Section 1267-a of the public authorities law is REPEALED.

30 § 25. Section 1267-b of the public authorities law is REPEALED.

31 § 26. Section 1268 of the public authorities law is REPEALED.

32 § 27. Subdivisions 1-a and 12 of section 1269 of the public authori-
 33 ties law are REPEALED.

34 § 28. Subdivisions 1, 3, 4, 6 and 9 of section 1269 of the public
 35 authorities law, as amended by section 27 of part 0 of chapter 61 of the
 36 laws of 2000, are amended to read as follows:

37 1. (a) The authority shall only have power [~~and is hereby authorized~~
 38 ~~from time to time~~] to issue its bonds, notes and other obligations in
 39 such principal amount as [~~in the opinion of the authority, shall be~~
 40 ~~necessary, convenient or desirable to effectuate any of its powers and~~
 41 ~~purposes, including to provide sufficient funds for achieving its~~
 42 ~~purposes, including the acquisition, establishment, construction, effec-~~
 43 ~~tuation, operation, maintenance, renovation, improvement, extension,~~
 44 ~~rehabilitation or repair of any transportation facility, the payment of~~
 45 ~~principal, redemption premium and interest on bonds, notes and other~~
 46 ~~obligations of the authority, establishment of reserves to secure such~~
 47 ~~bonds notes and other obligations, the provision of working capital and~~
 48 ~~all other expenditures of the authority and its subsidiary corporations,~~
 49 ~~and New York city transit authority and its subsidiary corporations~~
 50 ~~incident to and necessary or convenient to carry out their purposes and~~
 51 ~~powers~~] already authorized by the 2015-2019 capital program. Such

52 bonds, notes or other obligations may be issued for an individual trans-
 53 portation facility or issued on a consolidated basis for such groups or
 54 classes of facilities and projects as the authority in its discretion
 55 deems appropriate and be payable from and secured separately or on a
 56 consolidated basis by, among other things, all or any portion of such

1 revenues and other monies and assets of the authority [~~and its subsidi-~~
2 ~~ary corporations, and New York city transit authority and its subsidi-~~
3 ~~ary corporations as the authority determines in accordance with the~~
4 ~~provisions of section twelve hundred seventy-d of this title];~~

5 (b) [~~The authority shall have power, from time to time, to issue~~
6 ~~renewal notes, to issue bonds to refund, redeem or otherwise pay,~~
7 ~~including by purchase or tender, notes of the authority and its subsidi-~~
8 ~~ary corporations, and New York city transit authority and its subsidi-~~
9 ~~ary corporations and whenever it deems refunding, redemption or payment~~
10 ~~expedient, to refund, redeem or otherwise pay, including by purchase or~~
11 ~~tender, any bonds of the authority and its subsidiary corporations, New~~
12 ~~York city transit authority and its subsidiary corporations and Tribor-~~
13 ~~ough bridge and tunnel authority by the issuance of new bonds, whether~~
14 ~~the bonds to be refunded, redeemed or otherwise paid have or have not~~
15 ~~matured, and to issue bonds partly for such purpose and partly for any~~
16 ~~other purpose and to otherwise refund, redeem, acquire by purchase or~~
17 ~~tender, or in any other way repay any outstanding notes, bonds or other~~
18 ~~obligations of the authority, any of its subsidiary corporations, New~~
19 ~~York city transit authority, any of its subsidiary corporations and~~
20 ~~Triborough bridge and tunnel authority;~~

21 ~~(c)]~~ Every issue of its notes, bonds or other obligations shall be
22 general obligations or special obligations. Every issue of general obli-
23 gations of the authority shall be payable out of any revenues or monies
24 of the authority, subject only to any agreements with the holders of
25 particular notes or bonds pledging any particular receipts or revenues.
26 Every issue of special obligations shall be payable out of any revenues,
27 receipts, monies or other assets of the authority [~~and its subsidiary~~
28 ~~corporations, the New York city transit authority and its subsidiary~~
29 ~~corporations and the Triborough bridge and tunnel authority]~~ identified
30 for such purposes in accordance with agreements with the holders of
31 particular notes, bonds or other obligations. [~~The authority may issue~~
32 ~~transportation revenue special obligation bonds, notes or other obli-~~
33 ~~gations as provided in section twelve hundred seventy-d of this title];~~

34 3. Any resolution or resolutions authorizing any notes, bonds or any
35 issue thereof, or any other obligations of the authority, may contain
36 provisions, which shall be a part of the contract with the holders ther-
37 eof, as to:

38 (a) pledging all or any part of the revenues of the authority [~~or of~~
39 ~~any of its subsidiary corporations or New York city transit authority or~~
40 ~~any of its subsidiary corporations or Triborough bridge and tunnel~~
41 ~~authority]~~ to secure the payment of the notes or bonds or of any issue
42 thereof, or any other obligations of the authority, subject to such
43 applicable agreements with bondholders, noteholders, or holders of other
44 obligations of the authority, [~~the New York city transit authority and~~
45 ~~its subsidiary corporations, and Triborough bridge and tunnel authority]~~
46 the big apple transit authority and its affiliates, or the commuter
47 transportation authority as may then exist;

48 (b) [~~pledging all or any part of the assets of the authority or of any~~
49 ~~of its subsidiary corporations or New York city transit authority or any~~
50 ~~of its subsidiary corporations or Triborough bridge and tunnel authority~~
51 ~~to secure the payment of the notes or bonds or of any issue of notes or~~
52 ~~bonds, or any other obligations of the authority, subject to such agree-~~
53 ~~ments with noteholders, bondholders, or holders of other obligations of~~
54 ~~the authority, the New York city transit authority and its subsidiary~~
55 ~~corporations, and Triborough bridge and tunnel authority as may then~~
56 ~~exist;~~

1 ~~(e)~~] the use and disposition of revenues, including fares, tolls,
2 rentals, rates, charges and other fees, made or received by the authori-
3 ty, any of its subsidiary corporations, [~~New York city transit authority~~
4 ~~or any of its subsidiary corporations, or Triborough bridge and tunnel~~
5 ~~authority~~] the big apple transit authority and its affiliates, and the
6 commuter transportation authority;

7 [~~(d)~~] (c) the setting aside of reserves or sinking funds and the regu-
8 lation and disposition thereof;

9 [~~(e)~~] (d) limitations on the purpose to which the proceeds of sale of
10 notes, bonds or other obligations of the authority may be applied and
11 pledging such proceeds to secure the payment of the notes or bonds or of
12 any issue thereof or of other obligations;

13 [~~(f)~~] (e) limitations on the issuance of additional notes, bonds or
14 other obligations of the authority; the terms upon which additional
15 notes, bonds or other obligations of the authority may be issued and
16 secured; the refunding of outstanding or other notes, bonds or other
17 obligations of the authority;

18 [~~(g)~~] (f) the procedure, if any, by which the terms of any contract
19 with noteholders, bondholders, or holders of other obligations of the
20 authority, may be amended or abrogated, the amount of notes, bonds or
21 other obligations of the authority the holders of which must consent
22 thereto, and the manner in which such consent may be given;

23 [~~(h)~~] (g) limitations on the amount of monies to be expended by the
24 authority [~~or any of its subsidiary corporations or New York city trans-
25 it authority or any of its subsidiary corporations or Triborough bridge
26 and tunnel authority for operating, administrative or other expenses of
27 the authority or any of its subsidiary corporations or New York city
28 transit authority or any of its subsidiary corporations or Triborough
29 bridge and tunnel authority~~];

30 [~~(i)~~] (h) vesting in a trustee or trustees such property, rights,
31 powers and duties in trust as the authority may determine, which may
32 include any or all of the rights, powers and duties of the trustee
33 appointed by the bondholders, noteholders or holders of other obli-
34 gations of the authority pursuant to this title, and limiting or abro-
35 gating the right of the bondholders, noteholders or holders of other
36 obligations of the authority to appoint a trustee under this article or
37 limiting the rights, powers and duties of such trustee;

38 [~~(j)~~] (i) any other matters, of like or different character, which in
39 any way affect the security or protection of the notes, bonds or other
40 obligations of the authority.

41 4. In addition to the powers herein conferred upon the authority to
42 secure its notes, bonds and other obligations, the authority shall have
43 power in connection with the issuance of notes, bonds and other obli-
44 gations to enter into such agreements as the authority may deem neces-
45 sary, convenient or desirable concerning the use or disposition of the
46 monies or property of [~~any of~~] the authority[~~, its subsidiary corpo-
47 rations, New York city transit authority, or any of its subsidiary
48 corporations, or Triborough bridge and tunnel authority~~], including the
49 mortgaging of any such property and the entrusting, pledging or creation
50 of any other security interest in any such monies or property and the
51 doing of any act (including refraining from doing any act) which the
52 authority would have the right to do in the absence of such agreements.
53 The authority shall have power to enter into amendments of any such
54 agreements within the powers granted to the authority by this title and
55 to perform such agreements. The provisions of any such agreements may be

1 made a part of the contract with the holders of the notes, bonds and
2 other obligations of the authority.

3 6. Neither the members of the authority, [~~the New York city transit~~
4 ~~authority or the Triborough bridge and tunnel authority~~] the big apple
5 transit authority or any of its affiliates, or the commuter transporta-
6 tion authority nor any person executing the notes, bonds or other obli-
7 gations shall be liable personally on the notes, bonds or other obli-
8 gations or be subject to any personal liability or accountability by
9 reason of the issuance thereof.

10 9. So long as the authority has outstanding any bonds, notes or other
11 obligations issued pursuant to this section or any bonds, notes or other
12 obligations issued or incurred pursuant to the former section twelve
13 hundred sixty-six-c of this title, none of the authority or any of its
14 subsidiary corporations, New York city transit authority or any of its
15 subsidiary corporations, or Triborough bridge and tunnel authority shall
16 have the authority to file a voluntary petition under chapter nine of
17 the federal bankruptcy code or such corresponding chapter, chapters or
18 sections as may, from time to time, be in effect, and neither any public
19 officer nor any organization, entity or other person shall authorize the
20 authority or any of its subsidiary corporations, New York city transit
21 authority or any of its subsidiary corporations, or Triborough bridge
22 and tunnel authority to be or become a debtor under chapter nine or said
23 corresponding chapter, chapters or sections of the federal bankruptcy
24 code during any such period.

25 § 29. Section 1269-a of the public authorities law is REPEALED.

26 § 30. Section 1269-b of the public authorities law is REPEALED.

27 § 31. Section 1269-c of the public authorities law is REPEALED.

28 § 32. Section 1269-d of the public authorities law is REPEALED.

29 § 33. Section 1269-f of the public authorities law is REPEALED.

30 § 34. Section 1269-g of the public authorities law is REPEALED.

31 § 35. Subdivisions 2 and 3 and paragraphs (a), (d) and (e) of subdivi-
32 sion 4 of section 1270-a of the public authorities law, subdivisions 2
33 and 3 and paragraphs (a) and (d) of subdivision 4 as amended by section
34 29 of part 0 of chapter 61 of the laws of 2000, and paragraph (e) of
35 subdivision 4 as amended by section 7 of part FF of chapter 58 of the
36 laws of 2019, are amended to read as follows:

37 2. Moneys in the transit account [~~may be pledged to the Triborough~~
38 ~~bridge and tunnel authority to secure bonds and notes and, if so~~
39 ~~pledged,~~] if already pledged prior to January first, two thousand twen-
40 ty-one, shall be paid to the Triborough bridge and tunnel authority in
41 such amounts and at such times as necessary to pay or to reimburse that
42 authority for its payment of debt service and reserve requirements on
43 that portion of special Triborough bridge and tunnel authority bonds and
44 notes issued by that authority pursuant to section five hundred fifty-
45 three-d of this chapter for transit projects undertaken for the New York
46 city transit authority and its subsidiaries. Subject to the provisions
47 of such pledge, any excess monies, or in the event there is no such
48 pledge, any moneys in such account shall, at the direction of the
49 [~~metropolitan transportation~~] big apple transit authority, be (a) depos-
50 ited into one or more funds or accounts and used as contemplated by
51 section [~~twelve hundred seventy-d~~] thirteen hundred forty-nine-dd
52 of this [~~title~~] chapter or (b) used for the payment of operating and capi-
53 tal costs of the New York city transit authority and its subsidiaries
54 and the Staten Island rapid transit operating authority.

55 3. The authority shall transfer in nineteen hundred eighty-seven up to
56 twenty million dollars of the moneys in the commuter railroad account to

1 the suburban transportation fund in accordance with the terms of an
2 agreement between the authority and the department of transportation
3 with respect thereto, established herein, and pursuant to section eight-
4 y-eight-b of the state finance law. In subsequent years the authority
5 shall transfer twenty million dollars of the moneys in the commuter
6 railroad account to the suburban transportation fund in accordance with
7 the terms of an agreement between the authority and the department of
8 transportation with respect thereto, established herein, and pursuant to
9 section eighty-eight-b of the state finance law.

10 In the event the transfer to the suburban transportation fund provided
11 pursuant to this subdivision results in an operating deficit, as certi-
12 fied by the director of the division of the budget, in consultation with
13 the authority, that portion of the deficit attributable to such transfer
14 shall be appropriated from the general fund to the authority for commu-
15 ter railroad operating purposes, provided, however, that such appropri-
16 ation shall not exceed twenty million dollars.

17 The remaining moneys in the commuter railroad account [~~may be pledged~~
18 ~~to the Triborough bridge and tunnel authority to secure bonds and notes~~
19 ~~and, if so pledged]~~ if already pledged prior to January first, two thou-
20 sand twenty-one, shall be paid to the Triborough bridge and tunnel
21 authority in such amounts and at such times as necessary to pay or to
22 reimburse that authority for its payment of debt service and reserve
23 requirements on that portion of special Triborough bridge and tunnel
24 authority bonds and notes issued by that authority pursuant to section
25 five hundred fifty-three-d of this chapter for transportation facilities
26 undertaken for the authority and its subsidiaries. Subject to the
27 provisions of any such pledge, any excess monies, or in the event there
28 is no such pledge, any moneys in such account shall[, ~~at the direction~~
29 ~~of the metropolitan transportation authority, be (a) deposited into one~~
30 ~~or more funds or accounts and used as contemplated by section twelve~~
31 ~~hundred seventy-d of this title or, (b)] be used for payment of operat-
32 ing and capital costs of the Long Island Rail Road company and the
33 Metro-North commuter railroad company.~~

34 (a) Moneys in the corporate transportation account shall first be used
35 for payments to the metropolitan transportation authority Dutchess,
36 Orange and Rockland fund established by section twelve hundred seventy-b
37 of this title. The remaining moneys in the corporate transportation
38 account [~~may be pledged by the authority, or pledged to the Triborough~~
39 ~~bridge and tunnel authority, to secure bonds, notes or other obligations~~
40 ~~of the authority or the Triborough bridge and tunnel authority, as the~~
41 ~~case may be, and, if so pledged]~~, if already pledged to the Triborough
42 bridge and tunnel authority prior to January first, two thousand twen-
43 ty-one, shall be paid to the Triborough bridge and tunnel authority in
44 such amounts and at such times as necessary to pay or to reimburse that
45 authority for its payment of debt service and reserve requirements, if
46 any, on that portion of special Triborough bridge and tunnel authority
47 bonds and notes issued by that authority pursuant to section five
48 hundred fifty-three-d of this chapter. Subject to the provisions of any
49 such pledge, or in the event there is no such pledge, any excess moneys
50 in the corporate transportation account [~~may~~] shall be [~~used by the~~
51 ~~authority for payment of operating costs of, and capital costs, includ-~~
52 ~~ing debt service and reserve requirements, if any, of or for the author-~~
53 ~~ity,~~] transferred to the [~~New York city transit authority and their~~
54 ~~subsidiaries as the authority shall determine]~~ big apple transit author-
55 ity.

1 (d) (1) In the event the county of Dutchess, the county of Orange or
 2 the county of Rockland withdraws from the metropolitan transportation
 3 district, the authority shall not transfer from the corporate transpor-
 4 tation account to the metropolitan transportation authority Dutchess,
 5 Orange and Rockland fund that portion of the moneys that would otherwise
 6 be transferred from such account to such fund to the credit of such
 7 withdrawing county or counties.

8 (2) For purposes of this subdivision, a county is deemed to have with-
 9 drawn if a resolution is adopted and filed by the county legislature of
 10 such county providing a public transportation plan pursuant to section
 11 [~~twelve hundred seventy-nine-b~~] thirteen hundred forty-nine-wwwww of
 12 this [~~title~~] chapter.

13 (e) Notwithstanding the foregoing provisions of this subdivision, any
 14 moneys in the corporate transportation account that are received by the
 15 authority: (i) without appropriation pursuant to subdivision one of this
 16 section, or (ii) pursuant to the provisions of section ninety-two-ff of
 17 the state finance law [~~may be pledged by the authority, or pledged to~~
 18 ~~the Triborough bridge and tunnel authority, to secure bonds, notes or~~
 19 ~~other obligations of the authority or the Triborough bridge and tunnel~~
 20 ~~authority, as the case may be, and, if so pledged~~], if already pledged
 21 to the Triborough bridge and tunnel authority prior to January first,
 22 two thousand twenty-one, shall be paid to the Triborough bridge and
 23 tunnel authority in such amounts and at such times as necessary to pay
 24 or to reimburse that authority for its payment of debt service and
 25 reserve requirements, if any, on that portion of special Triborough
 26 bridge and tunnel authority bonds and notes issued by that authority
 27 pursuant to section five hundred fifty-three-d of this chapter. Subject
 28 to the provisions of any such pledge, or in the event there is no such
 29 pledge, any moneys in the corporate transportation account received by
 30 the authority: (i) without appropriation pursuant to subdivision one of
 31 this section, or (ii) pursuant to the provisions of section ninety-two-
 32 ff of the state finance law [~~may~~] shall be [~~used by the authority for~~
 33 ~~payment of operating costs of, and capital costs, including debt service~~
 34 ~~and reserve requirements, if any, of or for the authority,~~] transferred
 35 to the [~~New York city transit authority and their subsidiaries as the~~
 36 ~~authority shall determine~~] big apple transit authority. No moneys in the
 37 corporate transportation account that are reserved by the authority: (i)
 38 without appropriation pursuant to subdivision one of this section; or
 39 (ii) pursuant to the provisions of section ninety-two-ff of the state
 40 finance law may be used for making any payment to the Dutchess, Orange
 41 and Rockland fund created by section twelve hundred seventy-b of this
 42 title or considered in calculating the amounts required to be paid into
 43 such fund.

44 § 36. Subdivision 3 of section 1270-c of the public authorities law,
 45 as amended by section 30 of part 0 of chapter 61 of the laws of 2000, is
 46 amended to read as follows:

47 3. Moneys in the fund may be [~~(a) pledged by the authority to secure~~
 48 ~~and be applied to the payment of its bonds, notes or other obligations~~
 49 ~~specified by the authority and issued to finance (i) transit projects~~
 50 ~~undertaken for the New York city transit authority and its subsidiaries~~
 51 ~~and (ii) transportation facilities undertaken for the authority and its~~
 52 ~~subsidiaries and (b)] used for payment of operating costs, [~~and capital~~
 53 ~~costs,~~] including debt service, reserve requirements, if any, the
 54 payment of amounts required under bond and note facilities or agreements
 55 related thereto, the payment of federal government loans, security or
 56 credit arrangements or other agreements related thereto, and the payment~~

1 of all costs related to such obligations, of or for the authority[, ~~the~~
2 ~~New York city transit authority and their subsidiaries as the authority~~
3 ~~shall determine~~]. To the extent moneys in the fund have already been
4 pledged by the authority prior to January first, two thousand twenty-one
5 to secure and pay its bonds, notes or other obligations [~~as herein~~
6 ~~provided~~], moneys deposited into the fund shall first be deposited into
7 the pledged amounts account to the extent necessary to satisfy the
8 requirements of any debt service or reserve requirements, if any, of the
9 resolution authorizing such bonds, notes or other obligations. After
10 satisfaction of such requirements of the resolution, or if the authority
11 has not so pledged the moneys in the fund, moneys deposited in the fund
12 shall be directly deposited into the operating and capital costs account
13 and, subject to the provisions of any resolutions of the authority not
14 secured by the pledged amounts account, transferred forthwith to or for
15 the benefit of the [~~New York city transit authority and its subsidiaries~~
16 ~~and the Staten Island rapid transit operating authority~~] big apple tran-
17 sit authority (the "[~~TA~~] BAT") and to and for the benefit of the [~~Long~~
18 ~~Island Rail Road company and the Metro-North commuter rail road company~~]
19 commuter transportation authority (the "[~~CRR~~] CTA") as provided in this
20 section.

21 Moneys in the operating and capital costs account which were deposited
22 in the fund pursuant to appropriation from moneys deposited in the dedi-
23 cated mass transportation trust fund for payment to the metropolitan
24 transportation authority dedicated tax fund pursuant to subdivision (d)
25 of section three hundred one-j of the tax law (the "remaining PBT
26 amount") shall be distributed by the authority as follows: an amount
27 equal to the debt service incurred in such calendar year as a result of
28 obligations issued and secured by moneys in the fund, to the extent such
29 debt service is to be paid from money deposited in the fund pursuant to
30 appropriation from moneys deposited in the dedicated mass transportation
31 trust fund for payment to the metropolitan transportation authority
32 dedicated tax fund pursuant to subdivision (d) of section three hundred
33 one-j of the tax law ("PBT debt service"), shall be added to the remain-
34 ing PBT amount. The sum of these figures shall then be allocated as
35 follows: eighty-five per centum of such sum shall be allocated to the
36 [~~TA~~] BAT and fifteen per centum of such sum shall be allocated to the
37 [~~CRR~~] CTA. The amounts so allocated shall then be reduced respectively
38 by the proportional amount of PBT debt service attributable to the
39 payments for transit projects undertaken for the [~~TA~~] BAT and transpor-
40 tation facility projects undertaken for the [~~CRR~~] CTA. The remaining
41 amounts shall constitute the respective distributable shares of the
42 remaining PBT amount and shall be distributed to or for the benefit of
43 the [~~TA~~] BAT and the [~~CRR~~] CTA.

44 Moneys in the operating and capital costs account which were deposited
45 in the fund pursuant to section eighty-eight-a of the state finance law
46 (the "remaining MMTOA amount") shall be distributed by the authority as
47 follows: an amount equal to the debt service incurred in such calendar
48 year as a result of obligations issued and secured by money in the fund,
49 to the extent such debt service is to be paid from money deposited in
50 the fund pursuant to section eighty-eight-a of the state finance law
51 ("MMTOA debt service"), shall be added to the remaining MMTOA amount.
52 The sum of these figures shall then be allocated as follows: there shall
53 be allocated (i) to the [~~TA~~] BAT an amount of such sum which bears the
54 same proportion to such sum as the amount appropriated and paid during
55 such calendar year from the metropolitan mass transportation operating
56 assistance account to the authority for the operating expenses of the

1 [~~TA~~] BAT bears to the total amounts so appropriated and paid from such
2 operating assistance account during such calendar year to the [~~TA~~] BAT
3 and [~~CRR~~] CTA combined and (ii) to the [~~CRR~~] CTA an amount of such sum
4 which bears the same proportion to such sum as the amount appropriated
5 and paid during such calendar year from the metropolitan mass transpor-
6 tation operating assistance account to the [~~CRR~~] CTA bears to the total
7 amounts so appropriated and paid from such operating assistance account
8 during such calendar year to the [~~TA~~] BAT and [~~CRR~~] CTA combined. The
9 amounts so allocated shall then be reduced respectively by the propor-
10 tional amount of MMTOA debt service attributable to the payments for
11 transit projects undertaken for the [~~TA~~] BAT and transportation facility
12 projects undertaken for the [~~CRR~~] CTA. The remaining amounts shall
13 constitute the respective distributable shares of the remaining MMTOA
14 amount and shall be distributed to or for the benefit of the [~~TA~~] BAT
15 and the [~~CRR~~] CTA. In no event shall the authority utilize any measure
16 or calculation for determining such distributable shares other than the
17 formula prescribed herein nor shall the authority take any action which
18 would result in the use of such money which is different from or incon-
19 sistent with the use prescribed in this section.

20 To the extent that amounts described in the preceding two paragraphs
21 are distributed more frequently than annually, each such distribution
22 shall be made as nearly as may be practicable in accordance with the
23 allocations described above to the [~~TA~~] BAT and the [~~CRR~~] CTA. Within
24 thirty days after the end of each calendar year, the authority shall
25 certify to the director of the budget, the chairperson of the senate
26 finance committee and the chairperson of the assembly ways and means
27 committee, the amount of money deposited in the fund pursuant to appro-
28 priation from moneys deposited in the dedicated mass transportation
29 trust fund for payment to the metropolitan transportation authority
30 dedicated tax fund pursuant to subdivision (d) of section three hundred
31 one-j of the tax law and section eighty-eight-a of the state finance
32 law, the amounts expended from the pledged amounts account for the bene-
33 fit of the [~~TA~~] BAT and the [~~CRR~~] CTA, and the amounts of the remaining
34 PBT amount and the remaining MMTOA amount distributed during the prior
35 calendar year to the [~~TA~~] BAT and the [~~CRR~~] CTA and specifying in each
36 case the appropriation or appropriations which was the source of such
37 amounts.

38 § 37. Section 1270-d of the public authorities law is REPEALED.

39 § 38. Section 1270-g of the public authorities law, as added by
40 section 16 of part H of chapter 25 of the laws of 2009, is amended to
41 read as follows:

42 § 1270-g. Regulation of certain authority expenditures. 1. The author-
43 ity shall implement policies as appropriate to minimize unwarranted
44 expenses and to protect against abuses in connection with (i) the grant-
45 ing of any privileges or benefits having financial value, other than
46 wage payments or expense reimbursements, to members or staff of the
47 authority, or any subsidiary or other authority created by the authori-
48 ty; and (ii) the full-time and part-time assignment and use of automo-
49 biles owned or leased by the authority, or any subsidiary or other
50 authority created by the authority, and the use by authority employees
51 and board members of livery vehicles, as defined in section one hundred
52 twenty-one-e of the vehicle and traffic law.

53 2. The authority's total expenses for its first year, not including
54 payments of interest or principal on bonds and notes and other obli-
55 gations of the authority already outstanding as of January first, two
56 thousand twenty-one, or already authorized by the 2015-2019 capital

1 program, shall not exceed one hundred ten million dollars, and in subse-
2 quent years shall not exceed one percent of the total operating
3 expenses, not including capital expenditures or payments of interest or
4 principal on bonds and notes and other obligations, of the big apple
5 transit authority in the previous year.

6 § 39. Subdivision 3 of section 1270-h of the public authorities law,
7 as added by section 16 of part H of chapter 25 of the laws of 2009, is
8 amended to read as follows:

9 3. Moneys in the fund may be [~~(a) pledged by the authority to secure~~
10 ~~and be applied to the payment of the bonds, notes or other obligations~~
11 ~~of the authority issued on or after the effective date of this section~~
12 ~~to finance capital projects of the authority and its subsidiaries and~~
13 ~~the New York city transit authority and any subsidiaries; or (b)] used
14 for payment of [~~capital~~ operating costs, including debt service,
15 reserve requirements, if any, the payment of amounts required under bond
16 and note facilities or agreements related thereto, the payment of feder-
17 al government loans, security or credit arrangements or other agreements
18 related thereto, and the payment of all costs related to such obli-
19 gations, of or for the authority, the New York city transit authority
20 and their subsidiaries as the authority shall determine. To the extent
21 moneys in the fund have already been pledged by the authority prior to
22 January first, two thousand twenty-one, to secure and pay the bonds,
23 notes or other obligations of the authority issued to finance capital
24 projects of the authority and its subsidiaries and the New York city
25 transit authority and any subsidiaries as herein provided, monies depos-
26 ited into the fund shall be deposited to the extent necessary to satisfy
27 the requirements of any debt service or reserve requirements, if any, of
28 the resolution authorizing such bonds, notes or other obligations.
29 Subject to the provisions of any such pledge, or in the event there is
30 no such pledge, any excess moneys in this fund [~~may~~ shall be [~~used by~~
31 ~~the authority for payment of operating costs of, and capital costs,~~
32 ~~including debt service and reserve requirements, if any, of or for the~~
33 ~~authority, the New York city transit authority and their subsidiaries as~~
34 ~~the authority shall determine. To the extent moneys in the fund have~~
35 ~~been pledged by the authority to secure and pay the bonds, notes or~~
36 ~~other obligations of the authority issued to finance capital projects of~~
37 ~~the authority and its subsidiaries and the New York city transit author-~~
38 ~~ity and any subsidiaries as herein provided, monies deposited into the~~
39 ~~fund shall be deposited to the extent necessary to satisfy the require-~~
40 ~~ments of any debt service or reserve requirements, if any, of the resol-~~
41 ~~ution authorizing such bonds, notes or other obligations] transferred to
42 the big apple transit authority.~~~~

43 § 40. Subdivisions 2, 3 and 4 of section 1270-i of the public authori-
44 ties law, as added by section 4 of part NNN of chapter 59 of the laws of
45 2018, are amended to read as follows:

46 2. Moneys in the subway action plan account shall be used for the
47 exclusive purpose of funding the operating and capital costs of the
48 [~~metropolitan transportation authority's~~] New York city subway action
49 plan. Such funds may be used for infrastructure including construction,
50 reconstruction, reconditioning and preservation of transportation
51 systems, facilities and equipment, acquisition of property, and for
52 operating costs including personal services, non-personal services,
53 fringe benefits, and contractual services. Funds may also be used to pay
54 or to reimburse the authority for its payment of debt service and
55 reserve requirements on that portion of authority bonds and notes issued

1 by the authority for capital costs of the [~~metropolitan transportation~~
2 ~~authority's~~] New York city subway action plan.

3 3. Moneys in the outer borough transportation account shall be used
4 for the exclusive purpose of funding the operating and capital costs of
5 [~~metropolitan transportation~~] the big apple transit authority facili-
6 ties, equipment and services in the counties of Bronx, Kings, Queens and
7 Richmond, and any projects improving transportation connections from
8 such counties to New York [~~County~~] county. Such funds may be used for
9 infrastructure including construction, reconstruction, reconditioning
10 and preservation of transportation systems, facilities and equipment,
11 acquisition of property, and for operating costs including personal
12 services, non-personal services, fringe benefits, and contractual
13 services. Funds may also be used to fund a toll reduction program for
14 any crossings under the jurisdiction of the [~~metropolitan transporta-~~
15 ~~tion~~] big apple transit authority [~~or its subsidiaries or~~] and its
16 affiliates. Funds may also be used to pay or to reimburse the authority
17 for its payment of debt service and reserve requirements on that portion
18 of authority bonds and notes that have been issued by the authority
19 specifically for the authorized purpose of this account. Notwithstanding
20 any law to the contrary, final approval of the use of any funds paid
21 into the outer borough transportation account shall be [~~unanimously~~]
22 approved by [~~three members of the Metropolitan Transportation Authority~~
23 ~~Capital Program Review Board, established pursuant to section twelve~~
24 ~~hundred sixty-nine-a of this title so designated pursuant to this subdivi-~~
25 ~~sion. For purposes of such final approvals the three voting members~~
26 ~~are: the member appointed upon recommendation by the temporary president~~
27 ~~of the senate; the member appointed upon recommendation of speaker of~~
28 ~~the assembly; and the member appointed by the governor~~] the mayor of New
29 York city.

30 4. Moneys in the general transportation account shall be used for
31 funding the operating and capital costs of the [~~metropolitan transporta-~~
32 ~~tion~~] big apple transit authority. Such funds may be used for infras-
33 tructure including construction, reconstruction, reconditioning and
34 preservation of transportation systems, facilities and equipment, acqui-
35 sition of property, and for operating costs including personal services,
36 non-personal services, fringe benefits, and contractual services. Funds
37 may also be used to pay or to reimburse the authority for its payment of
38 debt service and reserve requirements on that portion of authority bonds
39 and notes that have been issued by the authority specifically for the
40 purposes of this account.

41 § 41. Section 1271 of the public authorities law, as amended by
42 section 32 of part O of chapter 61 of the laws of 2000, is amended to
43 read as follows:

44 § 1271. Agreement of the state. The state does hereby pledge to and
45 agree with the authority and its subsidiaries, [~~New York city transit~~
46 ~~authority and its subsidiaries, and Triborough bridge and tunnel author-~~
47 ~~ity~~] the big apple transit authority and its affiliates, the commuter
48 transportation authority, and the holders of any notes, bonds or other
49 obligations, including lease obligations, issued or incurred under this
50 title, that the state will not limit or alter the denial of authority
51 under subdivision nine of section twelve hundred sixty-nine of this
52 title, or the rights and powers vested in the authority and its subsid-
53 iaries, New York city transit authority and its subsidiaries, and
54 Triborough bridge and tunnel authority by this title to fulfill the
55 terms of any agreements made by any of them with the holders thereof, or
56 in any way impair the rights and remedies of such holders until such

1 notes, bonds or other obligations, including lease obligations, together
2 with the interest thereon, with interest on any unpaid installments of
3 interest, and all costs and expenses for which the authority or its
4 subsidiaries, New York city transit authority and its subsidiaries, and
5 Triborough bridge and tunnel authority is liable in connection with any
6 action or proceeding by or on behalf of such holders, are fully met and
7 discharged. The authority and its subsidiaries, New York city transit
8 authority and its subsidiaries, and Triborough bridge and tunnel author-
9 ity are each authorized to include this pledge and agreement of the
10 state in any agreement with the holders of such notes, bonds or other
11 obligations, including lease obligations.

12 § 42. Section 1276-f of the public authorities law is REPEALED.

13 § 43. Section 1277 of the public authorities law is REPEALED.

14 § 44. Section 1277-a of the public authorities law, as amended by
15 section 33 of part 0 of chapter 61 of the laws of 2000, is amended to
16 read as follows:

17 § 1277-a. Transfer and receipt of surplus funds. Notwithstanding any
18 provision of this title or any other provision of law, general, special
19 or local, the authority [~~may from time to time transfer and pay over to~~
20 ~~New York city transit authority or triborough bridge and tunnel authori-~~
21 ~~ty all or any part of its surplus funds, and~~] may accept and use any
22 moneys transferred and paid over to it by [~~New York city transit~~] the
23 big apple transit authority and its affiliates or [~~triborough bridge and~~
24 ~~tunnel~~] the commuter transportation authority.

25 § 45. Section 1279 of the public authorities law is REPEALED.

26 § 46. Section 1279-a of the public authorities law is REPEALED.

27 § 47. Section 1279-b of the public authorities law is REPEALED.

28 § 48. Section 1279-c of the public authorities law is REPEALED.

29 § 49. Section 1279-d of the public authorities law is REPEALED.

30 § 50. Section 1279-e of the public authorities law is REPEALED.

31 § 51. Section 1279-f of the public authorities law is REPEALED.

32 § 52. Section 1279-g of the public authorities law is REPEALED.

33 § 53. Section 1279-h of the public authorities law is REPEALED.

34 § 54. Section 1279-l of the public authorities law is REPEALED.

35 § 55. Subdivision 1 of section 17-b of the transportation law, as
36 amended chapter 84 of the laws of 1985, is amended to read as follows:

37 1. Notwithstanding the provisions of [~~subdivision eight of section~~
38 ~~twelve hundred sixty-six and~~] subdivision seven of section twelve
39 hundred ninety-nine-f of the public authorities law or of subdivision
40 seventeen of section one hundred forty-two of this chapter, every trans-
41 portation authority and every other public transportation operator or
42 carrier receiving mass transportation operating assistance pursuant to
43 section eighteen-b of this [~~chapter~~] article either directly from the
44 department [~~of transportation~~] or through a county or municipality
45 pursuant to said section, shall prepare and publicize a plan for trans-
46 portation safety, including but not limited to equipment maintenance
47 procedures, personnel safety training programs, accident reporting
48 systems, passenger safety practices and the persons responsible for the
49 implementation of such practices and programs. Every authority and every
50 other public transportation operator or carrier required herein to file
51 such a plan shall review such plan biennially and amend such plan if
52 amendments are necessary.

53 § 56. Subdivision 17 of section 553 of the public authorities law, as
54 amended by section 4 of part 0 of chapter 61 of the laws of 2000, is
55 amended to read as follows:

1 17. To do all things necessary or convenient to carry out the powers
2 expressly given in this title and to assist and cooperate with the
3 metropolitan transportation authority to carry out the powers of the
4 metropolitan transportation authority in furtherance of the purposes and
5 powers of the authority as provided in this article, including, without
6 limitation, the transactions described in [~~sections twelve hundred~~
7 ~~sixty-six-e,~~ section twelve hundred sixty-nine~~, and twelve hundred~~
8 ~~seventy-d~~] of this chapter.

9 § 57. Subdivisions 9 and 10 of section 553-e of the public authorities
10 law are REPEALED.

11 § 58. Subdivisions 7 and 11 of section 553-e of the public authorities
12 law, subdivision 7 as added by chapter 314 of the laws of 1981 and
13 subdivision 11 as amended by chapter 929 of the laws of 1986, are
14 amended to read as follows:

15 7. The metropolitan transportation authority, the New York city trans-
16 it authority and the designated subsidiaries of each of them are each
17 hereby authorized (i) to request the authority to undertake any such
18 project; (ii) to acquire in its own name by gift, purchase or condemna-
19 tion, and, additionally, in the case of the metropolitan transportation
20 authority, by appropriation [~~pursuant to section twelve hundred sixty-~~
21 ~~seven-a of this chapter~~], any real or personal property (or any interest
22 therein), which is needed or useful for or in connection with such
23 project, the provisions of any lease or other agreement with the city to
24 the contrary notwithstanding, and to surrender the use, occupancy,
25 control or possession of or to transfer the same, or of any other such
26 real or personal property (or any interest therein) which it owns, leas-
27 es, operates or controls, to the authority; (iii) to accept a transfer,
28 transfer back, lease or sublease of any such project or part thereof
29 upon its completion; (iv) to undertake any such project itself, or to
30 finance, through loans, leases or otherwise, any other person or entity,
31 public or private, to do so, in each case using funds granted by the
32 authority to pay all or any part of the costs thereof (such undertaking,
33 in the case of the New York city transit authority and its subsidiary,
34 the Manhattan and Bronx surface transit operating authority, being free
35 of any restriction set forth in subparagraph (ii) of paragraph b of
36 subdivision one of section twelve hundred three or in paragraph (c) of
37 subdivision five of section twelve hundred three-a of this chapter); and
38 (v) to make its agents, employees and facilities available to the
39 authority in connection therewith.

40 11. The aggregate principal amount of bonds and notes issued and
41 outstanding at any time to finance projects authorized by paragraphs
42 (m), (n), (o), (p) and (r) of subdivision nine of section five hundred
43 fifty-three of this title shall not exceed one billion one hundred
44 million dollars through December thirty-first, nineteen hundred eighty-
45 six and three billion two hundred million dollars thereafter, provided
46 however that such latter amount shall not exceed two billion two hundred
47 million dollars for all bonds and notes other than those issued pursuant
48 to section five hundred fifty-three-d of this title. This limitation
49 shall not include (i) bonds and notes issued to refund or otherwise
50 repay bonds or notes theretofore issued for such purposes, (ii) bonds
51 issued to fund any reasonably required debt service reserve fund for
52 bonds and notes, and (iii) an amount equal to any original issue
53 discount from the [~~principal~~ principal amount of any bonds or notes
54 issued and then outstanding. From the proceeds of the bonds and notes
55 provided for in the first sentence of this subdivision, other than bonds
56 or notes authorized by section five hundred fifty-three-d of this title,

1 the authority shall not expend more than one billion three hundred twenty million dollars for transit projects [~~as defined in section twelve hundred sixty-six-e of this chapter~~] nor more than eight hundred eighty million dollars for transportation facilities as such term is defined in subdivision fourteen of section twelve hundred sixty-one of this chapter other than marine or aviation facilities. For the purposes of this subdivision, facilities under the jurisdiction of the Staten Island rapid transit operating authority shall be considered transit projects.

9 § 59. Subdivision 6 of section 1201 of the public authorities law, as amended by section 11 of part 0 of chapter 61 of the laws of 2000, is amended to read as follows:

12 6. The authority and its corporate existence shall continue until terminated by law, provided however, that no such law shall take effect so long as the authority or any of its subsidiaries, the metropolitan transportation authority or the Triborough bridge and tunnel authority shall have outstanding any notes or bonds or lease, sublease or other contractual obligations issued or incurred pursuant to section twelve hundred seven-m of this title or issued or incurred in connection with the transfer of its interest in and the lease from the transferee of any property furnished to it pursuant to chapter twelve of the laws of nineteen hundred seventy-nine or section fifteen of chapter three hundred fourteen of the laws of nineteen hundred eighty-one [~~, or section twelve hundred sixty-six-e or twelve hundred seventy-d of this article~~], unless adequate provision has been made for the payment or satisfaction of such outstanding notes, bonds, lease, sublease or other contractual obligations.

27 § 60. Subdivision 11 of section 1204 of the public authorities law, as amended by section 14 of part 0 of chapter 61 of the laws of 2000, is amended to read as follows:

30 11. To make or enter into contracts, agreements, deeds, leases, conveyances or other instruments necessary or convenient, and to assist and cooperate with the metropolitan transportation authority to carry out the powers of the metropolitan transportation authority in furtherance of the purposes and powers of the authority as provided in this article, including, without limitation, the transactions described in 36 [~~sections twelve hundred sixty-six-e,~~ section twelve hundred sixty-nine 37 [~~and twelve hundred seventy-d~~] of this article. This power shall include the power to make contracts with other persons operating transit facilities for combined fares for the use of such facilities and the transit facilities operated by the authority and for the division of such fares, 41 and the power to make contracts for the transportation of the United States mail or personal property.

43 § 61. Subdivision 10 of section 1207-m of the public authorities law is REPEALED.

45 § 62. Subdivisions 1, 11 and 12 of section 1207-m of the public authorities law, subdivision 1 as added by chapter 314 of the laws of 1981, subdivision 11 as amended by section 18 of part 0 of chapter 61 of the laws of 2000 and subdivision 12 as added by chapter 929 of the laws of 1986, are amended to read as follows:

50 1. [~~The term "transit project" as used in this section shall have the meaning given to such term from time to time in section twelve hundred sixty-six-e of this article.~~] The provisions of this section shall be 53 controlling and the authority and its subsidiaries shall have the powers provided in this section notwithstanding any contrary provision of this 55 title or of local law or of any lease or other agreement with the city.

1 11. So long as the authority or any of its subsidiaries, or metropol-
2 itan transportation authority, shall have outstanding any notes, bonds,
3 lease, sublease or other contractual obligations authorized by this
4 section [~~or section twelve hundred sixty-six-e~~] or section twelve
5 hundred sixty-nine of this article, or which have been issued or
6 incurred in connection with the transfer of the interest of any of them
7 in and the lease from the transferee of any property furnished pursuant
8 to chapter twelve of the laws of nineteen hundred seventy-nine or
9 section fifteen of chapter three hundred fourteen of the laws of nine-
10 teen hundred eighty-one, neither the authority nor any of its subsid-
11 iaries shall have the authority to file a voluntary petition under chap-
12 ter nine of the federal bankruptcy code, or such corresponding chapter,
13 chapters, or sections as may, from time to time, be in effect, and
14 neither any public officer nor any organization, entity or other person
15 shall authorize the authority or any of its subsidiaries to be or become
16 a debtor under said chapter nine or said corresponding chapter, chapters
17 or sections during any such period.

18 12. A project financed by the authority's issuance of its bonds, notes
19 or other obligations, pursuant to subdivision one-a of section twelve
20 hundred seven-b of this title shall be deemed to constitute a transit
21 project for the purposes of this section and any notes, bonds, lease,
22 sublease or other contractual obligations with respect to such project
23 shall, for purposes of this section, be deemed to have been authorized
24 by this section; provided, however, that such project shall not be
25 deemed to constitute part of any capital program plan [~~for the purposes~~
26 ~~of section twelve hundred sixty nine b of this article~~] nor shall the
27 principal amounts of any bonds or notes, nor the capitalized value of
28 any lease, sublease, or other contractual obligation of the authority,
29 issued or entered into by the authority pursuant to such subdivision
30 one-a, be included in any computation pursuant to subdivision four of
31 this section.

32 § 63. The opening paragraph of subdivision 4 and subdivisions 5 and 11
33 of section 1209 of the public authorities law, the opening paragraph of
34 subdivision 4 as added by chapter 430 of the laws of 1983, subdivision 5
35 as added by chapter 383 of the laws of 1985 and subdivision 11 as added
36 by chapter 929 of the laws of 1986, are amended to read as follows:

37 Notwithstanding the provisions of subdivision two of this section, a
38 contract for the purchase of omnibuses or components of omnibuses in
39 furtherance or implementation of a capital program plan [~~approved pursu-~~
40 ~~ant to section twelve hundred sixty nine b of this article~~] may also be
41 awarded by the authority by negotiation without competitive bidding
42 provided the following standards and procedures are complied with:

43 5. (a) Notwithstanding that funds of the authority may be used there-
44 for, a contract for all or a portion of work involving the alteration,
45 expansion or rehabilitation of a passenger station may be awarded by the
46 authority, by negotiation without competitive bidding, to a private
47 entity or the designee of a private entity where the authority by vote
48 of not less than eleven of its members approves written findings that
49 such award is expected to permit the alteration, expansion or rehabili-
50 tation to be carried out in the most efficient and cost effective
51 manner, that such private entity has agreed to pay at least one million
52 dollars toward the cost of the work, that such payment represents not
53 less than fifty percent of the total cost of the work, and that the
54 authority has complied with the procedures provided in paragraph (b) of
55 this subdivision. Notwithstanding the foregoing, a contract for all or a
56 portion of work involving the alteration, expansion or rehabilitation of

1 the passenger station located at the western terminus of the forty-second street shuttle may be awarded by the authority, by negotiation without competitive bidding, to a private entity or the designee of a private entity where the authority by vote of not less than eleven of its members approves written findings that such award is expected to permit the alteration, expansion or rehabilitation to be carried out in the most efficient and cost effective manner, and that the authority has complied with the procedures provided in paragraph (b) of this subdivision.

10 (b) Not less than fifteen days prior to the consideration by the board of the authority of a contract to be let pursuant to this subdivision, a notice shall be published in at least one newspaper of general circulation. Such notice shall identify the parties to the proposed contract and summarize its terms and conditions. Such notice shall also invite written public comment concerning the proposed contract, including, to the extent appropriate, the submission of alternatives for the authority's consideration. Such information shall be considered by the board of authority prior to the approval of any contract proposed to be awarded pursuant to this subdivision.

20 ~~[(e) Any contract entered into pursuant to this subdivision shall comply with the requirements of subdivision thirteen of section twelve hundred sixty-six e of this article.]~~

23 11. The authority shall compile a list of potential sources of supplies, materials or equipment regularly purchased. The authority shall, by resolution, set forth the procedures it has established to identify new sources and to notify such new sources of the opportunity to bid for contracts for the purchase of supplies, materials or equipment. Such procedures shall include, but not be limited to: (a) advertising in trade journals; (b) cooperation with federal, state and local agencies within its area of operations; and (c) publication in the state register quarterly~~[, and (d) procedures established pursuant to subdivision thirteen of section twelve hundred sixty-six e of this article].~~

33 § 64. Subdivision 5 of section 1276-b of the public authorities law, as added by section 17 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

36 5. Strategic operation plan. Financial information required to be submitted by the authority ~~[pursuant to paragraphs d and e of subdivision one of section twelve hundred sixty-nine e of this title]~~ shall be presented in a format consistent with the budget and plan, in downloadable, searchable format.

41 § 65. Section 553-d of the public authorities law, as amended by section 6 of part O of chapter 61 of the laws of 2000, is amended to read as follows:

44 § 553-d. Special Triborough bridge and tunnel authority special obligation bonds and notes. In addition to the powers contained elsewhere in this title with respect to the projects authorized by paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this title, and subject to the application of the revenues and other monies and assets of the authority ~~[pursuant to section twelve hundred seventy-d of this chapter]~~, the authority may issue its bonds and notes to finance such projects payable from and secured by all or any part of the moneys received by the authority from the metropolitan transportation authority special assistance fund established under section twelve hundred seventy-a of this chapter, provided however that such bonds and notes may also be payable from and secured by any other moneys, securities and funds designated by the authority as additional

1 security therefor. Debt service on bonds and notes issued by the author-
2 ity pursuant to this section which is paid or reimbursed from moneys
3 received by the authority from the metropolitan transportation authority
4 special assistance fund shall not be deemed to constitute debt service
5 incurred by the authority for purposes of subdivision three of section
6 twelve hundred nineteen-a of this chapter. Such bonds or notes shall be
7 issued in the manner provided in section five hundred sixty-one of this
8 title.

9 § 66. This act shall take effect January 1, 2021.

10 PART B

11 Section 1. Subdivisions 1 and 3 of section 1200 of the public authori-
12 ties law, as added by chapter 200 of the laws of 1953 and such section
13 as renumbered by chapter 914 of the laws of 1957, are amended and two
14 new subdivisions 4-a and 19 are added to read as follows:

15 1. "Authority." The corporation created by section [~~eighteen~~] twelve
16 hundred one of this title.

17 3. "Board of estimate." The former board of estimate of the city.

18 4-a. "City council." The city council of New York.

19 19. "Big apple transit authority." The corporation created by section
20 thirteen hundred forty-nine of this article.

21 § 2. Subdivisions 1, 2, 5 and 6 of section 1201 of the public authori-
22 ties law, subdivisions 1 and 5 as amended by chapter 929 of the laws of
23 1986, subdivision 2 as amended by chapter 506 of the laws of 2009, and
24 subdivision 6 as amended by section 11 of part 0 of chapter 61 of the
25 laws of 2000, are amended to read as follows:

26 1. A board, to be known as "New York City Transit Authority" is hereby
27 created. Such board shall be a body corporate and politic constituting a
28 public benefit corporation. It shall consist of seventeen members, all
29 serving ex officio. Those members shall be the persons who from time to
30 time shall hold the offices of chairman and members of [~~metropolitan~~
31 ~~transportation~~] the big apple transit authority.

32 2. The chairman of such board shall be the chairman of [~~metropolitan~~
33 ~~transportation~~] the big apple transit authority, serving ex officio,
34 and, provided that there is an executive director of the [~~metropolitan~~
35 ~~transportation~~] big apple transit authority, the executive director of
36 the authority shall be the executive director of the [~~metropolitan~~
37 ~~transportation~~] big apple transit authority, serving ex officio.
38 Notwithstanding any provision of law to the contrary, the chairman shall
39 be the chief executive officer of the authority and shall be responsible
40 for the discharge of the executive and administrative functions and
41 powers of the authority. The chairman and executive director, if any,
42 each shall be empowered to delegate his or her functions and powers to
43 one or more officers or employees designated by him or her.

44 5. A majority of the whole number of members of the authority then in
45 office shall constitute a quorum for the transaction of any business or
46 the exercise of any power of the authority. Except as otherwise speci-
47 fied in this title, for the transaction of any business or the exercise
48 of any power of the authority, the authority shall have the power to act
49 by a majority vote of the members present at any meeting at which a
50 quorum is in attendance. In the event of a tie vote the chairman shall
51 cast one additional vote. For the purposes of the voting and quorum
52 requirements of this subdivision, the voting and quorum requirements set
53 forth in subdivision three of section [~~twelve hundred sixty-three~~] thir-
54 teen hundred forty-nine-c of this article and in any by-law of the

1 [~~metropolitan transportation~~] big apple transit authority adopted pursuant to the provisions of such subdivision shall be applicable hereto.

2
3 6. The authority and its corporate existence shall continue until
4 terminated by law, provided however, that no such law shall take effect
5 so long as the authority [~~or any of its subsidiaries~~], the big apple
6 transit authority, the metropolitan transportation authority [~~or~~], the
7 Triborough bridge and tunnel authority, or any of their respective
8 subsidiaries, shall have outstanding any notes or bonds or lease,
9 sublease or other contractual obligations issued or incurred pursuant to
10 section twelve hundred seven-m of this title or issued or incurred in
11 connection with the transfer of its interest in and the lease from the
12 transferee of any property furnished to it pursuant to chapter twelve of
13 the laws of nineteen hundred seventy-nine or section fifteen of chapter
14 three hundred fourteen of the laws of nineteen hundred eighty-one, or
15 section [~~twelve hundred sixty-six-e~~] thirteen hundred forty-nine-j or
16 [~~twelve hundred seventy-d~~] thirteen hundred forty-nine-dd of this article,
17 unless adequate provision has been made for the payment or satisfaction
18 of such outstanding notes, bonds, lease, sublease or other
19 contractual obligations.

20 § 3. Section 1202 of the public authorities law, as added by chapter
21 200 of the laws of 1953, subdivision 1 as amended by section 12 of part
22 0 of chapter 61 of the laws of 2000 and such section as renumbered by
23 chapter 914 of the laws of 1957, is amended to read as follows:

24 § 1202. Purposes of the authority. 1. The purposes of the authority
25 shall be the acquisition of the transit facilities operated by the board
26 of transportation of the city, the operation of transit facilities in
27 accordance with the provisions of this title for the convenience and
28 safety of the public on a basis which will enable the operations thereof,
29 exclusive of capital costs, to be self-sustaining, and, in coordination
30 with the [~~metropolitan transportation~~] big apple transit authority
31 and the Triborough bridge and tunnel authority, the continuance,
32 further development and improvement of commuter transportation and other
33 services related thereto within the [~~metropolitan commuter transportation district~~]
34 city of New York and the development and implementation
35 of a unified mass transportation policy for such [~~district~~] city.

36 2. It is hereby found and declared that such purposes are in all
37 respects for the benefit of the people of the [~~state~~] city of New York
38 and the authority shall be regarded as performing a governmental function
39 in carrying out its corporate purpose and in exercising the powers
40 granted by this title.

41 § 4. Subparagraph (ii) of paragraph b of subdivision 1 of section 1203
42 of the public authorities law, as amended by chapter 717 of the laws of
43 1967, is amended to read as follows:

44 (ii) From and after March first, nineteen hundred sixty-eight, the
45 authority shall also have the right to incur capital costs of such
46 nature in its own name to the extent that capital funds are available to
47 it for expenditures of such nature pursuant to the provisions of section
48 twelve hundred nineteen-a of this [~~chapter~~] title or of any other
49 provision of law, which capital costs shall not be payable by the city;
50 provided, however, that no project to be financed by the use of such
51 capital funds which is estimated by the authority to involve an expenditure
52 in excess of one million dollars shall be commenced unless the
53 mayor and the [~~board of estimate~~] city council shall each have been
54 notified in writing by the authority of the intent of the authority to
55 undertake such project and of the nature thereof. No such project shall
56 be commenced if and to the extent that either the mayor or a majority in

1 voting power of the members of the [~~board of estimate~~] city council
2 shall find that it is incompatible with sound planning for the develop-
3 ment or redevelopment of the city, provided such finding, together with
4 the reasons therefor, is set forth in a writing delivered to the author-
5 ity within thirty days of the receipt by the mayor or the [~~board of~~
6 ~~estimate~~] city council, as the case may be, of the notification of the
7 authority relating to such project. If any such project is not so disap-
8 proved, it may nevertheless not be commenced unless and until the city
9 shall have been given an opportunity to include the same in the capital
10 budget of the city for the first fiscal year of the city commencing not
11 less than six months after receipt of such notification. If and to the
12 extent that such project is included in such capital budget, the author-
13 ity may not thereafter incur capital costs for the same in its own name.
14 If or to the extent such project is not included in such capital budget,
15 the authority may incur capital costs for the same in its own name. The
16 operation of sections twenty, twenty-one and twenty-two of the rapid
17 transit law shall be suspended with respect to any project financed with
18 the capital funds referred to in this subparagraph.

19 § 5. Paragraph (f) of subdivision 3, paragraph (c) of subdivision 5
20 and subdivision 8 of section 1203-a of the public authorities law, para-
21 graph (f) of subdivision 3 as amended by chapter 791 of the laws of 1962
22 and paragraph (c) of subdivision 5 as amended and subdivision 8 as added
23 by chapter 717 of the laws of 1967, are amended to read as follows:

24 (f) to operate omnibus lines on those routes in the city of New York
25 where on February twenty-eighth, nineteen hundred sixty-two, omnibus
26 lines were operated under franchises or temporary certificates of
27 convenience and necessity which have been revoked, terminated, rescinded
28 or condemned, or acquired by any other means, and to extend such routes
29 so as to provide the complete service operated on February twenty-
30 eighth, nineteen hundred sixty-two; and such operation, together with
31 the necessary extensions, shall be deemed to constitute operation over
32 approved routes with the same force and effect as if the said routes had
33 been duly approved by the [~~board of estimate~~] city council of the city,
34 as provided by law; and to operate on such other routes as the [~~board~~
35 council] may authorize by resolution adopted only after a public hearing
36 held after notice thereof, and of the proposed route, and the proposed
37 resolutions authorizing the same, have been published in full for at
38 least fifteen days, except Sundays and legal holidays, immediately prior
39 thereto in the City Record, and at least twice in two newspapers
40 published in the borough or boroughs affected, to be designated by the
41 board.

42 (c) capital costs not now charged by the transit authority as operat-
43 ing expenses shall be paid by the city; provided, however, that from and
44 after March first, nineteen hundred sixty-eight, the subsidiary corpo-
45 ration shall also have the right to incur capital costs in its own name
46 to the extent that capital funds are available to it pursuant to the
47 provisions of sections twelve hundred nineteen-a and twelve hundred
48 three-b of this [~~chapter~~] title or of any other law, which capital costs
49 shall not be payable by the city; and provided, further, that no project
50 to be financed by the use of such capital funds which is estimated by
51 the subsidiary corporation to involve an expenditure in excess of one
52 million dollars shall be commenced unless the mayor and the [~~board of~~
53 ~~estimate~~] city council shall each have been notified in writing by the
54 subsidiary corporation of the intent of the subsidiary corporation to
55 undertake such project and of the nature thereof. No such project shall
56 be commenced if and to the extent that either the mayor or a majority in

1 voting power of the members of the [~~board of estimate~~] city council
2 shall find that it is incompatible with sound planning for the develop-
3 ment or redevelopment of the city, provided such finding, together with
4 the reasons therefor, is set forth in a writing delivered to the subsid-
5 iary corporation within thirty days of the receipt by the mayor or the
6 [~~board of estimate~~] city council, as the case may be, of the notifica-
7 tion of the subsidiary corporation relating to such project. Where the
8 city is required to pay the capital costs of the subsidiary corporation
9 pursuant to such agreement, serial bonds or capital notes may be issued
10 by the city, pursuant to the local finance law, to finance any such
11 costs. The subsidiary corporation shall submit timely requests for the
12 necessary capital funds to the city planning commission and the mayor of
13 the city;

14 8. From and after March first, nineteen hundred sixty-eight, no
15 substantial or general change in the levels of service furnished upon
16 the facilities of the subsidiary corporation shall be instituted except
17 upon not less than thirty days' written notice to the mayor and to the
18 [~~board of estimate~~] city council.

19 § 6. Section 1203-b of the public authorities law, as amended by
20 section 13 of part 0 of chapter 61 of the laws of 2000, is amended to
21 read as follows:

22 § 1203-b. Transfer of funds. The authority and its subsidiary corpo-
23 ration, the Manhattan and Bronx surface transit operating authority, may
24 each transfer to the other from time to time such available funds as
25 they may jointly determine to be necessary or desirable, including funds
26 accepted by the authority pursuant to the provisions of section twelve
27 hundred nineteen-a of this title. Subject to the rights of the holders
28 of any outstanding bonds, notes or other obligations of the authority,
29 the big apple transit authority, the metropolitan transportation author-
30 ity and the Triborough bridge and tunnel authority, and to facilitate
31 the efficient financial management of the authority, [~~its—subsidiary~~
32 ~~corporations~~] the big apple transit authority, the metropolitan trans-
33 portation authority and its subsidiary corporations, and the Triborough
34 bridge and tunnel authority (the "affiliated entities"), the authority
35 may, and shall at the direction of [~~metropolitan transportation~~] the big
36 apple transit authority, transfer revenues, subsidies and other monies
37 or securities to one or more funds or accounts of another affiliated
38 entity for use by such other affiliated entity, provided at the time of
39 such transfer it is reasonably anticipated that the monies and securi-
40 ties so transferred will be reimbursed, repaid or otherwise provided for
41 by the end of the next succeeding calendar year if reimbursement or
42 repayment is required by law or by any agreement to which any of the
43 affected affiliated entities is subject. Any revenues of an affiliated
44 entity that are transferred to another affiliated entity, which transfer
45 was not authorized by a provision of law other than this section, shall
46 be considered to be required to be repaid to the affiliated entity which
47 was the source of such revenues by the end of the next succeeding calen-
48 dar year following such transfer.

49 § 7. Subdivisions 11, 15 and 19 of section 1204 of the public authori-
50 ties law, subdivision 11 as amended by section 14 of part 0 of chapter
51 61 of the laws of 2000, subdivision 15 as amended by chapter 980 of the
52 laws of 1958 and subdivision 19 as added by section 15 of part 0 of
53 chapter 61 of the laws of 2000, are amended to read as follows:

54 11. To make or enter into contracts, agreements, deeds, leases,
55 conveyances or other instruments necessary or convenient, and to assist
56 and cooperate with the [~~metropolitan transportation~~] big apple transit

1 authority to carry out the powers of the [~~metropolitan transportation~~
2 big apple transit authority in furtherance of the purposes and powers of
3 the authority as provided in this article, including, without limita-
4 tion, the transactions described in sections [~~twelve hundred~~
5 ~~sixty-six-e~~] thirteen hundred forty-nine-j, [~~twelve hundred sixty-nine~~
6 thirteen hundred forty-nine-u and [~~twelve hundred seventy-d~~] thirteen
7 hundred forty-nine-dd of this article. This power shall include the
8 power to make contracts with other persons operating transit facilities
9 for combined fares for the use of such facilities and the transit facil-
10 ities operated by the authority and for the division of such fares, and
11 the power to make contracts for the transportation of the United States
12 mail or personal property.

13 15. To exercise all requisite and necessary authority to manage,
14 control and direct the maintenance and operation of transit facilities
15 transferred to it for the convenience and safety of the public with
16 power, in its discretion, to extend, modify, discontinue, curtail, or
17 change routes or methods of transportation where the convenience and
18 safety of the public would be served thereby or where existing routes or
19 methods are inefficient or uneconomical; provided, however, that (except
20 in cases of emergencies) at least thirty days prior to any proposed
21 modification, discontinuance, curtailment or change of any transit route
22 or method of transportation, the authority shall give notice of its
23 intention to the [~~board of estimate~~] city council and shall, upon
24 request of such [~~board~~] council within such period, conduct a public
25 hearing thereon.

26 19. To invest any funds, accounts or other monies not required for
27 immediate use or disbursement, at the discretion of the authority, in
28 any of the investments in which the [~~metropolitan transportation~~] big
29 apple transit authority is permitted to invest its monies pursuant to
30 subdivision four of section [~~twelve hundred sixty-five~~] thirteen hundred
31 forty-nine-e of this article.

32 § 8. Subdivision 4 of section 1205 of the public authorities law, as
33 added by chapter 717 of the laws of 1967, is amended to read as follows:

34 4. From and after March first, nineteen hundred sixty-eight, no
35 substantial or general change in the levels of service furnished upon
36 the rapid transit facilities or the omnibus line facilities of the
37 authority shall be instituted except upon not less than thirty days'
38 written notice to the mayor and to the [~~board of estimate~~] city council.

39 § 9. Section 1206-a of the public authorities law, as added by chapter
40 576 of the laws of 1972, is amended to read as follows:

41 § 1206-a. Transit construction fund. In addition to the powers
42 provided elsewhere in this title, and to effectuate the purposes of the
43 transit construction fund act, constituting title [~~nine-a~~] nine-A of
44 this article [~~five of this chapter~~], the authority or any subsidiary
45 may: (a) acquire and use any transit facility in accordance with the
46 terms and conditions of any sublease or other agreement with the transit
47 construction fund; (b) authorize the use by the transit construction
48 fund, either with or without compensation to the authority, of the
49 agents, employees and facilities of the authority; (c) make and execute
50 contracts, leases, subleases and all other instruments or agreements
51 deemed necessary or convenient including agreements with the [~~metropol-~~
52 itan transportation] big apple transit authority and the transit
53 construction fund; and (d) do any and all other things deemed necessary
54 or convenient.

1 § 10. Subdivision 1-a of section 1207-b of the public authorities law,
2 as amended by section 16 of part 0 of chapter 61 of the laws of 2000, is
3 amended to read as follows:

4 1-a. The authority may also issue its bonds, notes or other obli-
5 gations in such principal amounts as shall be necessary to finance the
6 construction, purchase, lease or acquisition of, or an equity interest
7 in, an office building located or to be constructed in the borough of
8 Brooklyn in the city, provided that (i) all or a portion of such build-
9 ing is intended to be occupied by the authority and that the board
10 shall, by resolution, have made findings that the sum of the capitalized
11 value of all payments due from the authority under such bonds, notes or
12 other obligations (not including any amounts attributable to principal
13 repayment) together with any rent payments for the space in such build-
14 ing to be occupied by the authority and of all payments required of the
15 authority under any related agreement does not exceed the capitalized
16 value of those payments which would be made in a conventional commercial
17 lease transaction for comparable space with an unrelated party and (ii)
18 not more than an insubstantial portion of any real property so financed
19 with the proceeds of bonds, notes, or other obligations is utilized by
20 other than the New York city transit authority or its designated subsid-
21 iary. The term "capitalized value" for the purposes of this subdivision
22 shall be computed in the manner set forth in subdivision four of section
23 twelve hundred seven-m of this title. The [~~metropolitan transportation~~
24 big apple transit authority is hereby additionally authorized from time
25 to time to issue bonds for the purposes of refunding, redeeming or
26 otherwise paying, including paying by purchase or tender, bonds issued
27 by the authority for such purposes and to secure such bonds in the
28 manner set forth in section [~~twelve hundred sixty-nine~~ thirteen hundred
29 forty-nine-u of this article.

30 § 11. Section 1207-i of the public authorities law, as amended by
31 section 17 of part 0 of chapter 61 of the laws of 2000, is amended to
32 read as follows:

33 § 1207-i. Rates of fare while bonds, notes and other obligations are
34 outstanding. Notwithstanding the provisions of section twelve hundred
35 five of this title or the provisions of any other law to the contrary,
36 so long as the authority shall have outstanding and unpaid bonds, notes
37 or other obligations issued pursuant to section twelve hundred seven-b
38 of this title, or the big apple transit authority, or the metropolitan
39 transportation authority or the Triborough bridge and tunnel authority
40 shall have outstanding and unpaid bonds, notes or other obligations
41 secured by or payable from, in whole or in part, the revenues, assets or
42 other monies of the authority or its subsidiary corporations, the
43 authority shall have the power at all times to fix or adjust the rate or
44 rates of fare to be charged for the use of any transit facility operated
45 by the authority as may, in the judgment of the board, be necessary to
46 produce sufficient revenues to pay, as the same shall become due, the
47 principal of and interest on such bonds, notes and other obligations of
48 the authority, the big apple transit authority, the metropolitan trans-
49 portation authority and the Triborough bridge and tunnel authority,
50 together with the maintenance of proper reserves therefor, in addition
51 to paying as the same shall become due the expenses of operation of the
52 authority. The authority, the big apple transit authority, the metropol-
53 itan transportation authority and the Triborough bridge and tunnel
54 authority, shall be authorized to contract with the holders of such
55 bonds notes and other obligations with respect to the exercise of the
56 power authorized by this section. In furtherance of the mandate of the

1 [~~metropolitan transportation~~] big apple transit authority to develop and
2 implement a unified mass transportation policy for the [~~metropolitan~~
3 ~~commuter transportation district~~] city of New York and the exercise of
4 its powers, including the power to issue notes, bonds and other obli-
5 gations secured in whole or in part by the revenues of the authority and
6 its subsidiaries, the big apple transit authority and its subsidiaries,
7 the metropolitan transportation authority and its subsidiaries, and the
8 Triborough bridge and tunnel authority, the authority shall join with
9 the [~~metropolitan transportation~~] big apple transit authority in
10 connection with the establishment, levy and collection of fares, tolls,
11 rentals, rates, charges and other fees for the transportation of passen-
12 gers on any transit facilities operated by authority and its subsid-
13 iaries, including any changes thereto.

14 § 12. Subdivision 2 of section 1207-j of the public authorities law,
15 as added by chapter 655 of the laws of 1962, is amended to read as
16 follows:

17 2. The city, by resolution of the [~~board of estimate~~] city council or
18 by instruments authorized by such resolution, and the authority shall be
19 authorized to enter into an agreement for the renewal and extension of
20 the existing agreement of lease between the city and the authority for
21 such term of years as shall be agreed upon and in any such renewal and
22 extension agreement the authority may agree to such limitations upon the
23 exercise of the powers conferred upon it by sections twelve hundred
24 seven-a through twelve hundred seven-i, inclusive, as the authority in
25 its discretion shall approve.

26 § 13. Section 1207-m of the public authorities law, as added by chap-
27 ter 314 of the laws of 1981, subdivisions 2 and 8 as amended by chapter
28 988 of the laws of 1984, subparagraph (i) of paragraph (a) of subdivi-
29 sion 4 as amended by chapter 602 of the laws of 1984, paragraph (b) of
30 subdivision 7 as amended by chapter 558 of the laws of 1981, subdivision
31 11 as amended by section 18 of part 0 of chapter 61 of the laws of 2000
32 and subdivision 12 as added by chapter 929 of the laws of 1986, is
33 amended to read as follows:

34 § 1207-m. Transit projects. 1. The term "transit project" as used in
35 this section shall have the meaning given to such term from time to time
36 in section [~~twelve hundred sixty-six-e~~] thirteen hundred forty-nine-j of
37 this article. The provisions of this section shall be controlling and
38 the authority and its subsidiaries shall have the powers provided in
39 this section notwithstanding any contrary provision of this title or of
40 local law or of any lease or other agreement with the city.

41 2. (a) The authority is hereby authorized to request the [~~metropolitan~~
42 ~~transportation~~] big apple transit authority to undertake any transit
43 project and the authority and its designated subsidiaries are each here-
44 by authorized (i) to enter into agreements with the [~~metropolitan trans-~~
45 ~~portation~~] big apple transit authority concerning transit projects; (ii)
46 to acquire in its own name by gift, purchase or condemnation any real or
47 personal property (or any interest therein) which is needed or useful
48 for or in connection with such project, and to surrender the use, occu-
49 pancy, control or possession of or to transfer the same, or any other
50 such real or personal property (or any interest therein) which it owns,
51 leases, operates or controls, to the [~~metropolitan transportation~~] big
52 apple transit authority or its designee; (iii) to accept a transfer,
53 transfer back, lease or sublease of any such project or part thereof
54 upon its completion; and (iv) to make its agents, employees and facili-
55 ties available to the [~~metropolitan transportation~~] big apple transit
56 authority in connection therewith.

1 (b) The authority and its subsidiary corporation is each hereby
2 authorized to sell or transfer, without regard as to how or from whom
3 acquired, all or part of its interest in any equipment which is deemed
4 to be a mass commuting vehicle under the United States internal revenue
5 code or the regulations thereunder, including, without limitation, any
6 of the same obtained as transit projects or obtained from or financed
7 with money received from the Triborough bridge and tunnel authority, for
8 such consideration and on such terms or conditions as it may deem appro-
9 priate, and to obtain a lease from the transferee on such terms and
10 conditions and for such period as it may deem appropriate pursuant to
11 which it may operate, use, control or possess such mass commuting vehi-
12 cle in furtherance of the statutory purposes of the authority and its
13 subsidiaries, provided (i) such lease contains an option to the authori-
14 ty or its subsidiary corporation to repurchase its interest at the expi-
15 ration of the scheduled lease term for nominal consideration, and (ii)
16 the aggregate of the regularly scheduled rental payments which the
17 authority or its subsidiary corporation is obligated to make pursuant to
18 such lease during each twelve month period of the lease term shall not
19 exceed the aggregate amount receivable, whether by principal or inter-
20 est, by the authority or its subsidiary corporation from its transferee
21 during each such twelve month period. Without limitation of the forego-
22 ing, any lease entered into pursuant hereto may also contain provisions
23 requiring the authority or its subsidiary corporation to indemnify the
24 transferee for any loss resulting from the loss or destruction of any
25 mass commuting vehicle which is the subject of such lease, or any loss
26 arising out of any misrepresentation, act, or omission of the authority
27 or its subsidiary in connection with such lease, and requiring the
28 authority or its subsidiary corporation to undertake to replace, repair
29 or restore any such mass commuting vehicle, but such obligations shall
30 not be deemed regularly scheduled rental payments for purposes of the
31 preceding sentence. Rental payments and other payments or costs incurred
32 by the authority or its subsidiary corporation in discharge of its obli-
33 gations under any lease entered into as hereinabove provided shall not
34 be deemed capital costs for the purposes of section twelve hundred three
35 or twelve hundred three-a of this title, and the considerations received
36 by the authority or its subsidiary corporation in connection with any
37 transactions entered into pursuant to the authorization of this para-
38 graph may be expended free of any restriction set forth in subparagraph
39 (ii) of paragraph (b) of subdivision one of section twelve hundred three
40 or in paragraph (c) of subdivision five of section twelve hundred
41 three-a of this title.

42 (c) Neither the authority nor its subsidiary shall enter into any
43 transaction authorized by paragraph (b) of this subdivision unless the
44 following standards and procedures have been met:

45 (i) notice of intention to negotiate shall be published in at least
46 one newspaper of general circulation, and a copy thereof shall be mailed
47 to all parties who have requested notification from the authority or its
48 subsidiary to engage in transactions of this type. Such notice shall
49 describe the nature of the proposed transaction and the factors subject
50 to negotiation, which shall include, but not be limited to, the price to
51 be paid to the authority or its subsidiary;

52 (ii) the authority or its subsidiary shall negotiate with those
53 respondents whose response complies with the requirements set forth in
54 the notice;

55 (iii) the board of the authority or its subsidiary shall resolve on
56 the basis of particularized findings relevant to the factors negotiated

1 that such transaction will provide maximum available financial benefits,
2 consistent with other defined objectives and requirements.

3 (d) The authority and its subsidiary shall provide to the [~~governor,~~
4 ~~the temporary president of the senate, the speaker of the assembly, the~~
5 ~~minority leader of the senate and the minority leader of the assembly,~~
6 mayor and speaker of the city council] notice of each lease entered into
7 pursuant to paragraph (b) of this subdivision and supporting documenta-
8 tion of compliance by the authority and its subsidiary with subpara-
9 graphs (i), (ii) and (iii) of paragraph (c) of this subdivision.

10 (e) Paragraphs (c) and (d) of this subdivision shall be of no force
11 and effect with respect to any lease transaction entered into pursuant
12 to a commitment approved prior to January first, nineteen hundred eight-
13 y-five by the board of the authority or its subsidiary or the board of
14 the metropolitan transportation authority.

15 3. The authority and its designated subsidiaries are hereby author-
16 ized, in connection with any transit project, to pay or agree to pay, in
17 a manner and on terms and conditions satisfactory to the [~~metropolitan~~
18 ~~transportation~~] big apple transit authority, any portion of the costs to
19 the [~~metropolitan transportation~~] big apple transit authority of such
20 transit project and the financing thereof which is not paid to the
21 [~~metropolitan transportation~~] big apple transit authority from any
22 federal, state or local aid or assistance or from any other moneys made
23 available or payable to the [~~metropolitan transportation~~] big apple
24 transit authority by others for such project.

25 4. (a) Such agreements with the [~~metropolitan transportation~~] big
26 apple transit authority may, without limitation, contain provisions
27 obligating the authority or its designated subsidiary to:

28 (i) issue its notes or bonds, or execute and deliver its lease,
29 sublease and other such contractual obligations, in payment for a trans-
30 fer, lease or sublease of a transit project to any of them, provided,
31 however, that in no event shall the aggregate principal amount of all
32 notes and bonds together with the capitalized value of all lease,
33 sublease and other such contractual obligations, exceed the sum of one
34 billion six hundred million dollars, excluding from such limitation (A)
35 the principal amount of any bonds or notes of the authority to the
36 extent the amount thereof is paid, is payable or has been agreed to be
37 paid by the federal government or any agency or instrumentality thereof
38 to the authority or to the holders of such bonds or notes, (B) the prin-
39 cipal amount of any bonds or notes of the authority issued to refund or
40 otherwise repay other obligations issued for such transit projects, (C)
41 the principal amount of any bonds or notes and the capitalized value of
42 any lease, sublease or other such contractual obligation, to the extent
43 such obligations are paid or agreed to be paid, subject to annual appro-
44 priation, under service contracts issued by the state to the metropol-
45 itan transportation authority for the benefit of the authority or its
46 subsidiaries pursuant to the provisions of section sixteen of the trans-
47 portation systems assistance and financing act of 1981, or under any
48 similar contract of the metropolitan transportation authority or the
49 authority with any other governmental entity for the benefit of the
50 authority or its subsidiaries, (D) the principal amount of any bonds or
51 notes of the authority issued to the metropolitan transportation author-
52 ity or to the big apple transit authority in connection with the funding
53 of any debt service reserve fund required by any resolution of the
54 metropolitan transportation authority or of the big apple transit
55 authority pursuant to which special obligation bonds of that authority
56 to fund a transit project were issued, and (E) a principal amount of any

1 bonds or notes of the authority equal to the amount of any original
2 issue discount from the principal amount of the special obligation bonds
3 or notes issued by the metropolitan transportation authority or by the
4 big apple transit authority in connection with the financing of a trans-
5 it project by that authority;

6 (ii) give security for the payment of such notes, bonds, lease,
7 sublease or other contractual obligations, including a pledge of all or
8 any part of its revenues or other moneys, which pledge may contain
9 covenants with respect to the charging and fixing of fares, fees and
10 rentals, the use and disposition of such fares, fees, rentals and other
11 charges, and the setting aside of reserves therefrom.

12 (b) Such agreements, and any notes, bonds, lease, sublease or other
13 contractual obligations issued or entered into by the authority or its
14 designated subsidiary pursuant thereto, may, without limitation, also
15 contain provisions as to:

16 (i) limitations with respect to the use and disposition of transit
17 projects and with respect to any other transit facilities;

18 (ii) limitations on the issuance of additional bonds, notes, lease,
19 sublease or other contractual obligations, the terms upon which they may
20 be secured and the funding or refunding thereof;

21 (iii) with respect to bonds or notes, vesting in a trustee or trustees
22 such property rights, powers and duties in trust as it may determine,
23 which rights, powers and duties may include, but shall not be limited
24 to, those set forth in section twelve hundred seven-h of this title;

25 (iv) defining the acts or omissions to act which shall constitute a
26 default and providing rights and remedies in the event of default;

27 (v) any other matters, of like or different character, which in any
28 way affect the security or protection of the [~~metropolitan transporta-~~
29 ~~tion~~] big apple transit authority or any lessor; and

30 (vi) consenting to the extending or assignment by the [~~metropolitan~~
31 ~~transportation~~] big apple transit authority or by any lessor to the
32 holders of any of its bonds, notes or lease obligations of all of the
33 benefits and rights of the [~~metropolitan transportation~~] big apple tran-
34 sit authority or of such lessor provided by any such agreement or other
35 instrument.

36 (c) The term "revenues" as used in this subdivision shall include all
37 those moneys referred to in section twelve hundred of this [~~article~~]
38 title, as well as all operating subsidies provided by any public benefit
39 corporation or by any governmental entity, federal, state or local.

40 (d) The term "capitalized value" as used in this subdivision shall
41 mean the present value of all future payments required under a lease,
42 sublease and other such contractual obligation discounted at a rate of
43 interest determined on the basis of the net interest cost of the last
44 [~~metropolitan transportation~~] big apple transit authority's special
45 obligation bonds issued prior to the execution of any such lease,
46 sublease or other contractual obligation or, if no such bonds have been
47 issued, on the basis of the net interest cost of the last bonds issued
48 by the Triborough bridge and tunnel authority, issued in payment for the
49 transfer, lease or sublease of any such transit projects.

50 5. It is the intention hereof that, subject to such agreements with
51 bondholders or noteholders as may then exist, any pledge of revenues or
52 other moneys made by the authority or its subsidiaries shall be valid
53 and binding from the time when the pledge is made; that the revenues or
54 other moneys so pledged and thereafter received by the authority or its
55 subsidiaries shall immediately be subject to the lien of such pledge
56 without any physical delivery thereof or further act, and that the lien

1 of any such pledge shall be valid and binding as against all parties
2 having claims of any kind in tort, contract or otherwise against the
3 authority or its subsidiaries irrespective of whether such parties have
4 notice thereof. Neither the agreement nor any other instrument by which
5 a pledge is created need be recorded.

6 6. So long as the authority or any of its subsidiaries shall have any
7 outstanding and unpaid obligation in connection with a transit project,
8 the authority and such subsidiaries shall have the power at all times to
9 fix or adjust the rate or rates of fares, fees, rentals or other charges
10 to be charged for the use of their transit facilities as may, together
11 with all other lawfully available moneys, be necessary in their judgment
12 to produce sufficient revenues to pay such obligations as the same
13 become due, in addition to paying as the same shall become due expenses
14 of operation of the transit facilities and satisfying all other obli-
15 gations of the authority and such subsidiaries. No acts or activities
16 taken or proposed to be taken by the authority pursuant to this subdivi-
17 sion shall be deemed to be "actions" for the purposes or within the
18 meaning of article eight of the environmental conservation law.

19 7. (a) In connection with (i) the lease between the city and the
20 authority dated June first, nineteen hundred fifty-three, and (ii) the
21 lease between the city and the Manhattan and Bronx surface transit oper-
22 ating authority dated March twentieth, nineteen hundred sixty-two (such
23 leases, as heretofore supplemented, amended or renewed, and the tenan-
24 cies originally created thereby, being referred to in this section as
25 "the existing leases"), the city, acting either by the mayor alone or by
26 resolution of the [~~board of estimate~~] city council, or by instruments
27 authorized by such resolution, and the authority are authorized to enter
28 into agreements for renewal or extension of the existing leases, or for
29 new leases, for such terms of years and upon such other terms and condi-
30 tions as the parties thereto shall agree and the [~~metropolitan transpor-~~
31 ~~tation~~] big apple transit authority shall approve, provided that under
32 the terms thereof, the rights, privileges and obligations of the parties
33 are not inconsistent with the provisions of, or in derogation of the
34 powers of the authority all as provided in this title [~~nine of article~~
35 ~~five of this chapter~~], and provided further that such agreements shall
36 in no way impair the rights or powers of the authority or the Manhattan
37 and Bronx surface transit operating authority to fulfill the terms of
38 any contract made by either of them with the holders of any of their
39 then outstanding bonds or notes, and such agreements shall provide that
40 such leases may not be terminated or permitted to expire or be amended
41 in any way inconsistent with the provisions of any agreement, bond,
42 note, lease, sublease or other contractual obligation given or made by
43 either of them in connection with a transit project. Neither the
44 provisions of section one hundred ninety-seven-c of the New York city
45 charter, relating to a uniform land use review procedure, nor the
46 provisions of any other local law of like or similar import shall apply
47 to the renewal or extension of the existing leases or to the making of
48 new leases as herein provided.

49 (b) Notwithstanding the provisions of any other law, general, special
50 or local, or the provisions of the existing leases, if either of the
51 agreements authorized by paragraph (a) [~~above~~] of this subdivision is
52 not entered into, but a note, bond, lease, sublease or other contractual
53 obligation for a transit project has been issued or entered into, then
54 (i) no party to an existing lease may terminate the same, serve any
55 notice of termination pursuant thereto, exercise any option to terminate
56 reserved therein or permit the expiration thereof, (ii) the city shall

1 not in any way limit or disturb any right of the tenant to use, occupy,
2 control and possess any of the properties, facilities or revenues which
3 are the subject of such existing lease, and (iii) the city shall not
4 seek to enforce such existing lease in any way inconsistent with or
5 contrary to the manner in which such existing lease had been adminis-
6 tered prior to the enactment of this section or inconsistent with or
7 contrary to the interests of the [~~metropolitan transportation~~] big apple
8 transit authority or any lessor under any agreement, notes, bonds,
9 lease, sublease or other contractual obligations of the authority or any
10 of its subsidiaries issued or entered into in connection with a transit
11 project (and to the extent the provisions of such leases conflict at any
12 time or in any manner with the provisions of any such note, bond, lease,
13 sublease or other contractual obligation, the provisions of such note,
14 bond, lease, sublease or other contractual obligation shall be control-
15 ling and conflicting provisions of the leases with the city shall be
16 disregarded), unless prior thereto the city has satisfied all of such
17 outstanding notes, bonds or other contractual obligations and provided
18 for the termination of all such agreements, leases and subleases, all in
19 accordance with their terms. If and to the extent moneys are paid by
20 the city to the authority or its subsidiaries to satisfy their obli-
21 gations to the [~~metropolitan transportation~~] big apple transit authority
22 under such instruments, the authority and such subsidiaries shall remit
23 such moneys to the [~~metropolitan transportation~~] big apple transit
24 authority, which shall, in turn, apply the same to the satisfaction and
25 termination of its own notes, bonds and leases issued or entered into in
26 connection with a transit project in accordance with their terms.

27 (c) Upon termination or expiration of a new lease or of a renewed or
28 extended existing lease as permitted in paragraph (a) of this subdivi-
29 sion, or upon satisfaction of the requirements of paragraph (b) of this
30 subdivision, title to any real or personal property (or any interest
31 therein) constituting all or any part of a transit project then vested
32 in the authority or any of its subsidiaries or the [~~metropolitan trans-
33 portation~~] big apple transit authority pursuant to the provisions of
34 this chapter shall be transferred without further consideration or
35 payment to the city.

36 8. The state of New York does hereby pledge to and agree with the
37 authority and its subsidiaries, the big apple transit authority and its
38 subsidiaries, and the metropolitan transportation authority and the
39 holders of bonds or notes or lease, sublease or other contractual obli-
40 gations issued by any of them in connection with a transit project or in
41 connection with the transfer of the interest of any of them in and the
42 lease from the transferee of any property furnished to it pursuant to
43 chapter twelve of the laws of nineteen hundred seventy-nine or section
44 fifteen of chapter three hundred fourteen of the laws of nineteen
45 hundred eighty-one, or in connection with any transaction entered into
46 pursuant to the authorization of paragraph (b) of subdivision two of
47 this section, that the state will not limit or alter the denial of
48 authority under subdivision eleven of this section, or the rights and
49 powers vested in the authority and its subsidiaries by this title to
50 fulfill the terms of any agreement made by any of them with the big
51 apple transit authority or the metropolitan transportation authority or
52 with such holders, or in any way impair their rights and remedies until
53 such agreements, bonds, notes, and obligations, together with the inter-
54 est thereon and all costs and expenses in connection with any action or
55 proceedings by or on behalf of the big apple transit authority or the
56 metropolitan transportation authority or such holders, are fully met and

1 discharged. The authority and its subsidiaries are each authorized to
2 include this pledge and the agreement of the state in any agreement with
3 the holders of such bonds or notes or lease, sublease or other obli-
4 gations and in any agreement with the big apple transit authority or the
5 metropolitan transportation authority relating to a transit project
6 which may extend the same to the holders of its bonds, notes and lease
7 obligations.

8 9. The provisions of this section and of all agreements undertaken by
9 the authority or any of its subsidiaries in accordance therewith shall
10 in all respects be subject to the rights of the holders of any outstand-
11 ing bonds or notes of the authority and its subsidiaries.

12 10. In connection with the negotiation, award and implementation of
13 contracts of the authority relating to transit projects, the provisions
14 of [~~paragraphs (a), (b), (c) and (d) of subdivision~~] subdivisions thir-
15 teen and fourteen of section [~~twelve hundred sixty-six-e~~] thirteen
16 hundred forty-nine-j of this article shall apply to the authority as if
17 it were the "authority" referred to therein, and the [~~officer designated~~
18 ~~by the metropolitan transportation authority pursuant to paragraph (e)~~
19 ~~of such subdivision~~] division of minority and women's business develop-
20 ment, established pursuant to article fifteen-A of the executive law,
21 shall perform the duties therein described with respect to such
22 contracts of the authority.

23 11. So long as the authority or any of its subsidiaries, the big apple
24 transit authority, or the metropolitan transportation authority, shall
25 have outstanding any notes, bonds, lease, sublease or other contractual
26 obligations authorized by this section or section [~~twelve hundred~~
27 ~~sixty-six-e~~] thirteen hundred forty-nine-j or [~~twelve hundred sixty-~~
28 ~~nine~~] thirteen hundred forty-nine-u of this article, or which have been
29 issued or incurred in connection with the transfer of the interest of
30 any of them in and the lease from the transferee of any property
31 furnished pursuant to chapter twelve of the laws of nineteen hundred
32 seventy-nine or section fifteen of chapter three hundred fourteen of the
33 laws of nineteen hundred eighty-one, neither the authority nor any of
34 its subsidiaries shall have the authority to file a voluntary petition
35 under chapter nine of the federal bankruptcy code, or such corresponding
36 chapter, chapters, or sections as may, from time to time, be in effect,
37 and neither any public officer nor any organization, entity or other
38 person shall authorize the authority or any of its subsidiaries to be or
39 become a debtor under said chapter nine or said corresponding chapter,
40 chapters or sections during any such period.

41 12. A project financed by the authority's issuance of its bonds, notes
42 or other obligations, pursuant to subdivision [~~one-a~~] two of section
43 [~~twelve hundred seven-b~~] thirteen hundred forty-nine-u of this title
44 shall be deemed to constitute a transit project for the purposes of this
45 section and any notes, bonds, lease, sublease or other contractual obli-
46 gations with respect to such project shall, for purposes of this
47 section, be deemed to have been authorized by this section; provided,
48 however, that such project shall not be deemed to constitute part of any
49 capital program plan for the purposes of section [~~twelve hundred sixty-~~
50 ~~nine-b~~] thirteen hundred forty-nine-v of this article nor shall the
51 principal amounts of any bonds or notes, nor the capitalized value of
52 any lease, sublease, or other contractual obligation of the authority,
53 issued or entered into by the authority pursuant to [~~such~~] subdivision
54 [~~one-a~~] two of section thirteen hundred forty-nine-u of this title, be
55 included in any computation pursuant to subdivision four of this
56 section.

1 § 14. The opening paragraph of subdivision 4, paragraph (c) of subdivi-
 2 vision 5 and subdivision 11 of section 1209 of the public authorities
 3 law, the opening paragraph of subdivision 4 as added by chapter 430 of
 4 the laws of 1983, paragraph (c) of subdivision 5 as added by chapter 383
 5 of the laws of 1985 and subdivision 11 as added by chapter 929 of the
 6 laws of 1986, are amended to read as follows:

7 Notwithstanding the provisions of subdivision two of this section, a
 8 contract for the purchase of omnibuses or components of omnibuses in
 9 furtherance or implementation of a capital program plan approved pursu-
 10 ant to section [~~twelve hundred sixty-nine-b~~] thirteen hundred forty-
 11 nine-v of this article may also be awarded by the authority by negoti-
 12 ation without competitive bidding provided the following standards and
 13 procedures are complied with:

14 (c) Any contract entered into pursuant to this subdivision shall
 15 comply with the requirements of subdivision thirteen of section [~~twelve~~
 16 ~~hundred sixty-six-e~~] thirteen hundred forty-nine-j of this article.

17 11. The authority shall compile a list of potential sources of
 18 supplies, materials or equipment regularly purchased. The authority
 19 shall, by resolution, set forth the procedures it has established to
 20 identify new sources and to notify such new sources of the opportunity
 21 to bid for contracts for the purchase of supplies, materials or equip-
 22 ment. Such procedures shall include, but not be limited to: (a) adver-
 23 tising in trade journals; (b) cooperation with federal, state and local
 24 agencies within its area of operations; (c) publication in the state
 25 register quarterly; and (d) procedures established pursuant to subdivi-
 26 sion thirteen of section [~~twelve hundred sixty-six-e~~] thirteen hundred
 27 forty-nine-j of this article.

28 § 15. Subdivision 3 and paragraphs b and i of subdivision 4 of section
 29 1209-a of the public authorities law, as amended by chapter 460 of the
 30 laws of 2015, are amended to read as follows:

31 3. Jurisdiction. The bureau shall have, with respect to acts or inci-
 32 dents in or on the transit facilities of the authority committed by or
 33 involving persons who are sixteen years of age or over, or with respect
 34 to acts or incidents occurring on omnibuses owned or operated by the
 35 [~~metropolitan transportation~~] big apple transit authority or a subsid-
 36 iary thereof, and with respect to violation of toll collection regu-
 37 lations of the [~~triborough~~] Triborough bridge and tunnel authority as
 38 described in section twenty-nine hundred eighty-five of this chapter,
 39 non-exclusive jurisdiction over violations of: (a) the rules which may
 40 from time to time be established by the authority under subdivision
 41 five-a of section twelve hundred four of this [~~chapter~~] title; (b) arti-
 42 cle one hundred thirty-nine of the health code of the city of New York,
 43 as it may be amended from time to time, relating to public transporta-
 44 tion facilities; (c) article four of the noise control code of the city
 45 of New York, as it may be amended from time to time, insofar as it
 46 pertains to sound reproduction devices; (d) the rules and regulations
 47 which may from time to time be established by the [~~triborough~~] Tribor-
 48 ough bridge and tunnel authority in accordance with the provisions of
 49 section twenty-nine hundred eighty-five of this chapter; and (e) rules
 50 and regulations which may from time to time be established by the
 51 [~~metropolitan transportation~~] big apple transit authority or a subsid-
 52 iary thereof in accordance with the provisions of section [~~twelve~~
 53 ~~hundred sixty-six~~] thirteen hundred forty-nine-h of this [~~chapter~~] arti-
 54 cle. Matters within the jurisdiction of the bureau except violations of
 55 the rules and regulations of the [~~triborough~~] Triborough bridge and
 56 tunnel authority shall be known for purposes of this section as transit

1 infractions. Nothing herein shall be construed to divest jurisdiction
2 from any court now having jurisdiction over any criminal charge or traf-
3 fic infraction relating to any act committed in a transit or toll facil-
4 ity, or to impair the ability of a police officer to conduct a lawful
5 search of a person in a transit facility. The criminal court of the city
6 of New York shall continue to have jurisdiction over any criminal charge
7 or traffic infraction brought for violation of the rules of the authori-
8 ty, the [~~triborough~~] Triborough bridge and tunnel authority or the
9 [~~metropolitan transportation~~] big apple transit authority or a subsid-
10 iary thereof, as well as jurisdiction relating to any act which may
11 constitute a crime or an offense under any law of the state of New York
12 or any municipality or political subdivision thereof and which may also
13 constitute a violation of such rules. The bureau shall have concurrent
14 jurisdiction with the environmental control board and the administrative
15 tribunal of the department of health over the aforesaid provisions of
16 the health code and noise control code of the city of New York.

17 b. To impose civil penalties not to exceed a total of one hundred
18 fifty dollars for any transit infraction within its jurisdiction, in
19 accordance with a penalty schedule established by the authority or the
20 [~~metropolitan transportation~~] big apple transit authority or a subsid-
21 iary thereof, as applicable, except that penalties for violations of the
22 health code of the city of New York shall be in accordance with the
23 penalties established for such violations by the board of health of the
24 city of New York, and penalties for violations of the noise code of the
25 city of New York shall be in accordance with the penalties established
26 for such violations by law, and civil penalties for violations of the
27 rules and regulations of the [~~triborough~~] Triborough bridge and tunnel
28 authority shall be in accordance with the penalties established for such
29 violations by section twenty-nine hundred eighty-five of this chapter;

30 i. To accept payment of penalties and to remit same to the authority
31 or the [~~metropolitan transportation~~] big apple transit authority or a
32 subsidiary thereof, as applicable; and

33 § 16. Section 1213 of the public authorities law, as amended by chap-
34 ter 838 of the laws of 1983, is amended to read as follows:

35 § 1213. Report. Copies of the annual report required to be made and
36 submitted pursuant to section twenty-eight hundred of this chapter also
37 shall be submitted to the mayor, comptroller and [~~board of estimate~~]
38 city council.

39 § 17. Section 1219-a of the public authorities law, as amended by
40 section 19 of part 0 of chapter 61 of the laws of 2000, is amended to
41 read as follows:

42 § 1219-a. Transfer and receipt of surplus funds. 1. Notwithstanding
43 any provision of this title or any other provision of law, general,
44 special or local, the authority may from time to time transfer and pay
45 over to the metropolitan transportation authority, the big apple transit
46 authority or [~~triborough~~] the Triborough bridge and tunnel authority all
47 or any part of its surplus funds; and may accept and use any moneys
48 transferred and paid over to it by the metropolitan transportation
49 authority, the big apple transit authority or [~~triborough~~] the Tribor-
50 ough bridge and tunnel authority.

51 2. Notwithstanding the provisions of [~~the preceding~~] subdivision one
52 of this section:

53 (a) If the city shall have provided in its capital budget for its
54 fiscal year beginning July first, nineteen hundred sixty-eight the
55 amount of one hundred million dollars, or such lesser amount as shall
56 have been requested by the authority for inclusion in such budget, for

1 the payment of the capital cost of projects requested by the authority
2 pursuant to section twelve hundred three of this title, then upon the
3 written request of the mayor made within thirty days after the commence-
4 ment of such fiscal year, [~~triborough~~] the Triborough bridge and tunnel
5 authority shall transfer to the authority, by lump sum payment or
6 installments at such time or times and in such amounts as the mayor
7 shall elect, all or such part of the surplus funds of [~~triborough~~] the
8 Triborough bridge and tunnel authority on hand as of the last day of its
9 last fiscal year ending prior to such request as the mayor shall speci-
10 fy, which funds shall be applied by the authority solely to the payment
11 of its expenses of operation. If the city shall have provided in its
12 capital budget for any of its next four fiscal years, commencing with
13 the fiscal year beginning July first, nineteen hundred sixty-nine, the
14 amount of one hundred million dollars, or such lesser amount as shall
15 have been requested by the authority for inclusion in such budget, for
16 the payment of the capital cost of projects requested by the authority
17 pursuant to section twelve hundred three of this title, then upon the
18 written request of the mayor made within thirty days after the commence-
19 ment of such fiscal year, [~~triborough~~] the Triborough bridge and tunnel
20 authority shall transfer to the authority solely for application to the
21 payment of expenses of operation of the authority the operating surplus
22 of [~~triborough~~] the Triborough bridge and tunnel authority for its last
23 fiscal year ending prior to such request, which transfer shall also be
24 by lump sum payment or installments at such time or times and in such
25 amounts as the mayor shall elect. Projects shall be eligible for inclu-
26 sion in a computation made hereunder only if included in a capital budg-
27 et on the first day of the fiscal year for which it is adopted. A
28 carry-over project shall not be eligible for inclusion unless it was
29 first included in a capital budget by way of an amendment thereto, in
30 which event it shall be eligible for inclusion in a computation made
31 hereunder with respect to the first fiscal year of the city commencing
32 after the adoption of the amendment.

33 (b) Promptly upon the making of the certification of its operating
34 surplus, if any, for its fiscal year ending December thirty-first, nine-
35 teen hundred seventy-two and for each of its subsequent fiscal years,
36 [~~triborough~~] the Triborough bridge and tunnel authority, at the direc-
37 tion of [~~metropolitan transportation~~] the big apple transit authority,
38 shall transfer such operating surplus (1) to the [~~metropolitan transpor-~~
39 ~~tation~~] big apple transit authority for deposit into one or more funds
40 or accounts to be used as contemplated by section [~~twelve hundred seven-~~
41 ~~ty-d~~] thirteen hundred forty-nine-dd of this article, or (2) to the
42 authority and the [~~metropolitan transportation~~] big apple transit
43 authority solely for application to the payment of the expenses of oper-
44 ation. [~~For purposes of determining the proportional allocation of the~~
45 ~~operating surplus as between the authority and the metropolitan trans-~~
46 ~~portation authority, the following formula shall apply: (i) twenty-four~~
47 ~~million dollars plus fifty percentum of the balance of such operating~~
48 ~~surplus shall be allocable to the authority, and (ii) the remainder~~
49 ~~shall be allocable to metropolitan transportation authority on behalf of~~
50 ~~the commuter railroads operated by it, by its subsidiary corporations or~~
51 ~~by others under joint arrangements.]~~

52 (c) The Triborough bridge and tunnel authority is authorized, at the
53 direction of the [~~metropolitan transportation~~] big apple transit author-
54 ity, from time to time to make advances from available funds on account
55 of the operating surplus it anticipates will or may be certified and
56 transferred as provided in this subdivision to (1) the [~~metropolitan~~

1 ~~transportation]~~ big apple transit authority for deposit into one or more
2 funds or accounts to be used as contemplated by section [~~twelve hundred~~
3 ~~seventy-d~~] thirteen hundred forty-nine-dd of this article, or (2) the
4 authority and the [~~metropolitan transportation]~~ big apple transit
5 authority solely for application to the payment of the expenses of oper-
6 ation. In the event that advances so made in respect of any fiscal year
7 including the year in which the surpluses are being earned exceed the
8 amounts required to be transferred to the authority and [~~metropolitan~~
9 ~~transportation]~~ the big apple transit authority pursuant to the
10 provisions of this subdivision, then the amount of any such excess shall
11 be refunded to [~~triborough]~~ the Triborough bridge and tunnel authority
12 by the authority or [~~metropolitan transportation]~~ the big apple transit
13 authority, as the case may be, within thirty days of the making by
14 [~~triborough]~~ the Triborough bridge and tunnel authority of its certif-
15 ication of operating surplus for such fiscal year.

16 (d) For the purposes of this subdivision, the existence and the amount
17 of surplus funds and operating surplus of [~~triborough]~~ the Triborough
18 bridge and tunnel authority shall be determined in accordance with the
19 provisions of subdivision twelve of section five hundred fifty-three of
20 this chapter.

21 (e) The Triborough bridge and tunnel authority shall certify to the
22 mayor and to the chairman of [~~metropolitan transportation]~~ the big apple
23 transit authority within ninety days after the end of its fiscal year
24 ending December thirty-first, nineteen hundred sixty-seven, and within
25 forty-five days after the end of each of its subsequent fiscal years,
26 the amount of its operating surplus for that year and, in the case of
27 the fiscal year ending December thirty-first, nineteen hundred sixty-
28 seven, the amount of all of its surplus funds on hand as of the last day
29 of such fiscal year.

30 (f) No transfer of funds shall be made to the authority pursuant to
31 any provision of this section at any time when there shall have been
32 pending and not acted upon by the mayor for ninety days any request of
33 the authority for permission to expend or contract to expend funds for a
34 project included in a capital budget for transit facility purposes.
35 There shall be excluded from such ninety-day period any time during
36 which the mayor is prevented from acting by order of court or by opera-
37 tion of law.

38 [~~3. Notwithstanding the preceding subdivisions of this section, for~~
39 ~~purposes of determining the proportional allocation of the operating~~
40 ~~surplus of the Triborough bridge and tunnel authority between the~~
41 ~~authority and the metropolitan transportation authority the following~~
42 ~~formula shall be used: An amount equal to the debt service incurred in~~
43 ~~such year as a result of the bonds issued to provide facilities pursuant~~
44 ~~to paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section~~
45 ~~five hundred fifty three of this chapter shall be added to the operating~~
46 ~~surplus of the Triborough bridge and tunnel authority, as certified by~~
47 ~~that authority. The sum of these figures shall then be allocated to the~~
48 ~~authority and the commuter railroads operated by metropolitan transpor-~~
49 ~~tation authority or by its subsidiary corporations, pursuant to the~~
50 ~~formula contained in paragraph (b) of subdivision two of this section as~~
51 ~~if this amount were the operating surplus of the Triborough bridge and~~
52 ~~tunnel authority. The amounts so allocated to the authority and the~~
53 ~~commuter railroads operated by metropolitan transportation authority or~~
54 ~~by its subsidiary corporations, shall then be reduced respectively by~~
55 ~~the proportional amount of the debt service, incurred in such year by~~
56 ~~the Triborough bridge and tunnel authority pursuant to paragraphs (m),~~

~~(n), (o), (p) and (r) of subdivision nine of section five hundred fifty three of this chapter, reasonably attributable to the payments for transit projects undertaken for the authority and its subsidiaries and transportation facility projects undertaken for the commuter railroads operated by the metropolitan transportation authority or by its subsidiary corporations. The remaining amounts shall constitute the respective allocation of operating surplus for the authority and the commuter railroads operated by the metropolitan transportation authority or by its subsidiary corporations.]~~

§ 18. This act shall take effect January 1, 2021.

PART C

Section 1. Section 551 of the public authorities law is amended by adding two new subdivisions 11 and 12 to read as follows:

11. The term "big apple transit authority" shall mean the corporation created by title eleven-E of this article.

12. The term "city council" shall mean the city council of the city of New York.

§ 2. Subdivisions 1 and 2 of section 552 of the public authorities law, subdivision 1 as amended by chapter 506 of the laws of 2009 and subdivision 2 as amended by section 1 of part 0 of chapter 61 of the laws of 2000, are amended to read as follows:

1. A board, to be known as "Triborough bridge and tunnel authority" is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of seventeen members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of ~~metropolitan transportation~~ the big apple transit authority. The chairman of such board shall be the chairman of ~~metropolitan transportation~~ the big apple transit authority, serving ex officio, and, provided that there is an executive director of the ~~metropolitan transportation~~ big apple transit authority, the executive director of the authority shall be the executive director of the ~~metropolitan transportation~~ big apple transit authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to the executive officer of the Triborough bridge and tunnel authority or to such person as may succeed to the powers and duties of said executive officer. The chairman and other members of the board hereby created, and the executive director, if any, shall not be entitled to compensation for their services hereunder but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

2. A majority of the whole number of 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. 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 the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance and except further, that in the event of a tie vote the chairman shall cast one additional vote. For the purposes of the voting and quorum requirements of this subdivision, the voting and

1 quorum requirements set forth in [~~subdivision three of section twelve~~
2 ~~hundred sixty three~~] subdivision three of section thirteen hundred
3 forty-nine-c of this chapter and in any by-law of the [~~metropolitan~~
4 ~~transportation~~] big apple transit authority adopted pursuant to the
5 provisions of such subdivision shall be applicable hereto. Such board
6 and its corporate existence shall continue only for a period of five
7 years and thereafter until all its liabilities have been met and its
8 bonds, notes and other obligations have been paid in full or such
9 liabilities or bonds, notes or other obligations have otherwise been
10 discharged, including bonds, notes or other obligations issued by the
11 metropolitan transportation authority that are payable in whole or in
12 part by revenues of the authority. When all liabilities incurred by the
13 authority of every kind and character have been met and all its bonds,
14 notes and other obligations have been paid in full, including bonds,
15 notes or other obligations issued by the metropolitan transportation
16 authority that are payable in whole or in part by revenues of the
17 authority, or such liabilities or bonds, notes or other obligations have
18 otherwise been discharged, all rights and properties of the authority
19 shall pass to and be vested in the city, except those rights and proper-
20 ties held by it relating to the convention center which shall pass to
21 and be vested in the state. The authority shall retain full jurisdiction
22 and control over all its projects, with the right and duty, subject to
23 the limitations of subdivision nine of section five hundred fifty-two-a
24 of this title, to charge tolls and collect revenues therefrom, for the
25 benefit of the holders of any of its bonds, notes or other obligations
26 or other liabilities, even if not issued or incurred in connection with
27 the project. Upon the authority's ceasing to exist all its remaining
28 rights and properties shall pass to the city, except those rights and
29 properties held by it relating to the convention center which shall pass
30 to the state.

31 § 3. Paragraphs (k), (o), (p) and (r) of subdivision 9 and subdivi-
32 sions 4-a, 4-b, 7-a, 12, 13, 14, 17, 20 and 21 of section 553 of the
33 public authorities law, subdivision 4-a as added by chapter 954 of the
34 laws of 1946, subdivision 4-b as amended by section 2, subdivision 12 as
35 amended by section 3, subdivision 17 as amended by section 4 and subdivi-
36 sion 21 as added by section 5 of part O of chapter 61 of the laws of
37 2000, subdivision 7-a as amended by section 7 of subpart B of part ZZZ
38 of chapter 59 of the laws of 2019, paragraph (k) of subdivision 9 as
39 added by chapter 806 of the laws of 1955, paragraphs (o) and (p) of
40 subdivision 9 as added by chapter 369 of the laws of 1979, paragraph (r)
41 of subdivision 9 as added by chapter 314 of the laws of 1981, subdivi-
42 sion 13 as amended by chapter 576 of the laws of 1964, subdivision 14 as
43 amended by chapter 874 of the laws of 1939 and subdivision 20 as added
44 by chapter 929 of the laws of 1986, are amended to read as follows:

45 4-a. Whenever any real property is determined by the authority to be
46 unnecessary for its corporate purpose.

47 (a) to surrender such real property to the [~~board of estimate of the~~]
48 city council for other public use or purpose of such city, or

49 (b) to sell and convey or lease in behalf of such city any real prop-
50 erty acquired by the city at the expense of the authority. The proceeds
51 of any such sale or lease shall be paid to the authority and applied to
52 its corporate purpose. Any such lease shall run for a term not to exceed
53 ten years, and a renewal thereof for a term not to exceed ten years.

54 4-b. To apply for and receive and accept grants of property, money and
55 services and other assistance offered or made available to it by any
56 person, government or agency whatever, which it may use to meet capital

1 or operating expenses and for any other use within the scope of its
2 powers, and to negotiate for the same upon such terms and conditions as
3 the authority may determine to be necessary, convenient or desirable.
4 Subject to the rights of the holders of any outstanding bonds, notes or
5 other obligations of the authority, metropolitan transportation authori-
6 ty, the big apple transit authority and the New York city transit
7 authority, and to facilitate the efficient financial management of the
8 authority, the metropolitan transportation authority, the big apple
9 transit authority, its subsidiary corporations, and the New York city
10 transit authority and its subsidiary corporations (the "affiliated enti-
11 ties"), the authority may, and may permit and direct any affiliated
12 entity to, transfer revenues, subsidies and other monies or securities
13 to one or more funds or accounts of another affiliated entity for use by
14 such other affiliated entity, provided at the time of such transfer it
15 is reasonably anticipated that the monies and securities so transferred
16 will be reimbursed, repaid or otherwise provided for by the end of the
17 next succeeding calendar year if reimbursement or repayment is required
18 by law or by any agreement to which any of the affected affiliated enti-
19 ties is subject. Any revenues of an affiliated entity that are trans-
20 ferred to another affiliated entity, which transfer was not authorized
21 by a provision of law other than this subdivision, shall be considered
22 to be required to be repaid to the affiliated entity which was the
23 source of such revenues by the end of the next succeeding calendar year
24 following such transfer.

25 7-a. Notwithstanding any inconsistent provision of law, the bridge and
26 tunnel officers employed by the authority shall have the power to issue
27 simplified traffic informations for traffic infractions as defined in
28 section one hundred fifty-five of the vehicle and traffic law, committed
29 on the sites owned, operated and maintained by the [~~triborough~~] Tribor-
30 ough bridge and tunnel authority, such informations to be administered
31 pursuant to the provisions of chapter two of title [~~A of chapter forty~~]
32 nineteen of the administrative code of the city of New York or article
33 two-A of the vehicle and traffic law, as applicable and also shall have
34 the power to issue notices of violation for transit infractions commit-
35 ted in and about any or all of the facilities, equipment or real proper-
36 ty owned, occupied or operated by the [~~metropolitan transportation~~] big
37 apple transit authority or its subsidiaries and the New York city trans-
38 it authority and its subsidiaries, as provided and in accordance with
39 section twelve hundred nine-a of this chapter. Nothing set forth in this
40 subdivision shall be construed to impede, infringe or diminish the
41 rights and benefits that accrue to employees and employers through
42 collective bargaining agreements, or impact or change an employee's
43 membership in a bargaining unit.

44 (k) Subject to and in accordance with all contract provisions with
45 respect to any bonds and the rights of the holders of bonds, a vehicular
46 bridge across the East river between the boroughs of the Bronx and
47 Queens, east of the Bronx-Whitestone bridge, together with such inci-
48 dental bridges and other structures, appurtenances, facilities and
49 approaches as shall be necessary or convenient (herein collectively
50 referred to as the "Throgs Neck bridge project"). With the consent of
51 the United States of America, the Throgs Neck bridge project or a
52 portion thereof, if deemed necessary or convenient by the authority, may
53 be constructed upon or pass over any part of the military reservation
54 known as Fort Schuyler and owned by the United States of America. No
55 lands, easements or rights in land shall be acquired by the authority

1 for the purposes of this paragraph without the prior consent of the
2 [~~board of estimate of the~~] city council.

3 [~~(e) Subject to section five hundred fifty-three c of this title, the
4 acquisition of new diesel self-propelled railroad passenger cars and the
5 transfer of the same to the metropolitan transportation authority, for a
6 nominal consideration, for use on commuter railroads owned or controlled
7 by the metropolitan transportation authority. The authority shall have
8 no obligation to operate, repair, maintain or reconstruct such cars
9 subsequent to their acquisition and transfer, nor shall it be liable to
10 the metropolitan transportation authority by reason of any warranty,
11 express or implied, in respect of such cars. Manufacturers or other
12 warranties furnished to the authority in connection with the purchase of
13 such cars shall be assigned to the metropolitan transportation authority
14 for enforcement.~~

15 [~~(p) Subject to section five hundred fifty three c of this title, the
16 acquisition of land in the name of the authority in the vicinity of Penn
17 Station in the city of New York and/or the improvement of such land for
18 the benefit of the Long Island Rail Road for a lay-up yard and other
19 railroad purposes and the transfer of the said land and any improvements
20 thereon to the metropolitan transportation authority, parent corporation
21 of the said railroad, for a nominal consideration. The authority shall
22 have no obligation to operate, repair, maintain or reconstruct such land
23 or its improvements subsequent to such transfer.~~]

24 (r) In its discretion and subject to and in accordance with all
25 contract provisions with respect to any bonds and the rights of the
26 holders of bonds, at the request of the New York city transit authority
27 or the [~~metropolitan transportation~~] big apple transit authority, (i)
28 the planning for and the design, acquisition, construction, improvement,
29 reconstruction or rehabilitation, in the name of the authority, of any
30 capital asset, whether in the nature of personal or real property (or
31 any interest therein) which is used or useful for a transit or transpor-
32 tation purpose other than a marine or aviation purpose of the requesting
33 authority or its designated subsidiary (and in the case of such assets
34 then owned, operated by or under lease to the requesting authority or
35 its designated subsidiary, the receipt by the authority of the use,
36 occupancy, control or possession of such assets for the purpose of plan-
37 ning, designing, constructing, improving, reconstructing or rehabilitat-
38 ing the same) and the transfer or transfer back of such asset to the
39 requesting authority, its designated subsidiary or other designee for a
40 nominal consideration upon its acquisition or upon the completion of
41 such improvement, construction, reconstruction or rehabilitation; or,
42 alternatively or in combination with the foregoing, (ii) the making of
43 capital grants to the requesting authority or its designated subsidiary
44 to permit it to undertake and to finance such planning, design, acquisi-
45 tion, improvement, construction, reconstruction or rehabilitation, or,
46 alternatively or in combination with the foregoing, (iii) the financing
47 of all or any part of the costs to the authority or to any other person
48 or entity, public or private, of such planning, design, acquisition,
49 construction, improvement, reconstruction or rehabilitation of any such
50 capital asset through or accompanied by a leasing of the asset by such
51 person or entity to the authority or through or accompanied by a sale by
52 the authority to any such person or entity and leaseback to the authori-
53 ty, in each case for subleasing to the requesting authority, its desig-
54 nated subsidiary or other designee for a nominal rental, except that
55 such leasing or leaseback from such person or entity may be directly to
56 the requesting authority or its designated subsidiary or other designee,

1 for consideration, with the consent and at the expense of the authority.
2 The foregoing authorization shall extend to and include the continuation
3 of projects enumerated in paragraphs (m)[~~r~~]and (n)[~~r~~,~~(o)~~and~~(p)~~] of
4 this subdivision without regard to any limitations set forth in section
5 five hundred fifty-three-c of this title. The authority shall have no
6 obligation to operate or, except as may otherwise be provided in any
7 lease to which it may be a party as aforesaid, repair or maintain any
8 capital asset after its acquisition, construction, improvement, recon-
9 struction or rehabilitation and subsequent transfer, lease or sublease,
10 nor shall it be liable to the transferee, lessee or sublessee by reason
11 of any warranty, express or implied, in respect thereof. Warranties
12 furnished in connection with such acquisition, improvement,
13 construction, reconstruction or rehabilitation shall be assignable and
14 assigned as directed by the requesting authority and approved by the
15 authority.

16 12. To charge tolls, fees or rentals for the use of the project,
17 subject to and in accordance with such agreement with bondholders as may
18 be made as hereinafter provided. The toll rates charged for the use of
19 either the Triborough or Whitestone bridge project shall, however, never
20 be less than the toll rates charged for the use of the other, and this
21 clause shall be deemed an obligation to the holders of any and all bonds
22 at any time issued secured by the revenues of said projects. Subject to
23 contracts with bondholders, all tolls and other revenues derived from
24 any project shall be applied to the payment of operating, administration
25 and other necessary expenses of the authority properly chargeable to
26 such project and thereafter to the payment of interest or principal of
27 bonds or for making sinking fund payments for bonds, not otherwise
28 adequately provided for, whether issued in connection with such project
29 or any other project. It is the intention hereof that surplus funds from
30 any project remaining after providing for the payment of all operating,
31 administration and other necessary expenses of the authority and all
32 contract provisions with respect to any bonds, may be used to meet obli-
33 gations incurred for other projects and if not so used or reserved for
34 such use shall, at the discretion of [~~metropolitan transportation~~] the
35 big apple transit authority, be transferred to [~~metropolitan transporta-~~
36 ~~tion~~] the big apple transit authority or the New York city transit
37 authority pursuant to section five hundred sixty-nine-c of this title.
38 Subject to contracts with bondholders, the authority may treat one or
39 more projects as a single enterprise in respect of revenues, expenses,
40 the issuance of bonds, maintenance, operation or other purposes;

41 13. To construct and maintain over, under, along or across the project
42 telephone, telegraph, or electric wires and cables, gas mains, water
43 mains and other mechanical equipment not inconsistent with the appropri-
44 ate use of the project, to contract for such construction and to lease
45 the right to construct and/or use the same on such terms and for such
46 considerations as it shall determine, provided, however, that no lease
47 shall be made except with the approval of the [~~board of estimate of the~~]
48 city council, or for a period of more than twenty years from the date
49 when it is made;

50 14. To construct and maintain facilities for the public, not incon-
51 sistent with the use of the project, to contract for such construction,
52 and to lease the right to construct and/or use such facilities on such
53 terms and for such considerations as it shall determine, provided,
54 however, that no lease shall be made for a period of more than five
55 years from the date when it is made except with the approval of the
56 [~~board of estimate of the~~] city council;

1 17. To do all things necessary or convenient to carry out the powers
2 expressly given in this title and to assist and cooperate with the
3 [~~metropolitan transportation~~] big apple transit authority to carry out
4 the powers of the [~~metropolitan transportation~~] big apple transit
5 authority in furtherance of the purposes and powers of the authority as
6 provided in this article, including, without limitation, the trans-
7 actions described in sections [~~twelve hundred sixty-six-e~~] thirteen
8 hundred forty-nine-j, [~~twelve hundred sixty-nine~~] thirteen hundred
9 forty-nine-u, and [~~twelve hundred seventy-d~~] thirteen hundred forty-
10 nine-dd of this chapter.

11 20. Prior to the adoption after January first, nineteen hundred eight-
12 y-seven by the authority of a general resolution pursuant to which it is
13 authorized to issue any general or special obligation bonds or notes to
14 finance a project pursuant to the authorization contained in paragraph
15 (r) of subdivision nine of this section, not including any series resol-
16 ution or resolutions, and prior to the adoption of any amendment to a
17 general resolution, whenever adopted, pursuant to which it is authorized
18 to issue any general or special obligation bonds or notes for such
19 purpose, not including a series resolution or resolutions, the authority
20 shall submit a copy of such proposed resolution to the [~~metropolitan~~
21 ~~transportation authority capital program review~~] big apple transit
22 authority's board (hereinafter referred to as the "board"). Within
23 fifteen days of such submission, the board may notify the authority of
24 its unanimous approval of the same by the members entitled to vote ther-
25 eon, or if the resolution is not approved and no individual member of
26 the board who is entitled to vote on such resolution has notified the
27 authority in writing of his disapproval, the resolution shall be deemed
28 to have been approved. Neither the board nor any member thereof shall
29 disapprove a proposed resolution by reason of any covenant requiring the
30 authority to charge and fix tolls, rentals and other charges sufficient
31 to pay its operating expenses and the debt service, including the fund-
32 ing of requisite reserves, on the bonds and notes authorized by such
33 resolution. If the board or any member thereof entitled to vote thereon
34 shall disapprove a proposed resolution, the authority may, at any time,
35 resubmit a reformulated resolution. Within ten days of the submission of
36 such reformulated resolution the board may notify the authority of its
37 unanimous approval of the same by the members entitled to vote thereon,
38 or, if the reformulated resolution is not approved and no individual
39 member of the board who is entitled to vote thereon has notified the
40 authority in writing of his disapproval within such period, the reformu-
41 lated resolution shall have been deemed to have been approved. Any
42 individual member of the board who votes against a resolution or a
43 reformulated resolution or who notifies the authority of his disapproval
44 shall state his reasons therefor. The member appointed on the recommen-
45 dation of the mayor of the city of New York shall participate in the
46 action of the board with respect to any resolution of the authority
47 submitted pursuant to this subdivision. The authority shall not adopt a
48 resolution or any amendment to a resolution disapproved by the board as
49 herein provided.

50 21. To invest any funds, accounts or other monies not required for
51 immediate use or disbursement, at the discretion of the authority, in
52 any of the investments in which the [~~metropolitan transportation~~] big
53 apple transit authority is permitted to invest its monies pursuant to
54 subdivision four of section [~~twelve hundred sixty-five~~] thirteen hundred
55 forty-nine-e of this chapter.

1 § 4. The opening paragraph of subdivision 1 and subdivision 2 of
 2 section 553-c of the public authorities law, as amended by chapter 273
 3 of the laws of 1980, are amended to read as follows:

4 The authority shall have the power to finance all or any part of the
 5 costs of railroad and rapid transit costs enumerated in paragraphs [~~m,~~
 6 ~~n, o and p~~] (m) and (n) of subdivision nine of section five hundred
 7 fifty-three of this article through the issuance of its negotiable
 8 bonds, notes or other obligations in the manner provided in section five
 9 hundred sixty-one of this [~~chapter~~] title subject only to the following
 10 limitations:

11 2. Moneys expended pursuant to subdivision one of this section shall
 12 be utilized insofar as practical to: (a) purchase at least one hundred
 13 twenty-four new subway cars for the New York city transit authority, and
 14 (b) rehabilitate at least two hundred eighty existing subway cars for
 15 the New York city transit authority[~~, (c) acquire at least fifteen new~~
 16 ~~diesel self-propelled railroad passenger cars for the metropolitan~~
 17 ~~transportation authority commuter service area and (d) provide a passen-~~
 18 ~~ger car lay-up yard and other facilities for the Long Island Rail Road~~
 19 ~~in Manhattan~~]. The authority shall either apply for or make reasonable
 20 effort to secure federal assistance in support of each of the programs
 21 herein authorized and to the extent such federal assistance is forthcom-
 22 ing and/or other cost savings are realized with respect to any such
 23 program shall have the power to expand the size of that or any of the
 24 foregoing programs.

25 § 5. Section 553-d of the public authorities law, as amended by
 26 section 6 of part 0 of chapter 61 of the laws of 2000, is amended to
 27 read as follows:

28 § 553-d. Special Triborough bridge and tunnel authority special obli-
 29 gation bonds and notes. In addition to the powers contained elsewhere in
 30 this title with respect to the projects authorized by paragraphs (m),
 31 (n)[~~, (o), (p)~~] and (r) of subdivision nine of section five hundred
 32 fifty-three of this title, and subject to the application of the reven-
 33 ues and other monies and assets of the authority pursuant to section
 34 [~~twelve hundred seventy-d~~] thirteen hundred forty-nine-dd of this chap-
 35 ter, the authority may issue its bonds and notes to finance such
 36 projects payable from and secured by all or any part of the moneys
 37 received by the authority from the metropolitan transportation authority
 38 special assistance fund established under section twelve hundred seven-
 39 ty-a of this chapter, provided however that such bonds and notes may
 40 also be payable from and secured by any other moneys, securities and
 41 funds designated by the authority as additional security therefor. Debt
 42 service on bonds and notes issued by the authority pursuant to this
 43 section which is paid or reimbursed from moneys received by the authori-
 44 ty from the metropolitan transportation authority special assistance
 45 fund shall not be deemed to constitute debt service incurred by the
 46 authority for purposes of subdivision three of section twelve hundred
 47 nineteen-a of this chapter. Such bonds or notes shall be issued in the
 48 manner provided in section five hundred sixty-one of this title.

49 § 6. Subdivisions 1, 7, 8, 9, 10 and 11 of section 553-e of the public
 50 authorities law, as added by chapter 314 of the laws of 1981, subdivi-
 51 sion 10 as amended by chapter 558 of the laws of 1981 and subdivision 11
 52 as amended by chapter 929 of the laws of 1986, are amended to read as
 53 follows:

54 1. (a) In its performance of any project authorized by paragraph (m),
 55 (n)[~~, (o), (p)~~] or (r) of subdivision nine of section five hundred
 56 fifty-three of this title, the authority shall not be deemed the agent

1 or instrumentality of any other public benefit or municipal corporation
2 notwithstanding the fact that title to any real or personal property (or
3 any interest therein) which is the subject of or is a part of such
4 project is held by, or upon completion of such project is to be trans-
5 ferred to, any such entity, and the provisions of section five hundred
6 fifty-nine of this title shall not be applicable with respect to any
7 such project. In its performance of any such project for the New York
8 city transit authority, however, the provisions of section twelve
9 hundred nine of this chapter shall apply to the authority as if it were
10 the "authority" referred to therein.

11 (b) Neither the provisions of section one hundred ninety-seven-c of
12 the New York city charter, relating to a uniform land use review proce-
13 dure, nor the provisions of any other local law of the city of New York
14 of like or similar tenor or import shall apply (i) to the acquisition of
15 any real property (or any interest therein) for the purposes of any such
16 project by the city or by the New York city transit authority or any of
17 its subsidiaries; (ii) to the subsequent transfer of any real property
18 (or interest therein) so acquired to the authority or its designee for
19 the purposes of such project or to the transfer to the authority or its
20 designee for such purposes of any real property (or interest therein)
21 then owned by the city or by the New York city transit authority or any
22 such subsidiary; nor (iii) to the transfer to the authority or its
23 designee for such purposes of the right of use, occupancy, control or
24 possession of any real property (or interest therein), whether presently
25 owned or hereafter acquired by the city or by the New York city transit
26 authority or any such subsidiary; provided in each such case, however,
27 that if at the time of such proposed acquisition or transfer the real
28 property which is the subject of such acquisition or transfer is not
29 then being utilized for a transit or transportation purpose or is not an
30 insubstantial addition to such property contiguous thereto; (a) the
31 authority proposing to acquire or receive such property shall, unless a
32 submission with respect to such property has previously been made and
33 approved as herein provided, submit to the community board for the
34 community district in which such property is located, data with respect
35 to the proposed use of such property and to the design of any facility
36 proposed to be constructed thereon; (b) such community board shall
37 inform the [~~board of estimate of the~~] city council of New York, with
38 copies to the city planning commission of the city of New York and the
39 proposing authority, of its views and recommendations with respect ther-
40 eto within forty-five days of such submission, and if the community
41 board shall fail to so inform the [~~board of estimate~~] city council with-
42 in such period it shall be deemed to have recommended the proposal; and
43 (c) the [~~board of estimate~~] city council shall, within forty-five days
44 of the recommendation of the community board, approve or disapprove such
45 acquisition or transfer, and if the [~~board of estimate~~] city council
46 shall fail to act within such period it shall be deemed to have approved
47 the same.

48 7. The [~~metropolitan transportation~~] big apple transit authority, the
49 New York city transit authority and the designated subsidiaries of each
50 of them are each hereby authorized (i) to request the authority to
51 undertake any such project; (ii) to acquire in its own name by gift,
52 purchase or condemnation, and, additionally, in the case of the [~~metro-~~
53 ~~politan transportation~~] big apple transit authority, by appropriation
54 pursuant to section [~~twelve hundred sixty-seven-a~~] thirteen hundred
55 forty-nine-g of this chapter, any real or personal property (or any
56 interest therein), which is needed or useful for or in connection with

1 such project, the provisions of any lease or other agreement with the
2 city to the contrary notwithstanding, and to surrender the use, occupan-
3 cy, control or possession of or to transfer the same, or of any other
4 such real or personal property (or any interest therein) which it owns,
5 leases, operates or controls, to the authority; (iii) to accept a trans-
6 fer, transfer back, lease or sublease of any such project or part there-
7 of upon its completion; (iv) to undertake any such project itself, or to
8 finance, through loans, leases or otherwise, any other person or entity,
9 public or private, to do so, in each case using funds granted by the
10 authority to pay all or any part of the costs thereof (such undertaking,
11 in the case of the New York city transit authority and its subsidiary,
12 the Manhattan and Bronx surface transit operating authority, being free
13 of any restriction set forth in subparagraph (ii) of paragraph b of
14 subdivision one of section twelve hundred three or in paragraph (c) of
15 subdivision five of section twelve hundred three-a of this chapter); and
16 (v) to make its agents, employees and facilities available to the
17 authority in connection therewith.

18 8. No such project to be constructed upon real property theretofore
19 used for a transit or transportation purpose, or on an insubstantial
20 addition to such property contiguous thereto, which will not change in a
21 material respect the general character of such prior transit or trans-
22 portation use, nor any acts or activities in connection with such
23 project, shall be subject to the provisions of article eight, nineteen,
24 twenty-four or twenty-five of the environmental conservation law, or to
25 any local law or ordinance adopted pursuant to any such article. Nor
26 shall any project or acts or activities in connection therewith taken by
27 any person or entity, public or private, pursuant to paragraph (m),
28 (n)[~~(o)~~, ~~(p)~~], or (r) of subdivision nine of section five hundred
29 fifty-three of this title be subject to the provisions of article eight
30 of the environmental conservation law if such project, acts or activ-
31 ities to be taken in connection therewith require the preparation of a
32 statement under or pursuant to any federal law or regulation as to the
33 environmental impact thereof.

34 9. In connection with the negotiation, award and implementation of
35 contracts of the authority relating to any project hereafter initiated
36 pursuant to paragraphs (m), (n)[~~(o)~~, ~~(p)~~] and (r) of subdivision nine
37 of section five hundred fifty-three of this title, the provisions of
38 [~~paragraphs (a), (b), (c) and (d) of subdivision~~] subdivisions thirteen
39 and fourteen of section [~~twelve hundred sixty-six-e~~] thirteen hundred
40 forty-nine-j of this chapter shall apply to the authority as if it were
41 the "authority" referred to therein, and the [~~officer designated by the~~
42 ~~metropolitan transportation authority pursuant to paragraph (c) of that~~
43 ~~subdivision~~] division of minority and women's business development,
44 established pursuant to article fifteen-A of the executive law, shall
45 perform the duties therein described with respect to such contracts of
46 the authority.

47 10. The financing of any such project through the issuance of bonds or
48 notes of the authority shall be subject to the provisions of section
49 [~~twelve hundred sixty-nine-b~~] thirteen hundred forty-nine-v of this
50 chapter.

51 11. The aggregate principal amount of bonds and notes issued and
52 outstanding at any time to finance projects authorized by paragraphs
53 (m), (n)[~~(o)~~, ~~(p)~~] and (r) of subdivision nine of section five hundred
54 fifty-three of this title shall not exceed one billion one hundred
55 million dollars through December thirty-first, nineteen hundred eighty-
56 six and three billion two hundred million dollars thereafter, provided

1 however that such latter amount shall not exceed two billion two hundred
2 million dollars for all bonds and notes other than those issued pursuant
3 to section five hundred fifty-three-d of this title. This limitation
4 shall not include (i) bonds and notes issued to refund or otherwise
5 repay bonds or notes theretofore issued for such purposes, (ii) bonds
6 issued to fund any reasonably required debt service reserve fund for
7 bonds and notes, and (iii) an amount equal to any original issue
8 discount from the [~~principal~~] principal amount of any bonds or notes
9 issued and then outstanding. From the proceeds of the bonds and notes
10 provided for in the first sentence of this subdivision, other than bonds
11 or notes authorized by section five hundred fifty-three-d of this title,
12 the authority shall not expend more than one billion three hundred twen-
13 ty million dollars for transit projects as defined in section [~~twelve~~
14 ~~hundred sixty-six-e~~] thirteen hundred forty-nine-j of this chapter nor
15 more than eight hundred eighty million dollars for transportation facil-
16 ities as such term is defined in subdivision [~~fourteen~~] nineteen of
17 section [~~twelve hundred sixty-one~~] thirteen hundred forty-nine-b of this
18 chapter other than marine or aviation facilities. For the purposes of
19 this subdivision, facilities under the jurisdiction of the Staten Island
20 rapid transit operating authority shall be considered transit projects.

21 § 7. Subdivisions 2, 3, 3-a and 4 of section 553-j of the public
22 authorities law, as added by section 5 of subpart A of part ZZZ of chap-
23 ter 59 of the laws of 2019, are amended to read as follows:

24 2. Monies in the fund shall be applied, subject to agreements with
25 bondholders and applicable federal law, to the payment of operating,
26 administration, and other necessary expenses of the authority, or to the
27 city of New York subject to the memorandum of understanding executed
28 pursuant to subdivision two-a of section seventeen hundred four of the
29 vehicle and traffic law properly allocable to such program, including
30 the planning, designing, constructing, installing or maintaining of the
31 central business district tolling program, including, without limita-
32 tion, the central business district tolling infrastructure, the central
33 business district tolling collection system and the central business
34 district tolling customer service center, and the costs of any [~~metro-~~
35 ~~politan transportation~~] big apple transit authority capital projects
36 included within the 2020 to 2024 [~~MTA~~] big apple transit authority capi-
37 tal program or any successor programs. Monies in the fund may be: (a)
38 pledged by the authority to secure and be applied to the payment of the
39 bonds, notes or other obligations of the authority to finance the costs
40 of the central business district tolling program, including, without
41 limitation, the central business district tolling infrastructure, the
42 central business district tolling collection system and the central
43 business district tolling customer service center, and the costs of any
44 [~~metropolitan transportation~~] big apple transit authority capital
45 projects included within the 2020 to 2024 [~~MTA~~] big apple transit
46 authority capital program or any successor programs, including debt
47 service, reserve requirements, if any, the payment of amounts required
48 under bond and note facilities or agreements related thereto, the
49 payment of federal government loans, security or credit arrangements or
50 other agreements related thereto; or (b) used by the authority for the
51 payment of such capital costs of the central business district tolling
52 program and the costs of any [~~metropolitan transportation~~] big apple
53 transit authority capital projects included within the 2020 to 2024
54 [~~MTA~~] big apple transit authority capital program or any successor
55 programs; or (c) transferred to the [~~metropolitan transportation~~] big
56 apple transit authority and (1) pledged by the [~~metropolitan transporta-~~

1 ~~tion~~ big apple transit authority to secure and be applied to the
 2 payment of the bonds, notes or other obligations of the [~~metropolitan~~
 3 ~~transportation~~] big apple transit authority to finance the costs of any
 4 [~~metropolitan—transportation~~] big apple transit authority capital
 5 projects included within the 2020 to 2024 [~~MTA~~] big apple transit
 6 authority capital program or any successor programs, including debt
 7 service, reserve requirements, if any, the payment of amounts required
 8 under bond and note facilities or agreements related thereto, the
 9 payment of federal government loans, security or credit arrangements or
 10 other agreements related thereto, or (2) used by the [~~metropolitan~~
 11 ~~transportation~~] big apple transit authority for the payment of the costs
 12 of any [~~metropolitan—transportation~~] big apple transit authority capital
 13 projects included within the 2020 to 2024 [~~MTA~~] big apple transit
 14 authority capital program or any successor programs. Such revenues shall
 15 only supplement and shall not supplant any federal, state, or local
 16 funds expended by the authority or the [~~metropolitan—transportation~~] big
 17 apple transit authority, or such authority's or [~~metropolitan—transportation~~]
 18 big apple transit authority's affiliates or subsidiaries for
 19 such respective purposes. Central business district toll revenues may be
 20 used as required to obtain, utilize, or maintain federal authorization
 21 to collect tolls on federal aid highways.

22 3. Any monies deposited in the fund shall be held in the fund free and
 23 clear of any claim by any person arising out of or in connection with
 24 article forty-four-C of the vehicle and traffic law and subdivision
 25 twelve-a of section five hundred fifty-three of this title. Without
 26 limiting the generality of the foregoing, no person paying any amount
 27 that is deposited into the fund shall have any right or claim against
 28 the authority or the [~~metropolitan—transportation~~] big apple transit
 29 authority, any of their bondholders, any of the authority's or the
 30 [~~metropolitan—transportation~~] big apple transit authority's subsidiaries
 31 or affiliates to any monies in or distributed from the fund or in
 32 respect of a refund, rebate, credit or reimbursement of monies arising
 33 out of or in connection with article forty-four-C of the vehicle and
 34 traffic law and subdivision twelve-a of section five hundred fifty-three
 35 of this title.

36 3-a. Of the capital project costs paid by this fund[~~—eighty percent~~
 37 ~~shall be capital project costs of the New York city transit authority~~
 38 ~~and its subsidiary, Staten Island Rapid Transit Operating Authority, and~~
 39 ~~MTA Bus with~~] priority shall be given to the subway system, new signal-
 40 ing, new subway cars, track and car repair, accessibility, buses and bus
 41 system improvements and further investments in expanding transit avail-
 42 ability to areas in the outer boroughs that have limited mass transit
 43 options; ten percent shall be capital project costs of the Long Island
 44 Rail Road, including but not limited to, parking facilities, rolling
 45 stock, capacity enhancements, accessibility, and expanding transit
 46 availability to areas in the Metropolitan Commuter Transportation
 47 District that have limited mass transit options; and ten percent shall
 48 be capital project costs of the Metro-North Commuter Railroad Company,
 49 including but not limited to, parking facilities, rolling stock, capaci-
 50 ty enhancements, accessibility, and expanding transit availability to
 51 areas in the Metropolitan Commuter Transportation District that have
 52 limited mass transit options.

53 4. The authority shall report annually on all receipts and expendi-
 54 tures of the fund. The report shall detail operating expenses of the
 55 central business district tolling program and all fund expenditures
 56 including capital projects. The report shall be readily available to the

1 public, and shall be posted on the authority's website and be submitted
2 to [~~the governor, the temporary president of the senate, the speaker of~~
3 ~~the assembly,~~] the mayor and council of the city of New York, and the
4 [~~metropolitan transportation~~] big apple transit authority board[~~, and~~
5 ~~the metropolitan transportation authority capital program review board~~].

6 § 8. Subdivision 5 of section 553-k of the public authorities law is
7 REPEALED.

8 § 9. Section 555 of the public authorities law, as amended by chapter
9 655 of the laws of 1978, is amended to read as follows:

10 § 555. Selection of site. Notwithstanding any provisions of any other
11 statute, the authority in conjunction with the commissioner of parks of
12 the city or his successor, the commissioner of parks and recreation, and
13 with the approval of the [~~board of estimate~~] city council of such city
14 and with the separate approval of the mayor thereof, is hereby author-
15 ized to select sites in the boroughs of the Bronx and Queens of the city
16 for the Whitestone bridge project and parkways connecting therewith,
17 which sites may be in or through existing public parks, and to select
18 sites for new public parks contiguous to such project or contiguous to
19 the roads, streets, parkways or avenues connecting with such project. A
20 site or sites may be selected for any or all of the aforementioned
21 purposes and thereafter the use thereof shall be allocated by the
22 commissioner of parks and recreation as herein provided. The property so
23 selected solely for such project, not already owned by the city, shall
24 be acquired at the sole expense of the authority in the manner provided
25 for under this title. The property so selected solely for new public
26 parks shall be acquired by the city at its sole expense. The cost of the
27 property so selected for such project, combined with any other aforemen-
28 tioned purposes the use of which is to be thereafter determined, shall
29 be divided between the city and the authority as may be determined by a
30 contract or contracts hereby authorized to be entered into between the
31 city and the authority, subject to the approval of the [~~board of esti-~~
32 ~~mate of the~~] city council. So much of the sites so selected and acquired
33 or such easements or rights of way therein as may be necessary or
34 convenient for the corporate purposes of the authority may be assigned
35 by the commissioner of parks and recreation of the city to the authority
36 for its use so long as its corporate existence shall continue.

37 § 10. Section 557 of the public authorities law, as amended by chapter
38 576 of the laws of 1964, is amended to read as follows:

39 § 557. Grant of land by the city to the authority. The city shall have
40 power and authority by resolution of the [~~board of estimate of the~~] city
41 council to assign to the authority, without consideration, any land
42 owned by the city on the seventh day of April, nineteen hundred thirty-
43 three, or thereafter acquired by it, needed or convenient for the
44 project, including lands released or to be released by the state to the
45 city pursuant to chapter three hundred seventy-nine of the laws of nine-
46 teen hundred twenty-nine as amended.

47 § 11. Subdivision 3 of section 557-a of the public authorities law, as
48 added by chapter 874 of the laws of 1939, is amended to read as follows:

49 3. The city may, by resolution of the [~~board of estimate~~] city
50 council, or by deed authorized by such a resolution, convey, with or
51 without consideration, to the authority for the project the use and
52 occupancy, for so long as its corporate existence shall continue, of any
53 lands then owned by the city including lands which, by any other law,
54 are inalienable by the city, and such conveyance may reserve to the city
55 such rights as shall not restrict the authority in the construction,
56 reconstruction, operation and maintenance of the project.

1 § 12. Subdivision 1 of section 561 of the public authorities law, as
2 amended by section 7 of part 0 of chapter 61 of the laws of 2000, is
3 amended to read as follows:

4 1. The authority shall have the power and is hereby authorized from
5 time to time to issue its negotiable bonds in conformity with applicable
6 provisions of the uniform commercial code for any corporate purpose or
7 power. The authority shall have power from time to time and whenever it
8 deems refunding advantageous or desirable, to refund, redeem or other-
9 wise pay, including by purchase or tender any bonds by the issuance of
10 new bonds, whether the bonds to be refunded have or have not matured,
11 and may issue bonds partly to refund bonds then outstanding and partly
12 for any other corporate purpose or power. The refunding bonds may be
13 exchanged for the bonds to be refunded, with such cash adjustments as
14 may be agreed, or may be sold and the proceeds applied to the purchase
15 or payment of the bonds to be refunded. The authority may issue general
16 or special obligation bonds. Every issue of general obligation bonds
17 shall be payable out of any moneys or revenues of the authority, subject
18 only to any agreements with the holders of particular bonds pledging any
19 particular tolls or revenues. Every issue of special obligation bonds
20 shall be payable out of any revenues, receipts, monies or assets of the
21 authority, the [~~metropolitan transportation~~] big apple transit authority
22 and its subsidiary corporations and the New York city transit authority
23 and its subsidiary corporations identified for such purposes in accord-
24 ance with agreements with the holders of particular bonds.

25 § 13. Section 569-c of the public authorities law, as amended by
26 section 9 of part 0 of chapter 61 of the laws of 2000, is amended to
27 read as follows:

28 § 569-c. Transfer and receipt of surplus funds. Notwithstanding any
29 provision of this title or any other provision of law, general, special
30 or local, the authority shall, at the direction of the [~~metropolitan~~
31 ~~transportation~~] big apple transit authority, from time to time transfer
32 and pay over all or any part of its surplus funds to (a) [~~metropolitan~~
33 ~~transportation~~] the big apple transit authority or (b) the New York city
34 transit authority, all in accordance with the provisions of subdivision
35 twelve of section five hundred fifty-three of this title [~~and the deter-~~
36 ~~mination of the proportional allocation of such amounts of surplus funds~~
37 ~~so deposited as between the New York city transit authority and the~~
38 ~~commuter railroads operated by metropolitan transportation authority~~
39 ~~shall be governed by the provisions of section twelve hundred nineteen-a~~
40 ~~of this chapter~~] and the authority may accept and use any moneys trans-
41 ferred and paid over to it by [~~metropolitan transportation~~] the big
42 apple transit authority or the New York city transit authority.

43 § 14. This act shall take effect January 1, 2021.

44 PART D

45 Section 1. Article 5 of the public authorities law is amended by
46 adding a new title 11-E to read as follows:

47 TITLE 11-E

48 BIG APPLE TRANSIT AUTHORITY

- 49 Section 1349-a. Short title.
- 50 1349-b. Definitions.
- 51 1349-c. Big apple transit authority.
- 52 1349-d. Purposes of the authority.
- 53 1349-e. General powers of the authority.
- 54 1349-f. Contracts.

- 1 1349-g. Big apple transit authority small business mentoring
2 program.
3 1349-h. Special powers of the authority.
4 1349-i. Medical emergency services.
5 1349-j. Transit projects.
6 1349-k. Excess loss fund.
7 1349-l. Authority police force.
8 1349-m. The permanent citizens advisory committee.
9 1349-n. Big apple transit authority pledge to customers.
10 1349-o. Expired fare transfer policy.
11 1349-p. Acquisition and disposition of real property.
12 1349-q. Acquisition and disposition of real property by
13 department of transportation.
14 1349-r. Transit facilities for transit construction fund.
15 1349-s. Co-operation and assistance of other agencies.
16 1349-t. Promotion of qualified transportation fringes.
17 1349-u. Notes, bonds and other obligations of the authority.
18 1349-v. Capital program plans; approvals; effect of disap-
19 proval.
20 1349-w. Submission of strategic operation plan.
21 1349-x. Financial and operational reports.
22 1349-y. Mission statement and measurement report.
23 1349-z. Requirements for certain authority contracts and
24 related subcontracts.
25 1349-aa. Reserve funds and appropriations.
26 1349-bb. Big apple transit authority special assistance fund.
27 1349-cc. Big apple transit authority dedicated tax fund.
28 1349-dd. Consolidated financings.
29 1349-ee. Regulation of certain authority expenditures.
30 1349-ff. Metropolitan transportation authority finance fund.
31 1349-gg. New York city transportation assistance fund.
32 1349-hh. Agreement of the state.
33 1349-ii. Right of state to require redemption of bonds.
34 1349-jj. Remedies of noteholders and bondholders.
35 1349-kk. Notes and bonds as legal investment.
36 1349-ll. Exemption from taxation.
37 1349-mm. Actions against the authority.
38 1349-nn. Annual audit of authority.
39 1349-oo. Authority budget and financial plan.
40 1349-pp. Independent audit of authority.
41 1349-qq. Independent audit by the legislature.
42 1349-rr. Reporting.
43 1349-ss. Transfer and receipt of surplus funds.
44 1349-tt. Title not affected if in part unconstitutional or
45 ineffective.
46 1349-uu. Big apple transit authority inspector general.
47 1349-vv. Management advisory board.
48 1349-ww. The office of legislative and community input.
49 1349-xx. Supplemental revenue reporting program.
50 § 1349-a. Short title. This title may be known and may be cited as the
51 "big apple transit authority act".
52 § 1349-b. Definitions. As used or referred to in this title, unless a
53 different meaning clearly appears from the context:
54 1. "Authority" shall mean the corporation created by section thirteen
55 hundred forty-nine-c of this title.

1 2. "Authority facilities" shall mean the authority's transit, rail-
2 road, omnibus, marine and aviation facilities and operations pursuant to
3 joint service arrangements.

4 3. "Budget" shall mean the preliminary, final proposed and adopted
5 final plans of the authority, and each of its agencies.

6 4. "Comptroller" shall mean the comptroller of the city of New York.

7 5. "Equipment" shall mean rolling stock, omnibuses, vehicles, air,
8 marine or surface craft, motors, boilers, engines, wires, ways, conduits
9 and mechanisms, machinery, tools, implements, materials, supplies,
10 instruments and devices of every nature whatsoever used or useful for
11 transportation purposes or for the generation or transmission of motive
12 power including but not limited to all power houses, and all apparatus
13 and all devices for signaling, communications and ventilation as may be
14 necessary, convenient or desirable for the operation of a transportation
15 facility.

16 6. "Federal government" shall mean the United States government, and
17 any officer, department, board, commission, bureau, division, corpo-
18 ration, agency or instrumentality thereof.

19 7. "Gap" shall mean the difference between projected revenues and
20 expenses for any given fiscal year based on the existing fare structure.

21 8. "Gap-closing initiative" shall mean any action to reduce a project-
22 ed gap.

23 9. "Governor" shall mean the governor of the state of New York.

24 10. "Joint service arrangements" shall mean agreements between or
25 among the authority and any common carrier or freight forwarder, the
26 state, any state agency, the federal government, any other state or
27 agency or instrumentality thereof, any public authority of this or any
28 other state, or any political subdivision or municipality of the state,
29 relating to property, buildings, structures, facilities, services,
30 rates, fares, classifications, divisions, allowances or charges (includ-
31 ing charges between operators of railroad, omnibus, marine and aviation
32 facilities), or rules or regulations pertaining thereto, for or in
33 connection with or incidental to transportation in part in or upon rail-
34 road, omnibus, marine or aviation facilities located within the district
35 and in part in or upon railroad, omnibus, marine or aviation facilities
36 located outside the district.

37 11. "Marine and aviation facilities" shall mean equipment and craft
38 for the transportation of passengers, mail and cargo between points
39 within the district or pursuant to joint service arrangements, by marine
40 craft and aircraft of all types including but not limited to hydrofoils,
41 ferries, lighters, tugs, barges, helicopters, amphibians, seaplanes or
42 other contrivances now or hereafter used in navigation or movement on
43 waterways or in the navigation of or flight in airspace. It shall also
44 mean any marine port or airport facility within the city but outside the
45 port of New York district as defined in chapter one hundred fifty-four
46 of the laws of nineteen hundred twenty-one, including but not limited to
47 terminals, docks, piers, bulkheads, ramps or any facility or real prop-
48 erty necessary, convenient or desirable for the accommodation of passen-
49 gers and cargo or the docking, sailing, landing, taking off, accommo-
50 modation or servicing of such marine craft or aircraft.

51 12. "Mayor" shall mean the mayor of the city of New York.

52 13. "Metropolitan transportation authority" shall mean the corporation
53 created pursuant to title eleven of this article.

54 14. "Omnibus facilities" shall mean motor vehicles, of the type oper-
55 ated by carriers subject to the jurisdiction of the public service
56 commission, engaged in the transportation of passengers and their

1 baggage, express and mail between points within the district or pursuant
2 to joint service arrangements, and equipment, property, buildings,
3 structures, improvements, loading or unloading areas, parking areas or
4 other facilities, necessary, convenient or desirable for the accommo-
5 modation of such motor vehicles or their passengers, including but not
6 limited to buildings, structures and areas notwithstanding that portions
7 may not be devoted to any omnibus purpose other than the production of
8 revenues available for the costs and expenses of all or any facilities
9 of the authority.

10 15. "Railroad facilities" shall mean right of way and related track-
11 age, rails, cars, locomotives, other rolling stock, signal, power, fuel,
12 communication and ventilation systems, power plants, stations, termi-
13 nals, storage yards, repair and maintenance shops, yards, equipment and
14 parts, offices and other real estate or personalty used or held for or
15 incidental to the operation, rehabilitation or improvement of any rail-
16 road operating or to operate between points within the district or
17 pursuant to joint service arrangements, including but not limited to
18 buildings, structures, and areas notwithstanding that portions thereof
19 may not be devoted to any railroad purpose other than the production of
20 revenues available for the costs and expenses of all or any facilities
21 of the authority.

22 16. "Real property" shall mean lands, structures, franchises and
23 interests in land, waters, lands under water, riparian rights and air
24 rights and any and all things and rights included within said term and
25 includes not only fees simple absolute but also any and all lesser
26 interests including but not limited to easements, rights of way, uses,
27 leases, licenses and all other incorporeal hereditaments and every
28 estate, interest or right, legal or equitable, including terms for years
29 and liens thereon by way of judgments, mortgages or otherwise.

30 17. "State" shall mean the state of New York.

31 18. "State agency" shall mean any officer, department, board, commis-
32 sion, bureau, division, public benefit corporation, agency or instrumen-
33 talidity of the state.

34 19. "Transportation facility" shall mean any transit, railroad, omni-
35 bus, marine or aviation facility and any person, firm, partnership,
36 association or, corporation which owns, leases or operates any such
37 facility or any other facility used for service in the transportation of
38 passengers, United States mail or personal property as a common carrier
39 for hire and any portion thereof and the rights, leaseholds or other
40 interest therein together with routes, tracks, extensions, connections,
41 parking lots, garages, warehouses, yards, storage yards, maintenance and
42 repair shops, terminals, stations and other related facilities thereof,
43 the devices, appurtenances, and equipment thereof and power plants and
44 other instrumentalities used or useful therefor or in connection there-
45 with.

46 20. "Transportation district" and "district" shall mean the metropol-
47 itan commuter transportation district created by section twelve hundred
48 sixty-two of this article.

49 21. "Transportation purpose" shall mean a purpose that directly
50 supports the missions or purposes of the authority, any of its subsid-
51 iaries, New York city transit authority or its subsidiary, including the
52 realization of revenues derived from property that is, or is to be used
53 as, a transportation facility.

54 22. "New York city transit authority" shall mean the corporation
55 created by section twelve hundred one of this article.

1 23. "Triborough bridge and tunnel authority" shall mean the corpo-
2 ration created pursuant to title three of article three of this chapter.

3 24. "Inspector general" shall mean the big apple transit authority
4 inspector general.

5 25. "Revenues" shall mean all monies received by the authority or its
6 subsidiaries, or New York city transit authority or its subsidiaries, or
7 Triborough bridge and tunnel authority, as the case may be, from whatev-
8 er source, derived directly or indirectly from or in connection with the
9 operations of the respective entity except for any monies transferred to
10 the metropolitan transportation authority pursuant to section thirteen
11 hundred forty-nine-h of this title that is not returned to the authority
12 pursuant to paragraph (c) of subdivision two of section twelve hundred
13 sixty-six of this chapter.

14 26. "Transit facility" shall have the same meaning as defined in
15 subdivision fifteen of section twelve hundred of this article.

16 27. "Utilization" shall mean public usage of the subway, bus, railroad
17 and paratransit services, and bridge and tunnel crossings, of the
18 authority and its affiliates and subsidiaries as reflected in empirical
19 data.

20 28. "Big apple transit authority and its affiliates" shall mean the
21 big apple transit authority, the New York city transit authority, and
22 the Triborough bridge and tunnel authority, and all their respective
23 subsidiaries.

24 § 1349-c. Big apple transit authority. 1. (a) There is hereby created
25 the "big apple transit authority". The authority shall be a body corpo-
26 rate and politic constituting a public benefit corporation. The authori-
27 ty shall consist of seven voting members, including a chairperson, and
28 two non-voting members. Members shall have experience in one or more of
29 the following areas of expertise: transportation or transit planning;
30 urban planning, including sustainability and resiliency; advocacy for
31 individuals with disabilities; demographics, social trends or the needs
32 of low-income New Yorkers; capital planning or civil engineering;
33 finance; or another area of expertise central to the purpose of the
34 authority. The mayor shall appoint four voting members, including the
35 chairperson, and each member shall be entitled to cast one vote. Each
36 borough president of the city of New York shall appoint one voting
37 member who shall be entitled to cast a half vote. The public advocate of
38 the city of New York shall appoint one voting member who shall be enti-
39 tled to cast a half vote. The two non-voting members shall be appointed
40 by the mayor. The first non-voting member shall be a regular mass trans-
41 it user of the facilities of the authority and be recommended to the
42 mayor of the city of New York by the permanent citizens advisory commit-
43 tee established pursuant to section thirteen hundred forty-nine-m of
44 this title. The second non-voting member shall be recommended to the
45 mayor by the labor organization representing the majority of employees
46 of the authority. The chairperson, at such chairperson's direction, may
47 exclude such non-voting member from attending any portion of a meeting
48 of the authority or of any committee established pursuant to paragraph
49 (b) of subdivision three of this section held for the purpose of
50 discussing negotiations with labor organizations. The chairperson and
51 each of the members shall be appointed for a term of three years.

52 (b) Each member shall be subject to the conflict of interest board
53 established by section twenty-six hundred two of the New York city char-
54 ter as public servants charged with substantial policy discretion.

1 (c) Vacancies occurring otherwise than by expiration of term shall be
2 filled in the same manner as original appointments for the balance of
3 the unexpired term.

4 2. The chairperson shall be paid a salary in the amount determined by
5 the authority; the other members shall not receive a salary or other
6 compensation. Each member, including the chairperson, shall be entitled
7 to reimbursement for actual and necessary expenses incurred in the
8 performance of such member's official duties.

9 3. (a) Notwithstanding any provision of law to the contrary, the
10 chairperson shall be the chief executive officer of the authority and
11 shall be responsible for the discharge of the executive and administra-
12 tive functions and powers of the authority. The chairperson may appoint
13 an executive director and such other officials and employees as shall in
14 such chairperson's judgment be needed to discharge the executive and
15 administrative functions and powers of the authority.

16 (b) The chairperson shall establish committees to assist such chair-
17 person in the performance of such chairperson's duties and shall appoint
18 members of the authority to such committees. Among such committees,
19 there shall be a committee on operations of the New York city transit
20 authority, the Manhattan and Bronx surface transit operating authority
21 and the Staten Island rapid transit operating authority; a committee on
22 operations of the Triborough bridge and tunnel authority; a committee on
23 finance; a committee on capital program oversight; and a committee on
24 safety. In addition to such appointed members, each of the non-voting
25 members shall serve on the committee on capital program oversight, the
26 committee on finance, the committee on safety, and the committee on
27 operations of the Triborough bridge and tunnel authority. The committee
28 on capital program oversight shall include not less than four members,
29 and shall include the chairpersons of the committee on operations of the
30 New York city transit authority, the Manhattan and Bronx surface transit
31 operating authority and the Staten Island rapid transit operating
32 authority, and the committee on safety. The committee on safety shall
33 convene at least once annually and each committee chairperson, that is a
34 member of the committee on safety, shall report to the committee on
35 safety any and all initiatives, concerns, improvements, or failures
36 involving the safety of customers, employees, and the public at large,
37 in relation to authority facilities and services. The capital program
38 committee shall, with respect to any approved or proposed capital
39 program plans:

40 (i) monitor the current and future availability of funds to be
41 utilized for such plans approved or proposed to be submitted to the
42 mayor as provided in section thirteen hundred forty-nine-v of this
43 title;

44 (ii) monitor the contract awards of the big apple transit authority
45 and the New York city transit authority to ensure that such awards are
46 consistent with:

47 (A) provisions of law authorizing United States content and New York
48 state content;

49 (B) collective bargaining agreements;

50 (C) provisions of law providing for participation by minority and
51 women-owned businesses;

52 (D) New York state labor laws;

53 (E) competitive bidding requirements including those regarding sole
54 source contracts; and

55 (F) any other relevant requirements established by law;

1 (iii) monitor the award of contracts to determine if such awards are
2 consistent with the manner in which the work was traditionally performed
3 in the past provided, however, that any such determination shall not be
4 admissible as evidence in any arbitration or judicial proceeding;

5 (iv) review the relationship between capital expenditures pursuant to
6 each such capital program plan and current and future operating budget
7 requirements;

8 (v) monitor the progress of capital elements described in each capital
9 program plan approved as provided in section thirteen hundred forty-
10 nine-v of this title;

11 (vi) monitor the expenditures incurred and to be incurred for each
12 such element; and

13 (vii) identify capital elements not progressing on schedule, ascertain
14 responsibility therefor and recommend those actions required or appro-
15 priate to accelerate their implementation.

16 (c) The capital program committee shall issue a quarterly report on
17 its activities and findings, and shall in connection with the prepara-
18 tion of such quarterly report, consult with the city department of
19 transportation, the mayor, and any other group the committee deems rele-
20 vant, including public employee organizations, and, at least annually,
21 with a nationally recognized independent transit engineering firm. Such
22 report shall be made available to the members of the authority, to the
23 mayor, and the directors of the municipal assistance corporation for the
24 city of New York.

25 (d) The chairperson shall ensure that at every meeting of the board
26 and at every meeting of each committee the public shall be allotted a
27 period of time, not less than thirty minutes, to speak on any topic on
28 the agenda.

29 (e) Notwithstanding paragraph (c) of subdivision one of section twen-
30 ty-eight hundred twenty-four of this chapter or any other provision of
31 law to the contrary, the chairperson shall not participate in establish-
32 ing authority policies regarding the payment of salary, compensation and
33 reimbursement to, nor establish rules for the time and attendance of,
34 the chief executive officer. The salary of the chairperson, as deter-
35 mined pursuant to subdivision two of this section, shall also be compen-
36 sation for all services performed as chief executive officer.

37 4. Notwithstanding any inconsistent provisions of this or any other
38 law, general, special or local, no officer or employee of the state, or
39 of any public corporation as defined in the general corporation law,
40 shall be deemed to have forfeited or shall forfeit such officer or
41 employee's office or employment or any benefits provided under the
42 retirement and social security law or under any public retirement system
43 maintained by the state or any of its subdivisions by reason of such
44 officer or employee's acceptance of a position of member or chairperson
45 of the authority; provided, however, a member or chairperson who holds
46 such other public office or employment shall receive no additional
47 compensation for services rendered pursuant to this title, but shall be
48 entitled to reimbursement for such member or chairperson's actual and
49 necessary expenses incurred in the performance of such services.

50 5. The mayor may remove any member for inefficiency, neglect of duty,
51 breach of fiduciary duty or misconduct in office after giving the member
52 a copy of the charges against the member and an opportunity to be heard,
53 in person or by counsel in the member's defense, upon not less than ten
54 days' notice. If any member shall be so removed, the mayor shall file a
55 complete statement of charges made against such member, and his or her
56 findings thereon, together with a complete record of the proceedings.

1 6. The authority shall continue so long as it shall have bonds or
2 other obligations outstanding and until its existence shall be termi-
3 nated by law. Upon the termination of the existence of the authority,
4 all its rights and properties shall pass to and be vested in the city.

5 7. Whenever the authority causes notices of hearings on proposed
6 changes in services or fares to be posted pursuant to this section or
7 any statute, regulation, or authority policy, or where it voluntarily
8 posts such notices, such notices shall:

9 (a) be written in a clear and coherent manner using words with common
10 and every day meaning;

11 (b) be captioned in large point type bold lettering with a title that
12 fairly and accurately conveys the basic nature of such change or chang-
13 es;

14 (c) where such change involves a proposed change in levels of fare,
15 include in its title the range of amounts of fare changes under consid-
16 eration;

17 (d) contain, to the extent practicable, a concise description of the
18 specific nature of the change or changes, including but not limited to a
19 concise description of those changes that affect the largest number of
20 passengers;

21 (e) where such change involves a change in the nature of a route,
22 contain, to the extent practicable, a clear graphic illustration of such
23 change or changes; and

24 (f) where such change involves a partial or complete station closing,
25 such notice shall be posted at the affected station with a clear graphic
26 illustration depicting the nature of any closing for such station.

27 § 1349-d. Purposes of the authority. 1. The purposes of the authority
28 shall be the continuance, further development and improvement of commu-
29 ter transportation and other services related thereto within the city of
30 New York, including but not limited to such transportation by railroad,
31 omnibus, marine and air, in accordance with the provisions of this
32 title. It shall be the further purpose of the authority, consistent with
33 its status as the ex officio board of both the New York city transit
34 authority and the Triborough bridge and tunnel authority, to develop and
35 implement a unified mass transportation policy for the city in an effi-
36 cient and cost-effective manner that includes the use of design-build
37 contracting on all appropriate projects.

38 2. It is hereby found and declared that such purposes are in all
39 respects for the benefit of the people of the city of New York and the
40 authority shall be regarded as performing an essential governmental
41 function in carrying out its purposes and in exercising the powers
42 granted by this title.

43 § 1349-e. General powers of the authority. Except as otherwise limited
44 by this title, the authority shall have power:

45 1. to sue and be sued;

46 2. to have a seal and alter the same at pleasure;

47 3. to borrow money, to issue negotiable notes, bonds or other obli-
48 gations and to provide for the rights of the holders thereof, and to
49 finance or refinance all or any part of the costs to the authority or to
50 any other person or entity, public or private, of the planning, design,
51 acquisition, construction, improvement, reconstruction or rehabilitation
52 of any transportation facility;

53 4. to invest any funds, accounts or other monies not required for
54 immediate use or disbursement, at the discretion of the authority in:

55 (a) obligations of the state or the United States government;

1 (b) obligations the principal and interest of which are guaranteed by
2 the state or the United States government;

3 (c) certificates of deposit of banks or trust companies in this state,
4 secured, if the authority shall so require, by obligations of the United
5 States or of the state of New York of a market value equal at all times
6 to the amount of the deposit;

7 (d) banker's acceptances with a maturity of ninety days or less which
8 are eligible for purchase by the Federal Reserve Banks and whose rating
9 at the time of purchase is in the highest rating category of two
10 nationally recognized independent rating agencies, provided, however,
11 that the amount of banker's acceptances of any one bank shall not exceed
12 two hundred fifty million dollars;

13 (e) obligations of any bank or corporation created under the laws of
14 either the United States or any state of the United States maturing
15 within two hundred seventy days, provided that such obligations receive
16 the highest rating of two nationally recognized independent rating agen-
17 cies and, provided further, that no more than two hundred fifty million
18 dollars may be invested in such obligations of any one bank or corpo-
19 ration;

20 (f) as to any such moneys held in reserve and sinking funds, other
21 securities in which the trustee or trustees of any public retirement
22 system or pension fund has the power to invest the monies thereof pursu-
23 ant to article four-A of the retirement and social security law, each
24 such reserve and sinking fund being treated as a separate fund for the
25 purposes of article four-A of the retirement and social security law;

26 (g) notes, bonds, debentures, mortgages and other evidences of indebt-
27 edness, issued or guaranteed at the time of the investment by the United
28 States Postal Service, the federal national mortgage association, the
29 federal home loan mortgage corporation, the student loan marketing asso-
30 ciation, the federal farm credit system, or any other United States
31 government sponsored agency, provided that at the time of the investment
32 such agency or its obligations are rated and the agency receives, or its
33 obligations receive, the highest rating of all independent rating agen-
34 cies that rate such agency or its obligations, provided, however, that
35 no more than two hundred fifty million dollars or such greater amount as
36 may be authorized for investment by the state comptroller pursuant to
37 section ninety-three of the state finance law may be invested in the
38 obligations of any one agency;

39 (h) general obligation bonds and notes of any state other than the
40 state, provided that such bonds and notes receive the highest rating of
41 at least one independent rating agency, and bonds and notes of any coun-
42 ty, town, city, village, fire district or school district of the state,
43 provided that such bonds and notes receive either of the two highest
44 ratings of at least two independent rating agencies;

45 (i) mutual funds registered with the United States securities and
46 exchange commission whose investments are limited to obligations of the
47 state described in paragraph (a) of this subdivision, obligations the
48 principal and interest of which are guaranteed by the state described in
49 paragraph (b) of this subdivision, and those securities described in
50 this paragraph and that have received the highest rating of at least one
51 independent rating agency, provided that the aggregate amount invested
52 at any one time in all such mutual funds shall not exceed ten million
53 dollars, and, provided further, that the authority shall not invest such
54 funds, accounts or other monies in any mutual fund for longer than thir-
55 ty days; and

1 (j) financial contracts in a foreign currency entered into for the
2 purpose of minimizing the foreign currency exchange risk of the purchase
3 price of a contract with a vendor chosen through competitive process for
4 the acquisition of capital assets for the benefit of the capital program
5 of the Triborough bridge and tunnel authority or the transit capital
6 program;

7 5. to make and alter by-laws for its organization and internal manage-
8 ment, and rules and regulations governing the exercise of its powers and
9 the fulfillment of its purposes under this title;

10 6. to enter into contracts and leases and to execute all instruments
11 necessary or convenient;

12 (a) with respect to any lease transaction entered into pursuant to
13 section 168(f)(8) of the United States Internal Revenue Code or any
14 successor provisions, the authority shall meet the following standards
15 and procedures:

16 (i) notice of intention to negotiate shall be published in at least
17 one newspaper of general circulation, and a copy thereof shall be mailed
18 to all parties who have requested notification from the authority to
19 engage in transactions of this type, and such notice shall describe the
20 nature of the proposed transaction and the factors subject to negoti-
21 ation, which shall include, but not be limited to, the price to be paid
22 to the authority;

23 (ii) the authority shall negotiate with those respondents whose
24 response complies with the requirements set forth in the notice;

25 (iii) the board of the authority shall resolve on the basis of parti-
26 cularized findings relevant to the factors negotiated that such trans-
27 action will provide maximum available financial benefits, consistent
28 with other defined objectives and requirements;

29 (b) the authority shall provide to the mayor, city council, and all
30 borough presidents of the boroughs in which the leased property is situ-
31 ated, notice of each lease entered into pursuant to paragraph (a) of
32 this subdivision and supporting documentation of compliance by the
33 authority with subparagraphs (i), (ii) and (iii) of paragraph (a) of
34 this subdivision;

35 (c) paragraphs (a) and (b) of this subdivision shall be of no force
36 and effect with respect to any lease transaction entered into pursuant
37 to a commitment approved prior the effective date of this section by the
38 board of the metropolitan transportation authority;

39 7. to acquire, hold, and dispose of real or personal property in the
40 exercise of its powers;

41 8. to appoint such officers and employees as it may require for the
42 performance of its duties, and to fix and determine their qualifica-
43 tions, duties, and compensation and to retain or employ counsel, audi-
44 tors, engineers, and private consultants on a contract basis or other-
45 wise for rendering professional or technical services and advice;

46 9. (a) notwithstanding section one hundred thirteen of the retirement
47 and social security law or any other general or special law, the author-
48 ity and any of its subsidiary corporations may continue or provide to
49 its affected officers and employees any retirement, disability, death or
50 other benefits provided or required for railroad personnel pursuant to
51 federal or state law;

52 (b) the authority and any of its public benefit subsidiary corpo-
53 rations may be a "participating employer" in the New York city employ-
54 ees' retirement system with respect to one or more classes of officers
55 and employees of such authority or any such public benefit subsidiary
56 corporation, as may be provided by resolution of such authority or any

1 such public benefit subsidiary corporation, as the case may be, or any
2 subsequent amendment thereof, filed with the comptroller and accepted by
3 such comptroller pursuant to section thirty-one of the retirement and
4 social security law. In taking any action pursuant to this paragraph,
5 the authority and any of its public benefit subsidiary corporations
6 shall consider the coverages and benefits continued or provided pursuant
7 to paragraph (a) of this subdivision;

8 10. to make plans, surveys, and studies necessary, convenient or
9 desirable to the effectuation of the purposes and powers of the authori-
10 ty and to prepare recommendations in regard thereto;

11 11. to enter upon such lands, waters or premises as in the judgment of
12 the authority as may be necessary, convenient or desirable for the
13 purpose of making surveys, soundings, borings and examinations to accom-
14 plish any purpose authorized by this title, the authority being liable
15 for actual damage done;

16 12. to conduct investigations and hearings in the furtherance of its
17 general purposes, and in aid thereof have access to any books, records
18 or papers relevant thereto; and if any person whose testimony shall be
19 required for the proper performance of the duties of the authority shall
20 fail or refuse to aid or assist the authority in the conduct of any
21 investigation or hearing, or to produce any relevant books, records or
22 other papers, the authority is authorized to apply for process of
23 subpoena, to issue out of any court of general original jurisdiction
24 whose process can reach such person, upon due cause shown;

25 13. a copy of any report submitted by the authority pursuant to
26 sections twenty-eight hundred, twenty-eight hundred one and twenty-eight
27 hundred two of this chapter shall be forwarded to the mayor and to the
28 speaker of the city council; and

29 14. to do all things necessary, convenient or desirable to carry out
30 its purposes and for the exercise of the powers granted in this title.

31 § 1349-f. Contracts. 1. (a) Except as otherwise provided in this
32 section, all purchase contracts for supplies, materials or equipment
33 involving an estimated expenditure in excess of one million dollars and
34 all contracts for public work involving an estimated expenditure in
35 excess of one million dollars shall be awarded by the authority to the
36 lowest responsible bidder after obtaining sealed bids in the manner
37 hereinafter set forth. For purposes hereof, contracts for public work
38 shall exclude contracts for personal, engineering and architectural, or
39 professional services. The authority may reject all bids and obtain new
40 bids in the manner provided by this section when it is deemed in the
41 public interest to do so or, in cases where two or more responsible
42 bidders submit identical bids which are the lowest bids, award the
43 contract to any of such bidders or obtain new bids from such bidders.
44 Nothing in this paragraph shall obligate the authority to seek new bids
45 after the rejection of bids or after cancellation of an invitation to
46 bid. Nothing in this section shall prohibit the evaluation of bids on
47 the basis of costs or savings including life cycle costs of the item to
48 be purchased, discounts, and inspection services so long as the invita-
49 tion to bid reasonably sets forth the criteria to be used in evaluating
50 such costs or savings. Life cycle costs may include but shall not be
51 limited to costs or savings associated with installation, energy use,
52 maintenance, operation and salvage or disposal.

53 (b) Section twenty-eight hundred seventy-nine of this chapter shall
54 apply to the authority's acquisition of goods or services of any kind,
55 in the actual or estimated amount of fifteen thousand dollars or more,
56 provided:

1 (i) that a contract for services in the actual or estimated amount of
2 one million dollars or less shall not require approval by the board of
3 the authority regardless of the length of the period over which the
4 services are rendered, and provided further that a contract for services
5 in the actual or estimated amount of one million dollars or more shall
6 require approval by the board of the authority regardless of the length
7 of the period over which the services are rendered unless such a
8 contract is awarded to the lowest responsible bidder after obtaining
9 sealed bids; and

10 (ii) the board of the authority may by resolution adopt guidelines
11 that authorize the award of contracts to small business concerns, to
12 service disabled veteran owned businesses certified pursuant to article
13 seventeen-B of the executive law, or minority or women-owned business
14 enterprises certified pursuant to article fifteen-A of the executive
15 law, or purchases of goods or technology that are recycled or remanufac-
16 tured, in an amount not to exceed one million dollars without a formal
17 competitive process and without further board approval. The board of the
18 authority shall adopt guidelines which shall be made publicly available
19 for the awarding of such contract without a formal competitive process.

20 2. (a) Advertisement for bids, when required by this section, shall be
21 published at least once in a newspaper of general circulation in the
22 area served by the authority and in the procurement opportunities news-
23 letter published pursuant to article four-C of the economic development
24 law provided that, notwithstanding the provisions of such article, an
25 advertisement shall only be required for a purchase contract for
26 supplies, materials or equipment when required by this section. Publi-
27 cation in a newspaper of general circulation in the area served or in
28 the procurement opportunities newsletter shall not be required if bids
29 for contracts for supplies, materials or equipment are of a type regu-
30 larly purchased by the authority and are to be solicited from a list of
31 potential suppliers, if such list is or has been developed consistent
32 with the provisions of subdivision six of this section. Any such adver-
33 tisement shall contain a statement of:

34 (i) the time and place where bids received pursuant to any notice
35 requesting sealed bids will be publicly opened and read;

36 (ii) the name of the contracting agency;

37 (iii) the contract identification number;

38 (iv) a brief description of the public work, supplies, materials, or
39 equipment sought, the location where work is to be performed, goods are
40 to be delivered or services provided and the contract term;

41 (v) the address where bids or proposals are to be submitted;

42 (vi) the date when bids or proposals are due;

43 (vii) a description of any eligibility or qualification requirement or
44 preference;

45 (viii) a statement as to whether the contract requirements may be
46 fulfilled by a subcontracting, joint venture, or co-production arrange-
47 ment;

48 (ix) any other information deemed useful to potential contractors; and

49 (x) the name, address, and telephone number of the person to be
50 contacted for additional information. At least fifteen business days
51 shall elapse between the first publication of such advertisement or the
52 solicitation of bids, as the case may be, and the date of opening and
53 reading of bids.

54 (b) The authority may designate any officer or employee to open the
55 bids at the time and place bids are to be opened and may designate an
56 officer to award the contract to the lowest responsible bidder. Such

1 designee shall make a record of all bids in such form and detail as the
2 authority shall prescribe. All bids received shall be publicly opened
3 and read at the time and place specified in the advertisement or at the
4 time of solicitation, or to which the opening and reading have been
5 adjourned by the authority. All bidders shall be notified of the time
6 and place of any such adjournment.

7 3. Notwithstanding the foregoing, the authority may, by resolution
8 approved by a two-thirds vote, or by a majority vote with respect to
9 contracts proposed to be let pursuant to paragraph (a) of this subdivi-
10 sion, declare that competitive bidding is impractical or inappropriate
11 because of the existence of any of the circumstances hereinafter set
12 forth and thereafter the authority may proceed to award contracts with-
13 out complying with the requirements of subdivision one or two of this
14 section. In each case where the authority declares competitive bidding
15 impractical or inappropriate, it shall state the reason therefor in
16 writing and summarize any negotiations that have been conducted. Except
17 for contracts awarded pursuant to paragraphs (a), (b), (c) and (e) of
18 this subdivision, the authority shall not award any contract pursuant to
19 this subdivision earlier than thirty days from the date on which the
20 authority declares that competitive bidding is impractical or inappro-
21 prate. Competitive bidding may only be declared impractical or inappro-
22 prate where:

23 (a) the existence of an emergency involving danger to life, safety or
24 property requires immediate action and cannot await competitive bidding
25 or the item to be purchased is essential to efficient operation or the
26 adequate provision of service and as a consequence of an unforeseen
27 circumstance such purchase cannot await competitive bidding;

28 (b) the item to be purchased is available only from a single responsi-
29 ble source, provided that if bids have not been solicited for such item
30 pursuant to subdivision one of this section within the preceding twelve
31 months public notice shall first be given pursuant to subdivision four
32 of this section;

33 (c) the authority receives no responsive bids or only a single respon-
34 sive bid in response to an invitation for competitive bids;

35 (d) the authority wishes to experiment with or test a product or tech-
36 nology or new source for such product or technology or evaluate the
37 service or reliability of such product or technology;

38 (e) the item is available through an existing contract between a
39 vendor and: (i) another public authority provided that such other
40 authority utilized a process of competitive bidding or a process of
41 competitive requests for proposals to award such contracts; (ii) Nassau
42 county; (iii) the state of New York; or (iv) the city of New York,
43 provided that in any case when under this paragraph the authority deter-
44 mines that obtaining such item thereby would be in the public interest
45 and sets forth the reasons for such determination. The authority shall
46 accept sole responsibility for any payment due the vendor as a result of
47 the authority's order;

48 (f) the authority determines that it is in the public interest to
49 award contracts pursuant to a process for competitive requests for
50 proposals as hereinafter set forth. For purposes of this section, a
51 process for competitive requests for proposals shall mean a method of
52 soliciting proposals and awarding a contract on the basis of a formal
53 evaluation of the characteristics, such as quality, cost, delivery sche-
54 dule and financing of such proposals against stated selection criteria.
55 Public notice of the requests for proposals shall be given in the same
56 manner as provided in subdivision four of this section and shall include

1 the selection criteria. In the event the authority makes a material
2 change in the selection criteria from those previously stated in the
3 notice, it will inform all proposers of such change and permit proposers
4 to modify their proposals;

5 (i) except for a contract with a value of one hundred million dollars
6 or less that is awarded pursuant to this paragraph to the proposer whose
7 proposal is the lowest cost, the authority may award a contract pursuant
8 to this paragraph only after a resolution approved by a two-thirds vote
9 of the board at a public meeting of the authority with such resolution:
10 (A) disclosing the other proposers and the substance of their proposals;
11 (B) summarizing the negotiation process including the opportunities, if
12 any, available to proposers to present and modify their proposals; and
13 (C) setting forth the criteria upon which the selection was made
14 provided however that for purposes of this subparagraph the board may,
15 at its discretion, require such a resolution be approved for contracts
16 with a value of one hundred million dollars or less;

17 (ii) nothing in this paragraph shall require or preclude (A) negoti-
18 ations with any proposers following the receipt of responses to the
19 request for proposals, or (B) the rejection of any or all proposals at
20 any time. Upon the rejection of all proposals, the authority may solicit
21 new proposals or bids in any manner prescribed in this section;

22 (g) the authority issues a competitive request for proposals pursuant
23 to the procedures of paragraph (f) of this subdivision for the purchase
24 or rehabilitation of rail cars and omnibuses. Any such request may
25 include among the stated selection criteria the performance of all or a
26 portion of the contract at sites within the state of New York or the use
27 of goods produced or services provided within the state of New York,
28 provided however that in no event shall the authority award a contract
29 to a manufacturer whose final offer, as expressed in unit cost is more
30 than ten percent higher than the unit cost of any qualified competing
31 final offer, if the sole basis for such award is that the higher priced
32 offer includes a more favorable provision for the performance of the
33 contract within the state of New York or the use of goods produced or
34 services provided within the state of New York, and further provided
35 that the authority's discretion to award a contract to any manufacturer
36 shall not be so limited if a basis for such award, as determined by the
37 authority, is superior financing, delivery schedule, life cycle, reli-
38 ability, or any other factor the authority deems relevant to its oper-
39 ations;

40 (i) except for a contract with a value of one hundred million dollars
41 or less that is awarded pursuant to this paragraph to the proposer whose
42 proposal is the lowest cost, the authority may award a contract pursuant
43 to this paragraph only after a resolution approved by a vote of not less
44 than a two-thirds vote of its members then in office at a public meeting
45 of the authority with such resolution: (A) disclosing the other propo-
46 sers and the substance of their proposals; (B) summarizing the negoti-
47 ation process including the opportunities, if any, available to propo-
48 sers to present and modify their proposals; and (C) setting forth the
49 criteria upon which the selection was made provided however that for
50 purposes of this subparagraph the board may, at its discretion, require
51 such a resolution be approved for contracts with a value of one hundred
52 million dollars or less;

53 (ii) nothing in this paragraph shall require or preclude: (A) negoti-
54 ations with any proposers following the receipt of responses to the
55 request for proposals; or (B) the rejection of any or all proposals at

1 any time. Upon the rejection of all proposals, the authority may solicit
2 new proposals or bids in any manner prescribed in this section.

3 4. Upon the adoption of a resolution by the authority stating, for
4 reasons of efficiency, economy, compatibility or maintenance reliabil-
5 ity, that there is a need for standardization, the authority may estab-
6 lish procedures whereby particular supplies, materials or equipment are
7 identified on a qualified products list. Such procedures shall provide
8 for products or vendors to be added to or deleted from such list and
9 shall include provisions for public advertisement of the manner in which
10 such lists are compiled. The authority shall review such list no less
11 than twice a year for the purpose of making such modifications.
12 Contracts for particular supplies, materials or equipment identified on
13 a qualified products list may be awarded by the authority to the lowest
14 responsible bidder after obtaining sealed bids in accordance with this
15 section or without competitive sealed bids in instances when the item is
16 available from only a single source, except that the authority may
17 dispense with advertising provided that it mails copies of the invita-
18 tion to bid to all vendors of the particular item on the qualified
19 products list.

20 5. The authority shall compile a list of potential sources of
21 supplies, materials or equipment regularly purchased. The authority
22 shall, by resolution, set forth the procedures it has established to
23 identify new sources and to notify such new sources of the opportunity
24 to bid for contracts for the purchase of supplies, materials or equip-
25 ment. Such procedures shall include, but not be limited to:

26 (a) advertising in trade journals;

27 (b) cooperation with federal, state and local agencies within its area
28 of operations;

29 (c) publication in the state register quarterly; and

30 (d) procedures established pursuant to subdivision thirteen of section
31 thirteen hundred forty-nine-j of this title.

32 6. The provisions of this section shall not supersede any other
33 provisions of law relative to purchases of products or devices manufac-
34 tured or provided by the blind or other severely handicapped persons, to
35 the invitation and acceptance of bids from small or minority business
36 enterprises or to the purchases of supplies, materials or equipment
37 through the office of general services. Except as may otherwise be
38 provided by law or as more restrictively defined in the official policy
39 or bid specifications of the authority, as used in this section the term
40 "small business" means a small business or similar term, under federal
41 regulations applicable to projects of the authority which are federally
42 assisted.

43 7. Notwithstanding any other provisions in this section, the authority
44 shall be allowed to use an electronic bidding system for the purchase of
45 goods, materials, and commodities that may inform bidders whether their
46 bid is the current low bid, and allow bidders to submit new bids before
47 the date and time assigned for the opening of bids. Such procedure shall
48 not constitute disclosure of bids in violation of section twenty-eight
49 hundred seventy-eight of this chapter.

50 8. The provisions of this section shall not apply to any procurement
51 made by any other public entity not otherwise required by law to award
52 contracts for such purchases to the lowest responsible bidder if such
53 purchases are made at the sole cost and expense of such entity.

54 9. (a) Whenever the comptroller pursuant to section twenty-eight
55 hundred seventy-nine-a of this chapter intends to require supervision in
56 the form of prior review and approval of a contract or contract amend-

1 ment to be awarded by the authority pursuant to this section, then such
2 contract or contract amendment shall be submitted to the comptroller by
3 the authority for approval and shall not be a valid enforceable contract
4 unless it shall first have been approved by the comptroller but only if
5 the comptroller has notified the authority of such determination within
6 thirty days of having received written notice of such contract or
7 contract amendment either in the authority's annual report or any
8 revised report;

9 (b) If the comptroller has timely notified the authority as provided
10 in paragraph (a) of this subdivision that any contract or contract
11 amendment shall be subject to comptroller prior review and approval, and
12 such contract or contract amendment has been submitted to the comp-
13 troller, it shall become valid and enforceable without such approval if
14 the comptroller has not approved or disapproved it within thirty days of
15 submission to the comptroller.

16 10. The award of construction contracts by the authority shall not be
17 subject to the provisions of section one hundred one of the general
18 municipal law.

19 § 1349-g. Big apple transit authority small business mentoring
20 program. 1. As used in this section, unless the context requires other-
21 wise:

22 (a) "Small business" means a business in the construction trades which
23 (i) is independently owned and operated; (ii) has annual revenues not
24 exceeding a fiscal limitation of five million dollars or such lesser
25 amount as established by the authority pursuant to these provisions; and
26 (iii) meets additional criteria as otherwise established by the chair-
27 person in consultation with the members of the big apple transit author-
28 ity small business mentoring program advisory committee. The chair of
29 the committee shall be the chief diversity officer of the authority. The
30 authority shall establish a detailed definition in general and specific
31 to different segments of the construction industry to the extent neces-
32 sary to reflect differing characteristics of such segments based on the
33 criteria used by the United States small business administration for
34 loans to small businesses as set forth in sections 121.301, 121.302,
35 121.303, 121.304, and 121.305, or for awarding government procurements
36 as set forth in sections 121.401, 121.402, 121.403, 121.404, 121.405,
37 121.406, 121.407, 121.408, 121.409, 121.410, 121.411, 121.412, and
38 121.413 of subpart A of part 121 of chapter I of title 13 of the Code of
39 Federal Regulations as amended, and such other criteria as determined by
40 the authority;

41 (b) "Small business mentoring program" means a program established by
42 the authority pursuant to these provisions to provide small businesses
43 accepted into the program with the opportunity:

44 (i) for up to four years, to compete for and, where awarded, to
45 perform certain authority public work contracts to be designated by the
46 authority for inclusion in this program under this subparagraph, with
47 the assistance of an authority-provided mentor, which shall be a firm
48 competitively selected by the authority that has extensive construction
49 management and mentoring experience, with the mentor to provide the
50 small business with advice and assistance in competing for and managing
51 authority public work contracts; and

52 (ii) for a small business mentoring program participant which the
53 authority has determined has successfully completed the program under
54 subparagraph (i) of this paragraph, for up to four additional years, (A)
55 additional opportunities to compete with other designated small busi-
56 nesses in the program for certain public work contracts to be designated

1 for inclusion under this subparagraph and, where awarded, to perform
2 such authority public work contracts, with the further assistance of an
3 authority-provided mentor, which shall be a firm competitively selected
4 by the authority that has extensive construction management and mentor-
5 ing experience, with the mentor to provide the small business with
6 advice and technical assistance in competing for and managing authority
7 public work contracts, and (B) authority-provided assistance, as deter-
8 mined by the authority, for such a small business to obtain bonding for
9 public work contracts that are competitively awarded pursuant to
10 provisions of law other than this section.

11 (c) "Small business mentoring program contract" means a non-federally
12 funded authority public work contract designated by the authority, in an
13 estimated amount of not more than one million dollars for contracts
14 under subparagraph (i) of paragraph (b) of this subdivision and three
15 million dollars for contracts under subparagraph (ii) of paragraph (b)
16 of this subdivision, for which bids or proposals are to be invited and
17 accepted only from businesses that are enrolled in the small business
18 mentoring program and have been selected by the authority to compete for
19 the contract.

20 2. (a) The authority may establish a small business mentoring program.
21 In connection therewith, the authority may determine the criteria pursu-
22 ant to which a small business shall be eligible for and selected to
23 participate in the program under subparagraphs (i) and (ii) of paragraph
24 (b) of subdivision one of this section, the number of participants to
25 participate in each of such components of the program, the criteria for
26 the competitive selection of the firms that will provide small busi-
27 nesses with mentoring services, the assignment of a mentor to a specific
28 small business in the small business mentoring program, and the funding
29 for the program.

30 (b) Under the small business mentoring program, the chairperson or the
31 chairperson's designee is authorized, notwithstanding any other
32 provision of law:

33 (i) to designate which eligible public work contracts shall be small
34 business mentoring program contracts under subparagraphs (i) and (ii) of
35 paragraph (b) of subdivision one of this section, respectively;

36 (ii) to establish standards for qualifying small business mentoring
37 program participants to compete for a small business mentoring program
38 contract, provided that no less than three qualified small businesses in
39 the program must submit responsive offers to perform the contract;

40 (iii) to determine when bids or proposals for a small business mentor-
41 ing program contract should be restricted to small business mentoring
42 program participants which, prior to the receipt of bids or proposals,
43 have been qualified by the authority for such competition;

44 (iv) to competitively select, designate and contract with one or more
45 experienced construction management firms that, under the general super-
46 vision of the authority, will provide mentoring services to the small
47 businesses participating in the small business mentoring program, and to
48 assign such mentors one or more designated small businesses participat-
49 ing in the program;

50 (v) for small business mentoring program contracts, except as set
51 forth herein, to waive requirements for the solicitation and award of a
52 public work contract pursuant to sections twelve hundred nine, thirteen
53 hundred forty-nine-f and twenty-eight hundred seventy-nine of this chap-
54 ter and any other provision of law;

55 (vi) to assist only small business mentoring program participants that
56 have been awarded small business mentoring program contracts to obtain

1 any surety bond or contract of insurance required of them in connection
2 with such contract only notwithstanding any provision of section two
3 thousand five hundred four of the insurance law to the contrary; and

4 (vii) for small businesses that have been accepted into the small
5 business mentoring program under subparagraph (ii) of paragraph (b) of
6 subdivision one of this section, in addition to the benefits of such
7 program and notwithstanding any other provision of law, to provide tech-
8 nical assistance in obtaining bids, payment and performance bonding for
9 authority public work contracts that are not small business mentoring
10 program contracts, for which the small business is otherwise qualified.

11 3. (a) If the total number of qualified small business mentoring
12 program participants that respond to a competition and are considered
13 capable of meeting the specifications and terms of the invitation to
14 compete is less than three, or if the chairperson or the chairperson's
15 designee determines that acceptance of the best offer will result in the
16 payment of an unreasonable price, the authority may reject all offers
17 and withdraw the designation of the contract as a small business mentor-
18 ing program contract.

19 (b) If the authority withdraws the designation of contract as a small
20 business mentoring program contract, the firms, if any, that made offers
21 shall be notified. Invitations to compete containing the same or rewrit-
22 ten specifications and terms shall then be re-issued as a small business
23 mentoring program contract for one or more additional contract period.

24 4. A mentor shall provide services and assistance to a small business
25 as designated by the authority, which may include the following:

26 (a) provide business training in the skills necessary to operate a
27 successful construction business and to compete for and perform a public
28 work contract;

29 (b) provide technical assistance to the small business to assess the
30 outcome if the small business competes for but is not awarded a
31 contract;

32 (c) if the small business mentoring program contract is awarded to the
33 small business, provide guidance, advice and technical assistance to the
34 small business in the performance of the contract; and

35 (d) provide other technical assistance to the small business to facil-
36 itate learning, training and other issues which may arise.

37 5. The authority may delegate to the chairperson or the chairperson's
38 designee, the authority's responsibilities set forth in this title.

39 6. The small business mentoring program contracts authorized by this
40 legislation shall, for the initial year of the program, be in an aggre-
41 gate amount of not less than ten million dollars, and shall not exceed
42 one hundred million dollars, with the maximum amount in future years to
43 be set by the chairperson.

44 § 1349-h. Special powers of the authority. In order to effectuate the
45 purposes of this title:

46 1. The authority may acquire, by purchase, gift, grant, transfer,
47 contract or lease, any transportation facility, wholly or partially
48 within the city, or any part thereof, or the use thereof, and may enter
49 into any joint service arrangements as hereinafter provided. Any such
50 acquisition or joint service arrangement shall be authorized only by
51 resolution of the authority approved by not less than a majority vote.

52 2. The authority may on such terms and conditions as the authority may
53 determine necessary, convenient or desirable itself plan, design,
54 acquire, establish, construct, effectuate, operate, maintain, renovate,
55 improve, extend, rehabilitate or repair any transportation facility, or
56 may provide for such planning, design, acquisition, establishment,

1 construction, effectuation, operation, maintenance, renovation, improve-
2 ment, extension, rehabilitation or repair by contract, lease or other
3 arrangement on such terms as the authority may deem necessary, conven-
4 ient or desirable with any person, including but not limited to any
5 common carrier or freight forwarder, the state, any state agency, the
6 federal government, any other state or agency or instrumentality there-
7 of, any public authority of this or any other state, the port of New
8 York authority or any political subdivision or municipality of the
9 state. In connection with the operation of any transportation facility,
10 the authority may plan, design, acquire, establish, construct, effectuate,
11 operate, maintain, renovate, improve, extend or repair or may
12 provide by contract, lease or other arrangement for the planning,
13 design, acquisition, establishment, construction, effectuation, opera-
14 tion, maintenance, renovation, improvement, extension or repair of any
15 related services and activities it deems necessary, convenient or desir-
16 able, including but not limited to the transportation and storage of
17 freight and the United States mail, feeder and connecting transporta-
18 tion, parking areas, transportation centers, stations and related facil-
19 ities.

20 3. (a) Except as directed in paragraph (c) of this subdivision, the
21 authority shall establish, levy and collect or cause to be established,
22 levied and collected and, in the case of a joint service arrangement,
23 join with others in the establishment, levy and collection of such
24 fares, tolls, rentals, rates, charges and other fees necessary for the
25 use and operation of any transportation facility and related services
26 operated by the authority or by a subsidiary corporation of the authori-
27 ty or under contract, lease or other arrangement, including joint
28 service arrangements, with the authority. Any such fares, tolls,
29 rentals, rates, charges or other fees for the transportation of passen-
30 gers shall be established and changed only if approved by resolution of
31 the authority adopted by not less than a majority vote and only after a
32 public hearing, provided however, that fares, tolls, rentals, rates,
33 charges or other fees for the transportation of passengers on any trans-
34 portation facility which are in effect at the time that the then owner
35 of such transportation facility becomes a subsidiary corporation of the
36 authority or at the time that operation of such transportation facility
37 is commenced by the authority or is commenced under contract, lease or
38 other arrangement, including joint service arrangements, with the
39 authority may be continued in effect without such a hearing. Such fares,
40 tolls, rentals, rates, charges and other fees shall be established as
41 may in the judgment of the authority be necessary to maintain the
42 combined operations of the authority and its subsidiary corporations on
43 a self-sustaining basis and to ensure that the operations of the author-
44 ity are such that, at the end of the fiscal year, the results thereof
45 shall not show a deficit when reported in accordance with generally
46 accepted accounting principles unless such deficit is offset by funds
47 withdrawn from reserves therefor. The said operations shall be deemed to
48 be on a self-sustaining basis as required by this title, when the
49 authority is able to pay or cause to be paid from revenue and any other
50 funds or property actually available to the authority and its subsidiary
51 corporations (i) as the same shall become due, the principal of and
52 interest on the bonds and notes and other obligations of the authority
53 and its subsidiaries, and the metropolitan transportation authority,
54 together with the maintenance of proper reserves therefor, (ii) the cost
55 and expense of keeping the properties and assets of the authority and
56 its subsidiary corporations in good condition and repair, and (iii) the

1 capital and operating expenses of the authority and its subsidiary
2 corporations. The authority may contract with the holders of bonds and
3 notes with respect to the exercise of the powers authorized by this
4 section. No acts or activities taken or proposed to be taken by the
5 authority or any subsidiary of the authority pursuant to the provisions
6 of this subdivision shall be deemed to be "actions" for the purposes or
7 within the meaning of article eight of the environmental conservation
8 law.

9 (b) All fares, tolls, rentals, rates, charges, and other fees estab-
10 lished, levied, and collected or caused to be established, levied, and
11 collected by the authority and its affiliates, shall first be trans-
12 ferred to the metropolitan transportation authority in order to maintain
13 the metropolitan transportation authority on a self-sustaining basis
14 unless already pledged to secure, and necessary to satisfy the debt
15 service or reserve requirements of, bonds, notes or other obligations of
16 the New York city transit authority or the Triborough bridge and tunnel
17 authority prior to January first, two thousand twenty-one.

18 (c) In the event that the monthly revenues of the metropolitan trans-
19 portation authority fall below one hundred twenty-five percent of the
20 amount necessary to maintain the operations of the metropolitan trans-
21 portation authority on a self-sustaining basis, as defined by section
22 twelve hundred sixty-six of this article, the authority shall, at the
23 direction of the metropolitan transportation authority, establish, levy
24 and collect or cause to be established, levied and collected, in the
25 case of a joint service arrangement, and join with others in the estab-
26 lishment, levy and collection of such fares, tolls, rentals, rates,
27 charges and other fees as the metropolitan transportation authority may
28 deem necessary, convenient or desirable for the use and operation of any
29 transportation facility and related services operated by the authority
30 or by a subsidiary corporation of the authority or under contract, lease
31 or other arrangement, including joint service arrangements, with the
32 authority, until such time that monthly revenues of the metropolitan
33 transportation authority has exceeded, for three consecutive months, two
34 hundred percent of the amount necessary to maintain the monthly oper-
35 ations of the metropolitan transportation authority on a self-sustaining
36 basis.

37 4. In furtherance of the authority's mandate to develop and implement
38 a unified mass transportation policy for the city and the exercise of
39 its powers, including the power to issue notes, bonds and other obli-
40 gations secured in whole or in part by the revenues of the authority and
41 its subsidiaries, and New York city transit authority and its subsid-
42 aries, the authority shall join with the New York city transit authori-
43 ty and its subsidiaries in connection with any change in the establish-
44 ment, levy and collection of fares, tolls, rentals, rates, charges and
45 other fees for the transportation of passengers on any transportation
46 facilities operated by New York city transit authority and its subsid-
47 aries. Such fares, tolls, rentals, charges and other fees on transit
48 facilities shall be established in accordance with the requirements of
49 sections twelve hundred five and twelve hundred seven-i of this article.

50 5. The authority may establish and, in the case of joint service
51 arrangements, join with others in the establishment of such schedules
52 and standards of operations and such other rules and regulations includ-
53 ing but not limited to rules and regulations governing the conduct and
54 safety of the public as it may deem necessary, convenient or desirable
55 for the use and operation of any transportation facility and related
56 services operated by the authority or under contract, lease or other

1 arrangement, including joint service arrangements, with the authority.
2 In the case of any conflict between any such rule or regulation of the
3 authority governing the conduct or the safety of the public and any
4 local law, ordinance, rule or regulation, such rule or regulation of the
5 authority shall prevail. Violation of any such rule or regulation of
6 the authority governing the conduct or the safety of the public in or
7 upon any facility of the authority shall constitute an offense and shall
8 be punishable by a fine not exceeding fifty dollars or imprisonment for
9 not more than thirty days or both or may be punishable by the imposition
10 of a civil penalty by the transit adjudication bureau established pursu-
11 ant to the provisions of title nine of this article.

12 6. The authority may acquire, hold, own, lease, establish, construct,
13 effectuate, operate, maintain, renovate, improve, extend or repair any
14 transportation facilities through, and cause any one or more of its
15 powers, duties, functions or activities to be exercised or performed by,
16 one or more wholly owned subsidiary corporations of the authority, or by
17 New York city transit authority or any of its subsidiary corporations in
18 the case of transit facilities and may transfer to or from any such
19 corporations any moneys, real property or other property for any of the
20 purposes of this title upon such terms and conditions as shall be agreed
21 to and subject to such payment or repayment obligations as are required
22 by law or by any agreement to which any of the affected entities is
23 subject. The directors or members of each such subsidiary corporation of
24 the authority corporation shall be the same persons holding the offices
25 of members of the authority. The chairperson of the board of each such
26 subsidiary shall be the chairperson of the authority, serving ex officio
27 and, provided that there is an executive director of the big apple tran-
28 sit authority, the executive director of such subsidiary shall be the
29 executive director of the big apple transit authority, serving ex offi-
30 cio. Notwithstanding any provision of law to the contrary, the chair-
31 person shall be the chief executive officer of each such subsidiary and
32 shall be responsible for the discharge of the executive and administra-
33 tive functions and powers of each such subsidiary. The chairperson and
34 executive director, if any, shall be empowered to delegate his or her
35 functions and powers to one or more officers or employees of each such
36 subsidiary designated by him or her. Each such subsidiary corporation of
37 the authority and any of its property, functions and activities shall
38 have all of the privileges, immunities, tax exemptions and other
39 exemptions of the authority and of the authority's property, functions
40 and activities. Each such subsidiary corporation shall be subject to the
41 restrictions and limitations to which the authority may be subject. Each
42 such subsidiary corporation of the authority shall be subject to suit in
43 accordance with section thirteen hundred forty-nine-mm of this title.
44 The employees of any such subsidiary corporation, except those who are
45 also employees of the authority, shall not be deemed employees of the
46 authority.

47 7. If the authority shall determine that one or more of its subsidiary
48 corporations should be in the form of a public benefit corporation, it
49 shall create each such public benefit corporation by executing and
50 filing with the secretary of state a certificate of incorporation, which
51 may be amended from time to time by filing, which shall set forth the
52 name of such public benefit subsidiary corporation, its duration, the
53 location of its principal office, and any or all of the purposes of
54 acquiring, owning, leasing, establishing, constructing, effectuating,
55 operating, maintaining, renovating, improving, extending or repairing
56 one or more facilities of the authority. Each such public benefit

1 subsidiary corporation shall be a body politic and corporate and shall
2 have all those powers vested in the authority by the provisions of this
3 title which the authority shall determine to include in its certificate
4 of incorporation except the power to contract indebtedness.

5 8. Whenever any state, political subdivision, municipality, commis-
6 sion, agency, officer, department, board, division or person is author-
7 ized and empowered for any of the purposes of this title to co-operate
8 and enter into agreements with the authority such state, political
9 subdivision, municipality, commission, agency, officer, department,
10 board, division or person shall have the same authorization and power
11 for any of such purposes to co-operate and enter into agreements with a
12 subsidiary corporation of the authority.

13 9. Each of the authority and its subsidiaries, and the New York city
14 transit authority and its subsidiaries, in its own name or in the name
15 of the city, may apply for and receive and accept grants of property,
16 money and services and other assistance offered or made available to it
17 by any person, government or agency, which it may use to meet capital or
18 operating expenses and for any other use within the scope of its powers,
19 and to negotiate for the same upon such terms and conditions as the
20 respective authority may determine to be necessary, convenient or desir-
21 able.

22 10. Subject to the rights of the holders of any outstanding bonds,
23 notes or other obligations of the authority, New York city transit
24 authority and Triborough bridge and tunnel authority, and to facilitate
25 the efficient financial management of the authority, its subsidiary
26 corporations, New York city transit authority and its subsidiary corpo-
27 rations, and Triborough bridge and tunnel authority (the "affiliated
28 entities"), the authority may, and may permit and direct any affiliated
29 entity to, transfer revenues, subsidies and other monies or securities
30 to one or more funds or accounts of another affiliated entity for use by
31 such other affiliated entity, provided at the time of such transfer it
32 is reasonably anticipated that the monies and securities so transferred
33 will be reimbursed, repaid or otherwise provided for by the end of the
34 next succeeding calendar year if reimbursement or repayment is required
35 by law or by any agreement to which any of the affected affiliated enti-
36 ties is subject. Any revenues of an affiliated entity that are trans-
37 ferred to another affiliated entity, which transfer was not authorized
38 by a provision of law other than this subdivision, shall be considered
39 to be required to be repaid to the affiliated entity which was the
40 source of such revenues by the end of the next succeeding calendar year
41 following such transfer.

42 11. The authority may lease railroad cars for use in its passenger
43 service pursuant to the provisions of chapter six hundred thirty-eight
44 of the laws of nineteen hundred fifty-nine.

45 12. The authority may do all things it deems necessary, convenient or
46 desirable to manage, control and direct the maintenance and operation of
47 transportation facilities, equipment or real property operated by or
48 under contract, lease or other arrangement with the authority and its
49 subsidiaries, and New York city transit authority and its subsidiaries.
50 Except as hereinafter specially provided, no municipality or political
51 subdivision other than the city of New York, including but not limited
52 to a county, city, village, town or school or other district shall have
53 jurisdiction over any facilities of the authority and its subsidiaries,
54 and New York city transit authority and its subsidiaries, or any of
55 their activities or operations. The local laws, resolutions, ordinances,
56 rules and regulations of a municipality or political subdivision, here-

1 tofore or hereafter adopted, conflicting with this title or any rule or
2 regulation of the authority or its subsidiaries, or New York city trans-
3 it authority or its subsidiaries, shall not be applicable to the activ-
4 ities or operations of the authority and its subsidiaries, and New York
5 city transit authority, or the facilities of the authority and its
6 subsidiaries, and New York city transit authority and its subsidiaries,
7 except such facilities that are devoted to purposes other than transpor-
8 tation or transit purposes. Each municipality or political subdivision,
9 including but not limited to a county, city, village, town or district
10 in which any facilities of the authority or its subsidiaries, or New
11 York city transit authority or its subsidiaries are located shall
12 provide for such facilities police, fire and health protection services
13 of the same character and to the same extent as those provided for resi-
14 dents of such municipality or political subdivision.

15 13. The jurisdiction, supervision, powers and duties of the department
16 of transportation of the state under the transportation law shall not
17 extend to the authority in the exercise of any of its powers under this
18 title. The authority may agree with such department for the execution by
19 such department of any grade crossing elimination project or any grade
20 crossing separation reconstruction project along any railroad facility
21 operated by the authority or by one of its subsidiary corporations or
22 under contract, lease or other arrangement with the authority. Any such
23 project shall be executed as provided in article ten of the transporta-
24 tion law and the railroad law, respectively, and the costs of any such
25 project shall be borne as provided in such laws, except that the author-
26 ity's share of such costs shall be borne by the state.

27 14. Notwithstanding the provisions of any other law, general, special
28 or local, or of any agreement entered into in pursuance thereof, relat-
29 ing to the repayment of any loan or advance made by the city or the
30 state to the authority or to the New York city transit authority,
31 neither the authority nor the New York city transit authority shall be
32 required to repay any such loan or advance heretofore made from or by
33 reason of the issuance of bonds or notes of either of them or from the
34 proceeds realized upon such issuance or from any other funds received by
35 either of them from any source whatever in aid or assistance of the
36 project or projects for the financing of which such bonds or notes are
37 issued.

38 15. No project to be constructed upon real property theretofore used
39 for a transportation purpose, or on an insubstantial addition to such
40 property contiguous thereto, which will not change in a material respect
41 the general character of such prior transportation use, nor any acts or
42 activities in connection with such project, shall be subject to the
43 provisions of article eight, nineteen, twenty-four, or twenty-five of
44 the environmental conservation law, or to any local law or ordinance
45 adopted pursuant to any such article. Nor shall any acts or activities
46 taken or proposed to be taken by the authority or by any other person or
47 entity, public or private, in connection with the planning, design,
48 acquisition, improvement, construction, reconstruction or rehabilitation
49 of a transportation facility, other than a marine or aviation facility,
50 be subject to the provisions of article eight of the environmental
51 conservation law, or to any local law or ordinance adopted pursuant to
52 any such article if such acts or activities require the preparation of a
53 statement under or pursuant to any federal law or regulation as to the
54 environmental impact thereof.

55 16. The authority may, upon suitable notice to and an offer to consult
56 with an officer designated by the city of New York, occupy the streets

1 of the city of New York for the purpose of doing any work over or under
2 the same in connection with the improvement, construction, recon-
3 struction or rehabilitation of a transportation facility without the
4 consent of or payment to such city.

5 17. The authority and each of its subsidiary corporations shall place
6 on each transformer and substation which contains polychlorinated biphe-
7 nyls a symbol so indicating the presence of polychlorinated biphenyls.
8 Use of a polychlorinated biphenyl mark illustrated in the rules and
9 regulations promulgated pursuant to the federal Toxic Substances Control
10 Act shall constitute compliance with the provisions of this subdivision.

11 18. (a) Notwithstanding any other provisions of law or the terms of
12 any contract, the authority shall establish and implement a no fare
13 program for transportation for individuals serving as personal care
14 attendants accompanying an Americans with Disabilities Act paratransit
15 eligible individual.

16 (b) In order to be eligible for such no fare program the personal care
17 attendant must show his or her community based personal care attendant
18 agency issued identification card.

19 (c) In order to be considered accompanying an Americans with Disabili-
20 ties Act paratransit eligible individual the personal care attendant
21 shall have the same origin and destination as such paratransit eligible
22 individual.

23 19. Notwithstanding any other provision of law, the authority and any
24 of its subsidiary corporations shall establish and implement a half fare
25 rate program for persons with serious mental illness who are eligible to
26 receive supplemental security income benefits as defined pursuant to
27 title sixteen of the federal Social Security Act and section two hundred
28 nine of the social services law.

29 20. The authority shall conduct a campaign of public outreach to
30 inform the public of the provisions pertaining to assault on employees
31 as provided by subdivision eleven of section 120.05 of the penal law.

32 § 1349-i. Medical emergency services. The authority is hereby author-
33 ized and directed to prepare and develop a medical emergency services
34 program to be implemented at a time to be specified in such program for
35 the benefit of persons utilizing transportation and other related
36 services of the authority. Such program may include but not be limited
37 to the provision for the following: the training of designated employees
38 in first aid, emergency techniques and procedures, handling and posi-
39 tioning of stricken commuters, and knowledge of procedures and equipment
40 used for respiratory and cardiac emergencies. Such program shall be
41 submitted to the legislature not later than one hundred eighty days
42 after the effective date of this section.

43 § 1349-j. Transit projects. 1. Subject to the provisions of this
44 section, the authority is hereby authorized, upon the request of the New
45 York city transit authority and upon such terms and conditions as shall
46 be agreed to by the authority (a) to plan, design, acquire, construct,
47 reconstruct, rehabilitate and improve facilities, equipment, devices and
48 appurtenances, and property or property rights constituting or to
49 constitute part of, or used or to be used in connection with the opera-
50 tion of any transit facility now or hereafter owned or operated by the
51 New York city transit authority or any of its subsidiaries, each of such
52 activities and programs being referred to in this section as a "transit
53 project"; (b) to finance the costs of a transit project by the issuance
54 of its notes, bonds or lease obligations; and (c) upon the completion of
55 any transit project or part thereof, to cause the same to be trans-
56 ferred, leased or subleased to the New York city transit authority or

1 its designated subsidiary or other designee, for consideration. The
2 terms "facilities", "equipment", "devices and appurtenances", "property"
3 or "property rights" and "transit facility" shall have the meanings
4 given to such terms in section twelve hundred of this article. The
5 authority shall have no obligation to operate or, except as may other-
6 wise be provided in any lease to which it may be a party as hereinafter
7 provided, repair or maintain any transit project or part thereof subse-
8 quent to its completion nor shall it be liable to the transferee, lessee
9 or sublessee by reason of any warranty, express or implied, in respect
10 thereof. Warranties furnished in connection with such transit project
11 shall be assignable and assigned as directed by the New York city trans-
12 it authority and approved by the authority.

13 2. In connection with any transit project, and in order to effectuate
14 the purposes of this section, the authority shall, subject to the
15 provisions of this section, have all of the powers provided elsewhere in
16 this title, and, in addition, the authority may:

17 (a) issue its notes or bonds to finance all or any part of the costs
18 of a transit project;

19 (b) finance all or any part of the costs to the authority or to any
20 other person or entity, public or private, of such transit project
21 through, or accompanied by, a leasing of such project or any part there-
22 of by such person or entity to the authority or through or accompanied
23 by a sale by the authority to any such person or entity and leaseback to
24 the authority, in each case for subleasing to the New York city transit
25 authority, its designated subsidiary or other designee for consider-
26 ation, except that such leasing or leaseback from such person or entity
27 may be made directly to the New York city transit authority or its
28 designated subsidiary or other designee with the consent of the authori-
29 ty;

30 (c) issue its notes or bonds to defease the lien of, refund or other-
31 wise repay any outstanding notes, bonds or other obligations of the New
32 York city transit authority which in the judgment of the authority would
33 otherwise delay, impede or prevent its financing a transit project;

34 (d) accept the notes, bonds, lease, sublease and other contractual
35 obligations of the New York city transit authority and any of its desig-
36 nated subsidiaries in payment for a transfer, lease or sublease of a
37 transit project;

38 (e) accept from the New York city transit authority or its designated
39 subsidiary or from the city of New York, acting by its mayor alone, a
40 transfer of title to or the use, occupancy, control or possession of any
41 real or personal property (or any interest therein) needed or useful for
42 or in connection with any transit project;

43 (f) obtain security for the payment by the New York city transit
44 authority or its designated subsidiary of its notes, bonds, lease,
45 sublease or other contractual obligations, including a pledge of all or
46 any part of any of their revenues, which pledge may contain covenants
47 with respect to the charging and fixing of fares, fees and rentals, the
48 use and disposition of such fares, fees, rentals and other revenues, and
49 the setting aside of reserves therefrom;

50 (g) with the consent of the New York city transit authority or its
51 designated subsidiary, use, with or without compensation, its agents,
52 employees and facilities; and

53 (h) apply for, accept, enter into contracts for, administer and
54 disburse any federal, state or local aid or assistance, subject to the
55 terms and conditions thereof, which may be available for any transit
56 project.

1 3. All of the provisions of this title not inconsistent with the
2 provisions of this section shall be applicable with respect to any
3 bonds, notes or lease obligations of the authority issued or entered
4 into to finance any transit project, or to defease the lien of, refund
5 or otherwise repay outstanding bonds, notes or other obligations of the
6 New York city transit authority, subject to the following conditions:

7 (a) such bonds and notes shall be payable as to principal, redemption
8 premium, if any, and interest and such other obligations shall be paya-
9 ble, all in the manner more particularly provided by the authority in
10 the resolution under which the same shall be authorized to be issued;

11 (b) such lease obligations shall be non-recourse obligations limited
12 to the recovery of the leased property by the lessor and as to the
13 payments of sums of money coming due thereunder, to proceedings against
14 the sublessee under any underlying sublease or pursuant to any pledge or
15 assignment given to secure sums payable under such underlying sublease;

16 (c) no bonds or notes of the authority shall be issued for the purpose
17 of defeasing the lien of, refunding or otherwise repaying outstanding
18 bonds, notes or other obligations of the New York city transit authority
19 unless (i) the city of New York shall have entered into an agreement on
20 terms satisfactory to the authority to make periodic payments to the New
21 York city transit authority, and (ii) the New York city transit authori-
22 ty shall have entered into an agreement on terms satisfactory to the
23 authority to make periodic payments to the authority, in each case
24 sufficient to pay, when due, the principal, redemption premium, if any,
25 and interest upon the bonds or notes of the authority issued to effect
26 such defeasance, refunding or repayment;

27 (d) notwithstanding and in addition to any provisions for the redemp-
28 tion of such bonds or notes which may be contained in any contract with
29 the holders thereof, the city of New York may, upon furnishing suffi-
30 cient funds therefor, require the authority to redeem as a whole any
31 issue of such bonds or notes at the time or times and at the place or
32 places and in accordance with the terms upon which such bonds or notes
33 are redeemable; and

34 (e) the city of New York shall not be liable on such bonds or notes,
35 and such bonds or notes shall not be a debt of the city of New York, and
36 shall contain on the face thereof a statement to such effect.

37 4. The authority shall not undertake any transit project unless the
38 New York city transit authority or the subsidiary for whose benefit the
39 transit project is to be undertaken, or both, shall pay or agree to pay,
40 in the form of a bond, note, lease, sublease or other contractual obli-
41 gation, in a manner and on terms and conditions satisfactory to the
42 authority, any portion of the costs to the authority of such transit
43 project and the financing thereof which is not paid to the authority
44 from any federal, state or local aid or assistance or which is not paya-
45 ble from any other moneys made available or payable to the authority by
46 others for such project.

47 5. Neither the provisions of section one hundred ninety-seven-c of the
48 New York city charter, relating to a uniform land use review procedure,
49 nor the provisions of any other local law of the city of New York of
50 like or similar tenor or import shall apply (a) to the acquisition of
51 any real property, or any interest therein, for the purposes of any
52 transit project by the city or by the New York city transit authority or
53 any of its subsidiaries; (b) to the subsequent transfer of any real
54 property (or interest therein) so acquired to the authority or its
55 designee for the purposes of such project or to the transfer to the
56 authority or its designee for such purposes of any real property (or

1 interest therein) then owned by the city or by the New York city transit
2 authority or any such subsidiary; nor (c) to the transfer to the author-
3 ity or its designee for such purposes of the right of use, occupancy,
4 control or possession of any real property (or interest therein), wheth-
5 er presently owned or hereafter acquired by the city or by the New York
6 city transit authority or any such subsidiary; provided in each such
7 case, however, that if at the time of such proposed acquisition or
8 transfer the real property which is the subject of such acquisition or
9 transfer is not then being utilized for a transit or transportation
10 purpose or is not an insubstantial addition to such property contiguous
11 thereto; (i) the authority proposing to acquire or receive such property
12 shall, unless a submission with respect to such property has previously
13 been made and approved as herein provided, submit to the community board
14 for the community district in which such property is located, data with
15 respect to the proposed use of such property and to the design of any
16 facility proposed to be constructed thereon; (ii) such community board
17 shall inform the council of the city of New York, with copies to the
18 city planning commission of the city of New York and the proposing
19 authority, of its views and recommendations with respect thereto within
20 forty-five days of such submission, and if the community board shall
21 fail to so inform such council within such period it shall be deemed to
22 have recommended the proposal; and (iii) such council shall, within
23 forty-five days of the recommendation of the community board, approve or
24 disapprove such acquisition or transfer, and if such council shall fail
25 to act within such period it shall be deemed to have approved the same.

26 6. In its performance of any transit project, the authority shall not
27 be deemed the agent or instrumentality of the city of New York or the
28 New York city transit authority or any of its subsidiaries notwithstand-
29 ing the fact that title to any real or personal property (or any inter-
30 est therein) which is the subject of or is a part of such project is
31 held by or upon completion of such project is to be transferred to such
32 other entity. In its performance of any transit project, however, the
33 provisions of section twelve hundred nine of this article shall apply to
34 the authority as if it were the authority referred to in such section.

35 7. The authority, in addition to the powers provided elsewhere in this
36 title, shall possess all of the powers, rights and privileges of the New
37 York city transit authority or its designated subsidiary in connection
38 with the undertaking by the authority of any transit project. The
39 authority, upon suitable notice to and an offer to consult with an offi-
40 cer designated by the city of New York, may occupy the streets of the
41 city of New York for the purpose of doing any work over or under the
42 same in connection with any transit project without the consent of or
43 payment to such city.

44 8. After the transfer, transfer back, lease or sublease to the New
45 York city transit authority or its designated subsidiary or other desig-
46 nee of any transit project or part thereof, actions for damages for
47 injuries to real or personal property or for the destruction thereof, or
48 for personal injuries or death, based upon the use, condition or state
49 of such project or part thereof may not be instituted against the
50 authority, which shall have no liability or responsibility to the trans-
51 feree, lessee or sublessee or to third parties therefor.

52 9. Except as the authority shall otherwise agree, title to any transit
53 project or any part thereof or interest therein which shall have been
54 transferred, leased, or subleased to the New York city transit authority
55 or its designated subsidiary, shall remain in such transferee, lessee,
56 or sublessee notwithstanding any provision of title nine of this article

1 or of any lease or other agreement entered into under the provisions of
2 such title to the contrary.

3 10. The providing of any transit project shall not relieve the city of
4 New York of its obligations under law and by lease to pay the capital
5 costs of the New York city transit authority or its subsidiaries.

6 11. No transit project to be constructed upon real property to be used
7 for a transit or transportation purpose, or on an insubstantial addition
8 to such property contiguous thereto, which will not change in a material
9 respect the general character of such prior transit or transportation
10 use, nor any acts or activities in connection with such project, shall
11 be subject to the provisions of article eight, nineteen, twenty-four or
12 twenty-five of the environmental conservation law, or to any local law
13 or ordinance adopted pursuant to any such article. Nor shall any trans-
14 it project or any acts or activities in connection therewith taken by
15 any person or entity, public or private, pursuant to this section be
16 subject to the provisions of article eight of the environmental conser-
17 vation law if such project, acts or activities require the preparation
18 of a statement under or pursuant to any federal law or regulation as to
19 the environmental impact thereof.

20 12. The provisions of this section and of all agreements undertaken by
21 the New York city transit authority in accordance therewith shall in all
22 respects be subject to the rights of the holders of any outstanding
23 bonds or notes of such authority.

24 13. (a) All contracts for design, construction, services and materials
25 pursuant to this title of whatever nature and all documents soliciting
26 bids or proposals therefor shall contain or make reference to the
27 following provisions:

28 (i) The contractor will not discriminate against employees or appli-
29 cants for employment because of race, creed, color, national origin,
30 sex, age, disability, or marital status, and will undertake or continue
31 existing programs of affirmative action to ensure that minority group
32 persons and women are afforded equal opportunity without discrimination.
33 Such programs shall include, but not be limited to, recruitment, employ-
34 ment, job assignment, promotion, upgrading, demotion, transfer, layoff,
35 termination, rates of pay or other forms of compensation, and selections
36 for training or retraining, including apprenticeship and on-the-job
37 training.

38 (ii) At the request of the New York city transit authority, the big
39 apple transit authority, and their subsidiaries, the contractor shall
40 request each employment agency, labor union, or authorized represen-
41 tative of workers with which it has a collective bargaining or other
42 agreement or understanding and which is involved in the performance of
43 the contract with the authority to furnish a written statement that such
44 employment agency, labor union or representative shall not discriminate
45 because of race, creed, color, national origin, sex, age, disability or
46 marital status and that such union or representative will cooperate in
47 the implementation of the contractor's obligations under this section.

48 (iii) The contractor will state, in all solicitations or advertise-
49 ments for employees placed by or on behalf of the contractor in the
50 performance of the contract with the authority, that all qualified
51 applicants will be afforded equal employment opportunity without
52 discrimination because of race, creed, color, national origin, sex, age,
53 disability or marital status.

54 (iv) The contractor will include the provisions of subparagraphs (i),
55 (ii), and (iii) of this paragraph in every subcontract or purchase order
56 in such a manner that such provisions will be binding upon each subcon-

1 tractor or vendor as to its work in connection with the contract with
2 the authority.

3 (b) The authority shall establish procedures and guidelines to ensure
4 that contractors and subcontractors undertake programs of affirmative
5 action and equal employment opportunity as required by this subdivision.
6 Such procedures may require after notice in a bid solicitation, the
7 submission of an affirmative action program prior to the award of any
8 contract, or at any time thereafter, and may require the submission of
9 compliance reports relating to the operation and implementation of any
10 affirmative action program adopted pursuant to this section. The author-
11 ity may take appropriate action including contractual sanctions for
12 non-compliance to effectuate the provisions of this subdivision and
13 shall be responsible for monitoring compliance with this title.

14 14. (a)(i) In the performance of projects pursuant to this title
15 minority and women-owned business enterprises shall be given the oppor-
16 tunity for meaningful participation. The authority provided for in this
17 title shall establish measures and procedures to secure meaningful
18 participation and identify those contracts and items of work for which
19 minority and women-owned business enterprises may best bid to actively
20 and affirmatively promote and assist their participation in the
21 projects, so as to facilitate the award of a fair share of contracts to
22 such enterprises; provided, however, that nothing in this title shall be
23 construed to limit the ability of the authority to assure that qualified
24 minority and women-owned business enterprises may participate in the
25 program.

26 (A) For purposes of this section, minority business enterprise shall
27 mean any business enterprise which is at least fifty-one per centum
28 owned by, or in the case of a publicly owned business, at least fifty-
29 one per centum of the stock of which is owned by citizens or permanent
30 resident aliens who are African-American, Hispanic, Asian or American
31 Indian, Pacific Islander or Alaskan natives and such ownership interest
32 is real, substantial and continuing and have the authority to independ-
33 ently control the day to day business decisions of the entity for at
34 least one year; and women-owned business enterprise shall mean any busi-
35 ness enterprise which is at least fifty-one per centum owned by, or in
36 the case of a publicly owned business, at least fifty-one per centum of
37 the stock of which is owned by citizens or permanent resident aliens who
38 are women, and such ownership interest is real, substantial and continu-
39 ing and have the authority to independently control the day to day busi-
40 ness decisions of the entity for at least one year.

41 (B) The provisions of this paragraph shall not be construed to limit
42 the ability of any minority or women-owned business enterprise to bid on
43 any contract.

44 (ii) In the implementation of this subdivision, the authority shall
45 consider compliance by any contractor with the requirements of any
46 federal, state, or local law concerning minority and women-owned busi-
47 ness enterprises, which may effectuate the requirements of this subdivi-
48 sion. If the authority determines that by virtue of the imposition of
49 the requirements of any such law, in respect to capital project
50 contracts, the provisions thereof duplicate or conflict with such law,
51 the authority may waive the applicability of this subdivision to the
52 extent of such duplication or conflict.

53 (iii) Nothing in this subdivision shall be deemed to require that
54 overall state and federal requirements for participation of minority and
55 women-owned business enterprises in programs authorized under this title

1 be applied without regard to local circumstances to all projects or in
2 all communities.

3 (b) In order to implement the requirements and objectives of this
4 subdivision, the authority shall establish procedures to monitor the
5 contractors' compliance with provisions hereof, provide assistance in
6 obtaining competing qualified minority and women-owned business enter-
7 prises to perform contracts proposed to be awarded, and take other
8 appropriate measures to improve the access of minority and women-owned
9 business enterprises to these contracts.

10 15. (a) In connection with the performance of projects pursuant to
11 this section, the authority shall, to the extent practicable and not
12 inconsistent with any federal law, regulation or requirement, promote
13 the meaningful participation of small business and New York state busi-
14 ness enterprises in the provision of goods and services that are
15 produced or manufactured in New York state as part of procurements
16 undertaken by the authority.

17 (b) The authority shall within one hundred eighty days after the
18 effective date of this subdivision develop, and review annually there-
19 after, a plan to effect the purposes of this subdivision.

20 § 1349-k. Excess loss fund. 1. Subject to the provisions of this
21 section, the authority is authorized to issue bonds and notes, in
22 accordance with section thirteen hundred forty-nine-u of this title, in
23 such principal amounts not in excess of the seventy-five million dollar
24 limitation established in subdivision four of this section as, in the
25 opinion of the authority, shall be necessary to provide sufficient funds
26 to meet the capital and reserve requirements of a trust, pooling
27 arrangement or other entity established for the purpose of providing
28 reimbursement and funding to the authority and its subsidiaries, the New
29 York city transit authority and its subsidiaries and Triborough bridge
30 and tunnel authority for excess or extraordinary losses for damages to
31 real or personal property or for the destruction thereof or for personal
32 injuries or death and for certain property damage losses which may be
33 incurred or sustained by any of them in connection with the use and
34 operation of their respective facilities and in the conduct of their
35 respective activities, the trust, pooling arrangement or other entity
36 established in order to provide such benefits to such participants being
37 referred to in this section as the "excess loss fund". Prior to the
38 issuance of any bonds or notes, other than refunding bonds or notes,
39 authorized by this section, the authority shall make a finding that such
40 issue is expected to result, on a present value basis, in a lower effec-
41 tive cost to the participating authorities than funding the requirements
42 of the excess loss fund solely through the payment of premiums and
43 assessments by such participating authorities.

44 2. In order to effectuate the purposes of the excess loss fund, the
45 authority shall, subject to the provisions of this section, have all the
46 powers provided elsewhere in this title and may:

47 (a) accept the notes, bonds and other contractual obligations of the
48 excess loss fund for funds provided to it by the authority;

49 (b) obtain security for the payment by the excess loss fund of its
50 notes, bonds and other contractual obligations issued to the authority,
51 including a pledge of all or any part of the assets and revenues of the
52 excess loss fund, including its receipts and rights to receive premiums,
53 assessments, reimbursements and other payments from the participants in
54 the excess loss fund, which pledge may contain covenants with respect to
55 the charging and fixing by actuarial estimates, where appropriate, of

1 premiums, assessments, reimbursements and other payments and the use and
2 disposition thereof; and

3 (c) enter into contracts with the excess loss fund and with the
4 participants therein, on such terms and conditions as the parties may
5 agree, with respect to the payment of premiums, assessments, reimburse-
6 ments and other payments to the excess loss fund and the nature and
7 extent of the benefits to be paid by the excess loss fund to such
8 participants.

9 3. The bonds and notes of the authority authorized by this section
10 shall not constitute general obligations of the authority, but shall be
11 special obligations of the authority payable as to principal, redemption
12 premium, if any, and interest solely from the security, sources of
13 payment and funds obtained from or on behalf of the excess loss fund,
14 all in the manner more particularly provided by the authority in the
15 resolution under which such bonds and notes shall be authorized to be
16 issued.

17 4. The aggregate principal amount of bonds and notes issued for the
18 purposes enumerated in subdivision one of this section shall not exceed
19 seventy-five million dollars, excluding:

20 (a) bonds and notes issued to fund costs of issuance and any reason-
21 ably required debt service reserve fund for such bonds or notes;

22 (b) an amount equal to any original issue discount from the principal
23 amount of any bonds or notes issued; and

24 (c) bonds and notes issued to refund or otherwise repay bonds or notes
25 theretofore issued for such purposes, provided, however, that upon any
26 such refunding or repayment of the total aggregate principal amount of
27 outstanding bonds and notes, including for purpose of such calculation
28 the principal amount of the refunding bonds or notes then to be issued
29 and excluding the principal amount of the bonds or notes so to be
30 refunded or repaid and any amounts excluded under paragraph (a) or (b)
31 of this subdivision, may be greater than seventy-five million dollars,
32 only if the present value of the aggregate debt service of the refunding
33 or repayment bonds or notes to be issued shall not exceed the present
34 value of the aggregate debt service of the bonds or notes so to be
35 refunded or repaid. For purposes of this subparagraph, the present
36 values of the aggregate debt service of the refunding or repayment bonds
37 or notes and of the aggregate debt service of the bonds or notes so to
38 be refunded or repaid, shall be calculated by utilizing the effective
39 interest rate of the refunding or repayment bonds or notes, which shall
40 be that rate arrived at by doubling the semi-annual interest rate,
41 compounded semi-annually, necessary to discount the debt service
42 payments on the refunding or repayment bonds or notes from the payment
43 dates thereof to the date of issue of the refunding or repayment bonds
44 or notes and to the price bid including estimated accrued interest or
45 proceeds received by the authority including estimated accrued interest
46 from the sale thereof.

47 5. The term "excess loss fund" as used in this section shall not
48 include any trust, pooling arrangements or other entity (a) which
49 provides or offers to provide reimbursement or funding for losses or
50 liabilities to any entity other than the authority and its subsidiaries,
51 the New York city transit authority and its subsidiaries and Triborough
52 bridge and tunnel authority, or (b) in which any entity other than the
53 authority and its subsidiaries, the New York city transit authority and
54 its subsidiaries and Triborough bridge and tunnel authority holds an
55 equity interest.

1 § 1349-1. Authority police force. 1. The authority is hereby author-
2 ized and empowered, to provide and maintain an authority police depart-
3 ment and a uniformed authority police force. Each member of such
4 uniformed police force shall be a "police officer" for the purposes of
5 the criminal procedure law, with all of the powers of such police offi-
6 cers thereunder and subject to the same jurisdictional provisions on the
7 exercise of that power as set forth in such law. The geographical area
8 of employment of such police officers for the purposes of the criminal
9 procedure law shall embrace the city of New York. Such department and
10 force shall have the power, in and about any or all of the facilities
11 owned, occupied and/or operated by the authority and its subsidiary
12 corporations, the New York city transit authority and its subsidiaries,
13 and the Triborough bridge and tunnel authority, as determined in the
14 discretion of the authority, to enforce and prevent violation of all
15 laws and ordinances. Nothing in this section shall confer upon the
16 authority police force or upon their collective negotiations represen-
17 tatives exclusive jurisdiction or claim over the exercise of police
18 power or security work on behalf of the authority and its subsidiary
19 corporations, the New York city transit authority and its subsidiaries,
20 and the Triborough bridge and tunnel authority. Nothing in this section
21 shall limit the authority and its subsidiary corporations, the New York
22 city transit authority and its subsidiaries, and the Triborough bridge
23 and tunnel authority from continuing to rely on local police for police
24 services.

25 2. Initial appointments to such authority police force shall from the
26 incumbent police officers of the metropolitan transportation authority
27 at the time of such appointment. The executive director of the authori-
28 ty, through the chief of police, shall have the power and authority to
29 appoint and employ such number of police officers as he or she deems
30 necessary to act as police officers of the authority and to administer
31 to the officers an oath or affirmation faithfully to perform the duties
32 of their respective positions or offices. Unless, at the time of
33 appointment, the person is a police officer of the metropolitan trans-
34 portation authority, only persons who have never been convicted of a
35 felony and are citizens of the United States shall be appointed police
36 officers on the authority police force. After the initial appointments
37 are made, selection of police officer candidates shall be made pursuant
38 to an examination process to be determined at the discretion of the
39 authority and candidates must receive a certificate attesting to satis-
40 factory completion of an approved municipal police basic training
41 program, as described in section two hundred nine-q of the general
42 municipal law. No person shall be eligible for appointment unless such
43 person is not less than twenty years of age as of the date of appoint-
44 ment nor more than thirty-five years of age as of the date when the
45 applicant takes the written examination, provided, however, that time
46 spent on military duty or on terminal leave, not exceeding a total of
47 six years, shall be subtracted from the age of any applicant who has
48 passed his or her thirty-fifth birthday as provided in subdivision ten-a
49 of section two hundred forty-three of the military law. Upon appoint-
50 ments made by transferring an entire group of police officers into the
51 authority police force, thereby eliminating such other group of police
52 officers, the authority shall recognize any representative previously
53 chosen by the police officers for the purposes of collective negoti-
54 ations consistent with the bargaining units already established and
55 shall also assume and continue to observe any existing labor contracts
56 covering these police officers including such provisions which relate to

1 the grievance and disciplinary procedures and interest arbitration.
2 Subsequent to the establishment of the consolidated police force the
3 authority and the collective bargaining representatives shall be author-
4 ized to negotiate a merger of the separate bargaining units.

5 3. The authority may appoint a chief and one or more deputy chiefs of
6 the authority police department who, in the discretion of the authority,
7 may be selected from the ranks of the authority police force, and assign
8 powers and duties to them and fix their compensation. The chief shall be
9 the head of such department. The deputy chief designated by the chief
10 shall possess all the powers and perform all the duties of the chief
11 during his or she absence or disability. The authority police force
12 shall consist of such divisions, supervisors and officers, including but
13 not limited to police officers, detectives, sergeants, lieutenants and
14 captains as designated by the authority. Notwithstanding any law or
15 provision to the contrary, the members of the uniformed authority police
16 force shall not acquire civil service status or become members of the
17 New York state and local employees' retirement system, except as set in
18 this section.

19 4. The authority may, in its sole discretion, establish within the
20 authority's defined benefit program, a retirement program consistent
21 with the foregoing. If the authority has not so established such program
22 in its defined benefit program within one hundred eighty days after
23 enactment, then the authority shall elect to participate in article
24 fourteen-B of the retirement and social security law.

25 5. If the authority elects to participate in the New York city employ-
26 ees' retirement system, such election to participate shall be made by
27 resolution filed with the comptroller and accepted by him or her pursu-
28 ant to section thirty-one of the retirement and social security law.

29 6. Nothing contained in this section shall be deemed to diminish,
30 suspend or abolish an existing benefit inured to a police officer,
31 transferred from the metropolitan transportation authority police force
32 and subject to the provisions of this section in and to the rights,
33 privileges or status previously earned within a pension or retirement
34 system of which they were a member immediately prior to the enactment of
35 this section; and any such existing right, privilege or status shall
36 survive the effect of any decisions or determinations lawfully made in
37 accordance with the provisions of this section so long as such right,
38 privilege or status is greater in benefit to that which would be imposed
39 or imputed to any subject officer as a result of actions of the authori-
40 ty authorized by this section.

41 § 1349-m. The permanent citizens advisory committee. There is hereby
42 established a permanent citizens advisory committee. The members of the
43 committee shall consist of the New York city transit authority advisory
44 council, as defined in section twelve hundred four-e of this title.

45 § 1349-n. Big apple transit authority pledge to customers. 1. A big
46 apple transit authority pledge to customers shall be created and adopted
47 by the big apple transit authority. A copy of such pledge shall be post-
48 ed on the website of the authority and shall be posted in stations where
49 the authority makes regular postings. The authority shall post the
50 pledge in the language or languages it deems necessary and appropriate.

51 2. The big apple transit authority pledge to customers shall be in the
52 form and manner as prescribed by the authority, include the contact
53 information of the authority, and include, but not be limited to, the
54 following:

55 (a) a description of the authority's commitment to provide safe and
56 reliable services;

1 (b) a description of the authority's commitment to provide timely and
2 accurate information on its services;

3 (c) a commitment that employees will provide service in a courteous
4 manner;

5 (d) a description of the authority's commitment to maintain clean
6 stations, facilities, subways and buses;

7 (e) a description of the authority's policies when it comes to arrang-
8 ing alternative transportation when service is interrupted;

9 (f) when service is interrupted, a description of the authority's
10 policies when it comes to considering the comfort of inconvenienced
11 customers;

12 (g) when service is interrupted due to weather conditions, a
13 description of the authority's policies on notifying customers; and

14 (h) when service is severely interrupted, a description of the author-
15 ity's policies on service restoration.

16 3. The authority from time to time may update and amend the big apple
17 transit authority pledge to customers as it deems necessary and proper
18 and may adopt rules and regulations for the proper administration of
19 this section.

20 § 1349-o. Expired fare transfer policy. Notwithstanding any other
21 provision of law to the contrary, the authority shall, within ninety
22 days of the effective date of this section, establish an expired fare
23 transfer policy that may be amended from time to time. Such policy shall
24 provide any person who purchases a fare the ability to transfer any
25 remaining balance for two years after such fare is deemed expired.

26 § 1349-p. Acquisition and disposition of real property. 1. In addi-
27 tion to the powers provided in section thirteen hundred forty-nine-h of
28 this title to acquire transportation facilities, equipment and real
29 property, the authority may acquire, by condemnation pursuant to the
30 eminent domain procedure law, any real property within the city of New
31 York it may deem necessary, convenient or desirable to effectuate the
32 purposes of this title, provided however, that any such condemnation
33 proceedings shall be brought only in the supreme court and the compen-
34 sation to be paid shall be ascertained and determined by the court with-
35 out a jury. Notwithstanding the provisions of this subdivision, no real
36 property may be acquired by the authority by condemnation for purposes
37 other than a transportation facility unless the governing body of the
38 city, village or town in which such real property is located shall first
39 consent to such condemnation.

40 2. Nothing contained in this section shall be construed to prevent the
41 authority from bringing any proceedings to remove a cloud on title or
42 such other proceedings as it may, in its discretion, deem proper and
43 necessary or from acquiring any such property by negotiation or
44 purchase.

45 3. Where a person entitled to an award in the proceedings to condemn
46 any real property for any of the purposes of this title remains in
47 possession of such property after the time of the vesting of title in
48 the condemnor, the reasonable value of his or her use and occupancy of
49 such property subsequent to such time as fixed by agreement or by the
50 court in such proceedings or by any court of competent jurisdiction
51 shall be a lien against such award subject only to the liens of record
52 at the time of vesting of title in the condemnor.

53 4. Subject to the provisions of sections thirteen hundred forty-nine-h
54 and thirteen hundred forty-nine-j of this title, title to all property
55 acquired under this title shall vest in the authority or one of its

1 subsidiary corporations, or in the New York city transit authority or
2 one of its subsidiary corporations as the authority directs.

3 5. The authority may, whenever it determines that it is in the inter-
4 est of the authority, dispose of any real property or property other
5 than real property, which it determines is not necessary, convenient or
6 desirable for its purposes.

7 6. The authority may, whenever it shall determine that it is in the
8 interest of the authority, rent, lease, or grant easements or other
9 rights in, any land or property of the authority.

10 § 1349-q. Acquisition and disposition of real property by department
11 of transportation. If funds are made available by the authority for the
12 payment of the cost and expense of the acquisition thereof, the commis-
13 sioner of transportation of the state of New York, when requested by the
14 authority, may acquire such real property in the name of the state as
15 may be determined from time to time by the authority as being necessary,
16 convenient or desirable to effectuate the purposes of this title, may
17 remove the owner or occupant thereof where necessary and obtain
18 possession and, when requested by the authority, may dispose of any real
19 property so acquired, all according to the procedure provided in section
20 thirty of the highway law. The authority shall have the right to possess
21 and use for its corporate purposes all such real property so acquired.
22 Claims for the value of the property appropriated and for legal damages
23 caused by any such appropriation shall be adjusted and determined by
24 such commissioner with the approval of the authority or by the court of
25 claims as provided in section thirty of the highway law. When a claim
26 has been filed with the court of claims, the claimant shall cause a copy
27 of such claim to be served upon the authority and the authority shall
28 have the right to be represented and heard before such court. All awards
29 and judgments arising from such claims shall be paid out of moneys of
30 the authority. No real property may be acquired pursuant to the
31 provisions of this section for purposes other than a transportation
32 facility unless the governing body of the city, village or town in which
33 such real property is located shall first consent to such acquisition.

34 § 1349-r. Transit facilities for transit construction fund. 1. As
35 used in this section, unless a different meaning clearly appears from
36 the context:

37 (a) "City" shall mean the city of New York.

38 (b) "Transit construction fund act" shall mean title nine-A of this
39 article.

40 (c) "Transit construction fund" shall mean the corporation created by
41 section twelve hundred twenty-five-c of this article.

42 (d) "Transit facility" shall mean such term as defined from time to
43 time in section twelve hundred twenty-five-b of this article.

44 2. In addition to the powers provided elsewhere in this title, and to
45 effectuate the purposes of the transit construction fund act, the
46 authority may:

47 (a) Plan, design, construct, acquire, extend, reconstruct, rehabili-
48 tate, modernize and otherwise improve transit facilities in accordance
49 with the terms and conditions of any lease or other agreement with the
50 transit construction fund;

51 (b) Occupy the streets of the city of New York in the course of
52 constructing and thereafter owning a transit facility which consists of
53 a rapid transit railroad or portion thereof, provided such construction
54 is carried out in accordance with the terms of a lease or other agree-
55 ment with the transit construction fund entered into pursuant to the
56 provisions of the transit construction fund act;

1 (c) Make and execute contracts, leases, subleases, and all other
2 instruments or agreements deemed necessary or convenient;

3 (d) Authorize the use by the transit construction fund, either with or
4 without compensation to the authority or any subsidiary of the agents,
5 employees and facilities of the authority or any subsidiary;

6 (e) Undertake planning, design and feasibility studies in accordance
7 with the terms and conditions of any agreement with the transit
8 construction fund or the city; and

9 (f) Do any and all other things deemed necessary or convenient.

10 3. All of the provisions of this title not inconsistent with the
11 provisions of this section shall be applicable with respect to any bonds
12 or notes of the authority issued to finance any purpose authorized under
13 this section or the transit construction fund act, subject to the
14 following conditions and exceptions:

15 (a) Payment of the principal, redemption premium, if any, and interest
16 on such bonds and notes shall be made only from monies payable to the
17 authority from the transit construction fund under a lease or other
18 agreement entered into pursuant to the provisions of the transit
19 construction fund act, and any security given by the authority for the
20 payment of such principal, redemption premium or interest on such bonds
21 and notes shall be limited to the monies so payable from the transit
22 construction fund. The authority shall not grant any security interest
23 in or otherwise encumber any transit facility leased to the transit
24 construction fund.

25 (b) The provisions of section thirteen hundred forty-nine-aa of this
26 title, relating to the creation and establishment of and appropriations
27 and payments to certain debt service reserve funds shall be inapplica-
28 ble; provided that nothing in this section shall be deemed to prohibit
29 the creation and establishment of one or more reserve funds for debt
30 service as authorized by section thirteen hundred forty-nine-u of this
31 title;

32 (c) In addition to the statement required by subdivision nine of
33 section thirteen hundred forty-nine-u of this title, such bonds and
34 notes shall contain on the face thereof a statement to the effect that
35 the city shall not be liable thereon and that the same shall not be a
36 debt of the city.

37 4. Notwithstanding the provisions of any general or special law to the
38 contrary, or of any agreement entered into in pursuance thereof relating
39 to the repayment of any loan or advance made by the state to the author-
40 ity, the authority shall not be required to repay any such loan or
41 advance from or by reason of the issuance: (a) of bonds or notes of the
42 authority issued to finance any purpose authorized under this section or
43 the transit construction fund act, or the proceeds realized upon such
44 issuance; or (b) from any other funds of the authority derived from the
45 transit construction fund or from any other source whatever to effectuate
46 the purposes of the transit construction fund act.

47 § 1349-s. Co-operation and assistance of other agencies. 1. To avoid
48 duplication of effort and in the interests of economy, the authority may
49 make use of existing studies, surveys, plans, data and other materials
50 in the possession of any state agency or any municipality or political
51 subdivision of the state. Each such agency, municipality or subdivision
52 is hereby authorized to make the same available to the authority and
53 otherwise to assist it in the performance of its functions. At the
54 request of the authority, each such agency, municipality or subdivision
55 which is engaged in highway or other transportation activities or in
56 land use or development planning, or which is charged with the duty of

1 providing or regulating any transportation facility or any other public
2 facility, is further authorized to provide the authority with informa-
3 tion regarding its plans and programs affecting the transportation
4 district so that the authority may have available to it current informa-
5 tion with respect thereto. The officers and personnel of such agencies,
6 municipalities or subdivisions, and of any other government or agency
7 whatever, may serve at the request of the authority upon such advisory
8 committees as the authority shall determine to create and such officers
9 and personnel may serve upon such committees without forfeiture of
10 office or employment and with no loss or diminution in the compensation,
11 status, rights and privileges which they otherwise enjoy.

12 2. The authority shall, at the request of any state agency, munici-
13 pality or political subdivision of the state, engaged in highway or
14 other transportation activities or in land use or development planning,
15 provide said state agency, municipality or political subdivision with
16 all current and relevant information regarding its plans or programs, so
17 as to enable said agency, municipality or subdivision to properly effec-
18 tuate said activities or planning.

19 3. To the extent that the provisions of this title authorize the
20 authority to enter into any agreement or arrangement with, or undertake
21 any other activity requiring the participation of, the New York city
22 transit authority or any of its subsidiary corporations in furtherance
23 of their respective purposes and powers or the Triborough bridge and
24 tunnel authority in furtherance of its purposes and powers, such enti-
25 ties are hereby authorized and empowered to enter into and perform such
26 contract or other arrangement and to undertake such activities.

27 § 1349-t. Promotion of qualified transportation fringes. The authori-
28 ty shall promote the broad use of qualified transportation fringes,
29 under section one hundred thirty-two of the federal internal revenue
30 code, in order to increase the number of participating companies and
31 employees in such programs. The authority may also study and report on
32 ways in which programs may be improved so as to increase public partic-
33 ipation.

34 § 1349-u. Notes, bonds and other obligations of the authority. 1. (a)
35 The authority shall have power and is hereby authorized from time to
36 time to issue its bonds, notes and other obligations in such principal
37 amount as, in the opinion of the authority, shall be necessary, conven-
38 ient or desirable to effectuate any of its powers and purposes, includ-
39 ing to provide sufficient funds for achieving its purposes, including
40 the acquisition, establishment, construction, effectuation, operation,
41 maintenance, renovation, improvement, extension, rehabilitation or
42 repair of any transportation facility, the payment of principal, redemp-
43 tion premium and interest on bonds, notes and other obligations of the
44 authority, establishment of reserves to secure such bonds, notes and
45 other obligations, the provision of working capital and all other
46 expenditures of the authority and its subsidiary corporations, and New
47 York city transit authority and its subsidiary corporations incident to
48 and necessary or convenient to carry out their purposes and powers. Such
49 bonds, notes or other obligations may be issued for an individual trans-
50 portation facility or issued on a consolidated basis for such groups or
51 classes of facilities and projects as the authority in its discretion
52 deems appropriate and be payable from and secured separately or on a
53 consolidated basis by, among other things, all or any portion of such
54 revenues and other monies and assets of the authority and its subsidiary
55 corporations, and New York city transit authority and its subsidiary

1 corporations as the authority determines in accordance with the
2 provisions of section thirteen hundred forty-nine-dd of this title;

3 (b) The authority shall have power, from time to time, to issue
4 renewal notes, to issue bonds to refund, redeem or otherwise pay,
5 including by purchase or tender, notes of the authority and its subsid-
6 iary corporations, the metropolitan transportation authority, and the
7 New York city transit authority and its subsidiary corporations and
8 whenever it deems refunding, redemption or payment expedient, to refund,
9 redeem or otherwise pay, including by purchase or tender, any bonds of
10 the authority and its subsidiary corporations, the metropolitan trans-
11 portation authority, the New York city transit authority and its subsid-
12 iary corporations and the Triborough bridge and tunnel authority by the
13 issuance of new bonds, whether the bonds to be refunded, redeemed or
14 otherwise paid have or have not matured, and to issue bonds partly for
15 such purpose and partly for any other purpose and to otherwise refund,
16 redeem, acquire by purchase or tender, or in any other way repay any
17 outstanding notes, bonds or other obligations of the authority, any of
18 its subsidiary corporations, the metropolitan transportation authority,
19 the New York city transit authority, any of its subsidiary corporations
20 and the Triborough bridge and tunnel authority;

21 (c) Every issue of its notes, bonds or other obligations shall be
22 general obligations or special obligations. Every issue of general obli-
23 gations of the authority shall be payable out of any revenues or monies
24 of the authority, subject only to any agreements with the holders of
25 particular notes or bonds pledging any particular receipts or revenues.
26 Every issue of special obligations shall be payable out of any revenues,
27 receipts, monies or other assets of the authority and its subsidiary
28 corporations, the New York city transit authority and its subsidiary
29 corporations and the Triborough bridge and tunnel authority identified
30 for such purposes in accordance with agreements with the holders of
31 particular notes, bonds or other obligations. The authority may issue
32 transportation revenue special obligation bonds, notes or other obli-
33 gations as provided in section thirteen hundred forty-nine-dd of this
34 title;

35 2. The authority may from time to time issue its bonds and notes in
36 such principal amounts as, in the opinion of the authority, shall be
37 necessary to finance the unfunded pension fund liabilities of the
38 authority, its affiliates and subsidiaries, provided, however, that in
39 no event shall the cumulative amounts of bonds and notes issued pursuant
40 to the authority under this subdivision exceed one billion two hundred
41 million dollars or sixty percent of such unfunded pension fund liabil-
42 ities, whichever is less, and provided, further, that no bonds shall be
43 issued under this subdivision for a term longer than twenty years. The
44 authority may not issue bonds or notes in any twelve month period in a
45 cumulative principal amount in excess of forty percent of the total
46 amount permitted to be issued under this subdivision. Prior to the issu-
47 ance of any bonds or notes, the authority shall make a finding that such
48 issue is expected to result, on a present value basis, in a lower effec-
49 tive cost to the authority than funding the unfunded pension fund
50 liability solely through the payment of annual amounts to the pension
51 fund, assuming that the principal component of the unfunded liability
52 will be amortized over the same number of years as the term of the bonds
53 or notes and that the interest payable thereon is the actuarial rate of
54 interest determined by the actuary for the pension fund at the time of
55 the issuance of such bonds or notes. The aggregate principal amount of
56 bonds and notes issued for such purposes may be increased to fund costs

1 of issuance and reasonably required debt service or other reserve funds.
2 Bonds and notes may be issued to refund or otherwise repay bonds or
3 notes theretofore issued for such purposes; provided, however, that upon
4 any such refunding or repayment, including for purpose of such calcu-
5 lation the principal amount of the refunding bonds or notes then to be
6 issued and excluding the principal amount of the bonds or notes so to be
7 refunded or repaid and also excluding any amounts used to pay costs of
8 issuance and reasonably required debt service or other reserve funds,
9 the present value of the aggregate debt service of the refunding or
10 repayment bonds or notes to be issued shall not exceed the present value
11 of the aggregate debt service of the bonds or notes so to be refunded or
12 repaid. For purposes of the preceding sentence, the present values of
13 the aggregate debt service of the refunding or repayment bonds or notes
14 and of the aggregate debt service of the bonds or notes so to be
15 refunded or repaid shall be calculated by utilizing the effective inter-
16 est rate of the refunding or repayment bonds or notes, which shall be
17 that rate arrived at by doubling the semi-annual interest rate,
18 compounded semi-annually, necessary to discount the debt service
19 payments on the refunding or repayment bonds or notes from the payment
20 dates thereof to the date of issue of the refunding or repayment bonds
21 or notes and to the price bid including estimated accrued interest or
22 proceeds received by the authority including estimated accrued interest
23 from the sale thereof. Debt service on the bonds or notes shall be
24 structured so that the economic benefits thereof shall be relatively
25 uniform for each full year throughout the term of the bonds or notes.
26 Beginning with the date of first issuance of bonds under this section,
27 the authority and its subsidiaries shall make annual payments into the
28 pension fund in amounts at least equal to the current pension contrib-
29 ution liability applicable to such year. The net proceeds of the bonds
30 or notes intended to be invested in non-debt securities may be invested
31 by the recipient pension fund in a fiscally prudent manner in securities
32 consistent with any trust indentures and all applicable state and feder-
33 al law over a reasonable period of time not less than thirty days
34 following the issuance of the bonds or notes. The operating budget
35 savings associated with the issuance of pension obligation bonds pursu-
36 ant to this subdivision shall be dedicated to reducing service elimi-
37 nations projected to occur within that period.

38 3. The notes, bonds and other obligations shall be authorized by
39 resolution approved by not less than a majority vote of the whole number
40 of members of the authority then in office, except that in the event of
41 a tie vote the chairperson shall cast one additional vote. Such notes,
42 bonds and other obligations shall bear such date or dates, and shall
43 mature at such time or times, in the case of any such note or any
44 renewals thereof not exceeding five years from the date of issue of such
45 original note, and in the case of any such bond not exceeding fifty
46 years from the date of issue, as such resolution or resolutions may
47 provide. The notes, bonds and other obligations shall bear interest at
48 such rate or rates, be in such denominations, be in such form, either
49 coupon or registered, carry such registration privileges, be executed in
50 such manner, be payable in such medium of payment, at such place or
51 places and be subject to such terms of redemption as such resolution or
52 resolutions may provide. The notes, bonds and other obligations of the
53 authority may be sold by the authority, at public or private sale, at
54 such price or prices as the authority shall determine. No notes or bonds
55 of the authority may be sold by the authority at private sale, however,
56 unless such sale and the terms thereof have been approved in writing by

1 (a) the comptroller, where such sale is not to the comptroller, or (b)
2 the director of the office of management and budget, where such sale is
3 to the comptroller.

4 4. Any resolution or resolutions authorizing any notes, bonds or any
5 issue thereof, or any other obligations of the authority, may contain
6 provisions, which shall be a part of the contract with the holders ther-
7 eof, as to:

8 (a) pledging all or any part of the revenues of the authority or of
9 any of its subsidiary corporations or New York city transit authority or
10 any of its subsidiary corporations or Triborough bridge and tunnel
11 authority to secure the payment of the notes or bonds or of any issue
12 thereof, or any other obligations of the authority, subject to such
13 applicable agreements with bondholders, noteholders, or holders of other
14 obligations of the authority, the metropolitan transportation authority,
15 the New York city transit authority and its subsidiary corporations, and
16 Triborough bridge and tunnel authority;

17 (b) pledging all or any part of the assets of the authority or of any
18 of its subsidiary corporations or New York city transit authority or any
19 of its subsidiary corporations or Triborough bridge and tunnel authority
20 to secure the payment of the notes or bonds or of any issue of notes or
21 bonds, or any other obligations of the authority, subject to such agree-
22 ments with noteholders, bondholders, or holders of other obligations of
23 the authority, the New York city transit authority and its subsidiary
24 corporations, and Triborough bridge and tunnel authority;

25 (c) the use and disposition of revenues, including fares, tolls,
26 rentals, rates, charges and other fees, made or received by the authori-
27 ty, any of its subsidiary corporations, New York city transit authority
28 or any of its subsidiary corporations, or Triborough bridge and tunnel
29 authority;

30 (d) the setting aside of reserves or sinking funds and the regulation
31 and disposition thereof;

32 (e) limitations on the purpose to which the proceeds of sale of notes,
33 bonds or other obligations of the authority may be applied and pledging
34 such proceeds to secure the payment of the notes or bonds or of any
35 issue thereof or of other obligations;

36 (f) limitations on the issuance of additional notes, bonds or other
37 obligations of the authority; the terms upon which additional notes,
38 bonds or other obligations of the authority may be issued and secured;
39 the refunding of outstanding or other notes, bonds or other obligations
40 of the authority;

41 (g) the procedure, if any, by which the terms of any contract with
42 noteholders, bondholders, or holders of other obligations of the author-
43 ity, may be amended or abrogated, the amount of notes, bonds or other
44 obligations of the authority the holders of which must consent thereto,
45 and the manner in which such consent may be given;

46 (h) limitations on the amount of monies to be expended by the authori-
47 ty or any of its subsidiary corporations or New York city transit
48 authority or any of its subsidiary corporations or Triborough bridge and
49 tunnel authority for operating, administrative or other expenses of the
50 authority or any of its subsidiary corporations or New York city transit
51 authority or any of its subsidiary corporations or Triborough bridge and
52 tunnel authority;

53 (i) vesting in a trustee or trustees such property, rights, powers and
54 duties in trust as the authority may determine, which may include any or
55 all of the rights, powers and duties of the trustee appointed by the
56 bondholders, noteholders or holders of other obligations of the authori-

1 ty pursuant to this title, and limiting or abrogating the right of the
2 bondholders, noteholders or holders of other obligations of the authori-
3 ty to appoint a trustee under this article or limiting the rights,
4 powers and duties of such trustee; and

5 (j) any other matters, of like or different character, which in any
6 way affect the security or protection of the notes, bonds or other obli-
7 gations of the authority.

8 5. In addition to the powers conferred by this section upon the
9 authority to secure its notes, bonds and other obligations, the authori-
10 ty shall have power in connection with the issuance of notes, bonds and
11 other obligations to enter into such agreements as the authority may
12 deem necessary, convenient or desirable concerning the use or disposi-
13 tion of the monies or property of the authority, its subsidiary corpo-
14 rations, New York city transit authority, or any of its subsidiary
15 corporations, or Triborough bridge and tunnel authority, including the
16 mortgaging of any such property and the entrusting, pledging or creation
17 of any other security interest in any such monies or property and the
18 doing of any act (including refraining from doing any act) which the
19 authority would have the right to do in the absence of such agreements.
20 The authority shall have power to enter into amendments of any such
21 agreements within the powers granted to the authority by this title and
22 to perform such agreements. The provisions of any such agreements may be
23 made a part of the contract with the holders of the notes, bonds and
24 other obligations of the authority.

25 6. Any pledge, mortgage or security instrument made by the authority
26 shall be valid and binding from the time when the pledge, mortgage or
27 security instrument is made; the monies or property so pledged, mort-
28 gaged and entrusted and thereafter received by the authority, or any of
29 its subsidiary corporations shall immediately be subject to the lien of
30 such pledge, mortgage or security instrument without any physical deliv-
31 ery thereof or further act; and the lien of any such pledge, mortgage or
32 security instrument shall be valid and binding as against all parties
33 having claims of any kind in tort, contract or otherwise against the
34 authority, or any of its subsidiary corporations, irrespective of wheth-
35 er such parties have notice thereof. Neither the resolution nor any
36 mortgage, security instrument or other instrument by which a pledge,
37 mortgage lien or other security is created shall need to be recorded or
38 filed and neither the authority nor, any of its subsidiary corporations
39 shall be required to comply with any of the provisions of the uniform
40 commercial code.

41 7. Neither the members of the authority, the New York city transit
42 authority or the Triborough bridge and tunnel authority nor any person
43 executing the notes, bonds or other obligations shall be liable
44 personally on the notes, bonds or other obligations or be subject to any
45 personal liability or accountability by reason of the issuance thereof.

46 8. The authority, subject to such agreements with the holders of
47 notes, bonds or other obligations as may then exist, shall have power
48 out of any funds available therefor to purchase notes, bonds or other
49 obligations of the authority. The authority may hold, cancel or sell
50 such bonds, notes and other obligations, subject to and in accordance
51 with agreements with such holders.

52 9. Neither the state nor the city of New York shall be liable on
53 notes, bonds or other obligations of the authority and such notes, bonds
54 and other obligations shall not be a debt of the state or the city of
55 New York, and such notes, bonds and other obligations shall contain on

1 the face thereof, or in an equally prominent place, a statement to such
2 effect.

3 10. So long as the authority has any outstanding bonds, notes or other
4 obligations issued pursuant to this section or any bonds, notes or other
5 obligations issued or incurred pursuant to section thirteen hundred
6 forty-nine-j of this title, none of the authority or any of its subsid-
7 iary corporations, New York city transit authority or any of its subsid-
8 iary corporations, or Triborough bridge and tunnel authority shall have
9 the authority to file a voluntary petition under chapter nine of the
10 federal bankruptcy code or such corresponding chapter, chapters or
11 sections as may, from time to time, be in effect, and neither any public
12 officer nor any organization, entity or other person shall authorize the
13 authority or any of its subsidiary corporations, New York city transit
14 authority or any of its subsidiary corporations, or Triborough bridge
15 and tunnel authority to be or become a debtor under chapter nine of the
16 federal bankruptcy code or said corresponding chapter, chapters or
17 sections during any such period.

18 11. The term "monies" as used in this section shall include, but not
19 be limited to, all operating subsidies provided by (i) any public bene-
20 fit corporation, including without limitation transfers of operating
21 surplus by Triborough bridge and tunnel authority pursuant to section
22 twelve hundred nineteen-a of this article, or (ii) any governmental
23 entity, federal, state or local and shall exclude all funds required to
24 be transferred to the metropolitan transportation authority pursuant to
25 section thirteen hundred forty-nine-h of this title.

26 12. Any resolution or agreement authorizing the issuance of bonds,
27 notes or other obligations pursuant to this section may, in addition,
28 authorize and provide for the issuance of lease obligations of the
29 authority which may be issued for the purposes and on the terms and
30 conditions under which the bonds, notes and other obligations authorized
31 under this section may be issued, and may be secured in the same manner
32 as such bonds, notes and other obligations, and which resolution with
33 respect to such lease obligations, may contain such other provisions
34 applicable to bonds, notes and other obligations not inconsistent with
35 the provisions of this section, as the authority may determine.

36 13. The aggregate principal amount of bonds, notes or other obli-
37 gations issued after the first of January next succeeding the effective
38 date of this title, by the authority, the Triborough bridge and tunnel
39 authority and the New York city transit authority to fund projects
40 contained in capital program plans approved pursuant to section thirteen
41 hundred forty-nine-v of this title for the capital program authorization
42 period shall not exceed fifty-five billion four hundred ninety-seven
43 million dollars. Such aggregate principal amount of bonds, notes or
44 other obligations or the expenditure thereof shall not be subject to any
45 limitation contained in any other provision of law on the principal
46 amount of bonds, notes or other obligations or the expenditure thereof
47 applicable to the authority, the Triborough bridge and tunnel authority
48 or the New York city transit authority. The aggregate limitation estab-
49 lished by this subdivision shall not include: (a) obligations issued to
50 refund, redeem or otherwise repay, including by purchase or tender,
51 obligations theretofore issued either by the issuer of such refunding
52 obligations or by the authority, the New York city transit authority or
53 the Triborough bridge and tunnel authority; (b) obligations issued to
54 fund any debt service or other reserve funds for such obligations; (c)
55 obligations issued or incurred to fund the costs of issuance, the
56 payment of amounts required under bond and note facilities, federal or

1 other governmental loans, security or credit arrangements or other
2 agreements related thereto and the payment of other financing, original
3 issue premiums and related costs associated with such obligations; (d)
4 an amount equal to any original issue discount from the principal amount
5 of such obligations or to fund capitalized interest; (e) obligations
6 incurred pursuant to section twelve hundred seven-m of this article; (f)
7 obligations incurred to fund the acquisition of certain buses for the
8 New York city transit authority as identified in a capital program plan
9 approved pursuant to chapter fifty-three of the laws of nineteen hundred
10 ninety-two; (g) obligations incurred in connection with the leasing,
11 selling or transferring of equipment; and (h) bond anticipation notes or
12 other obligations payable solely from the proceeds of other bonds, notes
13 or other obligations which would be included in the aggregate principal
14 amount specified in the first sentence of this subdivision, whether or
15 not additionally secured by revenues of the authority, or any of its
16 subsidiary corporations, New York city transit authority, or any of its
17 subsidiary corporations, or Triborough bridge and tunnel authority.

18 § 1349-v. Capital program plans; approvals; effect of disapproval. 1.
19 On or before October first next succeeding the effective date of this
20 section, and every fifth year thereafter, the authority shall submit to
21 the mayor a capital program plan for the ten-year period commencing
22 January first of the following year.

23 2. For the period described in subdivision one of this section, the
24 plan shall contain the capital program for the transit facilities oper-
25 ated by the New York city transit authority and its subsidiaries and for
26 the Staten Island rapid transit operating authority.

27 3. The plan shall set system-wide goals and objectives for capital
28 spending, establish standards for service and operations, and describe
29 each capital element proposed to be initiated in each of the years
30 covered by the plan and explain how each proposed element supports the
31 achievement of the service and operational standards established in the
32 plan. The plan shall also set forth an estimate of the amount of capital
33 funding required each year and the expected sources of such funding.
34 Each plan subsequent to the first such plan and each proposed amendment
35 or modification thereof shall also describe the current status of each
36 capital element included in the previously approved plan, if any. The
37 plan shall be accompanied or supplemented by such supporting materials
38 as the mayor shall require.

39 4. A "capital element", as used in this section, shall mean either a
40 category of expenditure itemized in a plan, as hereinafter provided, for
41 which a specified maximum dollar amount is proposed to be expended, or a
42 particularly described capital project within one or more categories for
43 which no maximum expenditure is proposed, but for which an estimate of
44 expected cost is provided. A capital element shall be deemed to have
45 been initiated for purposes of this section if in connection with such
46 element the authority shall certify that:

47 (a) purchase or construction contracts have been entered into, obli-
48 gating in the aggregate an amount exceeding ten percent of the maximum
49 or estimated cost of the element as set forth in a plan;

50 (b) financing specific to the project has been undertaken; or

51 (c) in a case where such element is limited to design or engineering,
52 a contract therefor has been entered into.

53 5. The plan shall itemize the capital elements included in each
54 section of the plan under the following categories of expenditure: (a)
55 rolling stock and buses; (b) passenger stations; (c) track; (d) line
56 equipment; (e) line structures; (f) signals and communications; (g)

1 power equipment, emergency power equipment and substations; (h) shops,
2 yards, maintenance facilities, depots and terminals; (i) service vehi-
3 cles; (j) security systems; (k) electrification extensions; and (l)
4 unspecified, miscellaneous and emergency.

5 6. A capital program plan must be approved only by resolution of the
6 authority approved by not less than a majority vote. After approval, the
7 authority must submit the plan to the mayor, who has ninety days to
8 approve the plan.

9 7. A copy of any capital program plan that has been approved by the
10 authority and distributed to the mayor shall be simultaneously provided
11 to the public by the big apple transit authority, via its official or
12 shared internet website.

13 8. If the mayor takes no action within ninety days after receiving the
14 plan, the plan shall be deemed to have been approved.

15 9. If the mayor vetoes the plan, the authority may only override the
16 veto by unanimous vote.

17 10. If the mayor vetoes the plan and the authority does not override
18 the veto, the authority may thereafter reformulate and resubmit such
19 plan at any time. Within thirty days of the submission of such reformu-
20 lated plan, the mayor may notify the authority of its approval, or, if
21 the reformulated plan is not approved and the mayor has not notified the
22 authority of his or her disapproval within such period, the reformulated
23 plan shall be deemed to have been approved.

24 11. No general obligation bonds or notes of the authority, no special
25 obligation bonds or notes of the authority to finance a transit project,
26 as such term is defined in section thirteen hundred forty-nine-j of this
27 title, and no bonds or notes of the Triborough bridge and tunnel authori-
28 ty to finance a project pursuant to the authorization contained in
29 paragraph (r) of subdivision nine of section five hundred fifty-three of
30 this chapter shall be issued to finance the costs of a capital element
31 unless such capital element and such source of funding was set forth in
32 a plan approved as provided in this section.

33 12. The disapproval of a capital program plan shall not affect: (a)
34 the right of the authority, of the Triborough bridge and tunnel authori-
35 ty, or of the New York city transit authority, or of the subsidiaries of
36 any of them to initiate and complete any capital element which will be
37 financed otherwise than through the issuance of the bonds or notes the
38 issuance of which is prohibited under subdivision seven of this section;
39 (b) the right of the authority or the Triborough bridge and tunnel
40 authority to issue bonds or notes to finance a capital element which was
41 initiated prior to such disapproval in conformity with a previously
42 approved plan; (c) the right of the New York city transit authority to
43 issue its bonds, notes, lease, sublease or other contractual obligations
44 in payment for a transit project initiated prior to such disapproval in
45 conformity with a previously approved plan; (d) the right of the author-
46 ity or of the Triborough bridge and tunnel authority to issue bonds or
47 notes to refund or otherwise repay any of its outstanding bonds or notes
48 or to fulfill any of their obligations to the holders of any of their
49 outstanding bonds or notes; or (e) the right of the New York city trans-
50 it authority to issue its bonds, notes, lease, sublease or other
51 contractual obligations to refund or otherwise repay any of its
52 outstanding bonds or notes or to fulfill any of its obligations to the
53 holders of any of its outstanding bonds or notes.

54 13. Notwithstanding the provisions of subdivision eight of this
55 section, if a source of funding described in an approved plan shall be
56 unavailable or be available in a lesser amount than that set forth in

1 such plan, the authority and the Triborough bridge and tunnel authority
2 may issue bonds or notes as necessary to provide the requisite funding
3 for the capital elements included in the plan to the extent that the
4 aggregate amount of such bonds or notes to be issued in substitution for
5 such unavailable amounts shall not exceed the greater of fifty million
6 dollars or twenty percent of the total amount described in such plan for
7 either the substitute funding source or the funding source being substi-
8 tuted for, subject to the limitations set forth in subdivision eleven of
9 section five hundred fifty-three-e of this chapter and paragraph (a) of
10 subdivision four of section twelve hundred seven-m of this article.

11 14. (a) The authority may from time to time submit to the mayor amend-
12 ments or modifications to any ten-year plan theretofore submitted, and
13 shall submit such an amendment or modification (i) if the estimated cost
14 of any capital element for which a specified dollar amount was proposed
15 to be expended exceeds the amount set forth in the approved plan for
16 such element by more than ten percent, (ii) if with respect to a partic-
17 ularly described capital element for which only an estimate of projected
18 cost has been provided in the plan there is a material change in the
19 description of such element from that contained in the approved plan,
20 (iii) if a capital element not previously included in the approved plan
21 is proposed to be undertaken and its cost, together with the cost of
22 other elements included in category (1) of the plan, exceeds by ten
23 percent the amount provided for such category (1) elements, (iv) if the
24 authority shall propose to change by more than one year from the time
25 when any capital element is proposed to be initiated or the effect of
26 such change will be to increase the estimated amount of capital funding
27 required in any year covered by the plan by more than twenty percent, or
28 (v) if the availability of funding sources changes to the degree to
29 which the authority or the Triborough bridge and tunnel authority are
30 precluded from exercising the authorization provided in subdivision nine
31 of this section and the authority wishes to do so.

32 (b) An amendment or modification may only be approved in two ways: (i)
33 an amendment or modification shall only be approved by the mayor and
34 within thirty days of the submission of an amendment or modification the
35 mayor may notify the authority of its approval of the same; or (ii) if
36 the amendment or modification is not approved by the mayor within such
37 thirty day period and the mayor has not notified the authority in writ-
38 ing of his or her disapproval within such period, the amendment or
39 modification shall be deemed to have been approved.

40 15. In formulating its capital program plans, the authority shall give
41 consideration to the physical condition and urgency of need of each of
42 the several transportation and transit systems involved, to the needs of
43 all of the communities and areas serviced by these systems, to the
44 extent to which other capital aid or assistance may be available to each
45 of these systems, and to the safety, comfort and convenience of its
46 passengers. In determining the source or method of funding which the
47 authority is to use to finance the cost of the capital elements included
48 in its capital program plans, the authority shall, insofar as practica-
49 ble, give consideration, among other things, to: (a) the potential
50 impact of each such source or method upon the level of passenger fares;
51 (b) the relative cost of the several funding alternatives; and (c) the
52 relative ability of each source or method to provide funding at times
53 and in amounts estimated to be required by the capital program plan. To
54 the extent funding is proposed to be obtained through the issuance and
55 sale of bonds or notes, the authority shall, insofar as practicable and
56 consistent with the matters set forth in paragraphs (a), (b) and (c) of

1 this subdivision, give preference to the use of funds appropriated or to
2 be appropriated to the authority by virtue of service contracts with the
3 director of the office of management and budget entered into pursuant to
4 the provisions of the transportation systems assistance and financing
5 act of nineteen hundred eighty-one for purposes of paying the annual
6 cost of debt service for such bonds or notes.

7 16. On or before the first of October succeeding the effective date of
8 this subdivision, and on or before October first of every fifth year
9 thereafter, the authority shall submit to the mayor a twenty-year capi-
10 tal needs assessment. Such assessment shall begin with the period
11 commencing on the first of January after such submission, and begin each
12 assessment with every fifth year thereafter, and describe capital
13 investments over the succeeding twenty years. Such assessment shall: (a)
14 set forth broad long-term capital investments to be made throughout the
15 district; and (b) establish a non-binding basis to be used by the
16 authority in the planning of strategic investments involving capital
17 elements in its five-year capital plan. Such assessment shall not
18 require approval of the mayor and shall be for informational purposes
19 only.

20 17. For purposes of this section, "broad long-term capital invest-
21 ments" shall include but not be limited to: system rebuilding, enhance-
22 ment, and expansion needs; agency needs broken down by capital element
23 or investment category; and projected future trends and network impli-
24 cations. Such assessment shall be certified by the chairperson of the
25 authority and shall be entered into the permanent record of the minutes
26 of the review board.

27 § 1349-w. Submission of strategic operation plan. 1. On or before the
28 first of July next succeeding the effective date of this section, the
29 authority shall submit to the mayor a strategic operation plan for the
30 bus and subway services of the New York city transit authority and its
31 subsidiaries and for the Staten Island rapid transit operating authority
32 for the five year period commencing January first of the following year.
33 The plan may be amended as required but shall be updated at least annu-
34 ally. The plan shall include, but need not be limited to, the following:

35 (a) Long-range goals and objectives for the operation of services and
36 facilities;

37 (b) Planned service and performance standards for each year of the
38 period covered by the plan; including, in such plan submitted after the
39 first of July next succeeding the effective date of this section: (i)
40 standards for determining frequency of service at peak hours and off-
41 peak hours; (ii) frequency of service at peak and off-peak hours based
42 on the application of such standards to the current period for each
43 subway line, bus route or group of bus routes; and (iii) projected
44 performance for each subway line, bus route or group of bus routes as
45 measured by reliability indicators commonly utilized within the transit
46 industry, including such measures as mean distance between failures for
47 subway cars, planned number of vehicles with air conditioning and
48 projected reliability of such equipment, planned standards for cleanli-
49 ness of the interior and exterior of subway cars, buses, and passenger
50 stations, and other appropriate measures of planned performance influ-
51 encing the quality of services;

52 (c) Level and structure of fares projected for each year of the period
53 covered by the plan;

54 (d) Estimated operating and capital resources anticipated to be avail-
55 able from internal sources as well as from federal, state, regional and
56 local sources;

1 (e) Estimated operating and capital costs to satisfy planned standards
2 of performance and service;

3 (f) Strategies to improve productivity; control cost growth; integrate
4 and coordinate the delivery of services provided by the authority as
5 well as other public and private transportation providers in the service
6 area;

7 (g) Specific allocation of operating and capital resources by mode and
8 operation, including funds, personnel and equipment;

9 (h) Configuration by mode, operation and route of the services to be
10 provided and the facilities to be operated, identifying major planned
11 changes in services and routes;

12 (i) Identification of the operating and capital costs as compared to
13 the revenues anticipated from system users for the big apple transit
14 authority and its subsidiaries and the New York city transit authority
15 and its subsidiaries; and

16 (j) An analysis of the relationship between specific planned capital
17 elements contained in approved capital program plans and the achievement
18 of planned service and performance standards. Such analysis shall
19 include the relationship of specific planned capital elements to the
20 achievement of such service and performance standards for each subway
21 line, bus route or group of bus routes as appropriate.

22 2. Each annual update of the plan shall include a status report summa-
23 rizing the extent to which planned service and performance standards
24 developed for the previous year were achieved, the causes of any failure
25 to achieve projected standards of service, and corrective measures the
26 authority intends to take to avoid non-achievement of projected stand-
27 ards in the next upcoming year.

28 3. The big apple transit authority shall take into consideration any
29 petitions from local officials for improved services, including how
30 these service improvements relate to the service and performance stand-
31 ards described in subdivision two of this section, and shall consult
32 with appropriate local officials in its preparation and periodic updates
33 to the operation plan.

34 § 1349-x. Financial and operational reports. The authority shall
35 submit to the mayor and speaker of the city council, no later than thir-
36 ty days following the submission of the annual independent audit report
37 pursuant to section twenty-eight hundred two of this chapter, a complete
38 detailed report or reports setting forth, to the extent such matters are
39 not fully addressed in the annual independent audit report, the follow-
40 ing:

41 1. its financial reports, including:

42 (a) audited financials in accordance with all applicable regulations
43 and following generally accepted accounting principles as defined in
44 subdivision ten of section two of the state finance law;

45 (b) grant and subsidy programs;

46 (c) operating and financial risks;

47 (d) current ratings of its bonds issued by recognized municipal bond
48 rating agencies and notice changes in such ratings; and

49 (e) long-term liabilities, including leases and employee benefit
50 plans; and

51 2. an assessment of the effectiveness of its internal control struc-
52 ture and procedures, including:

53 (a) descriptions of the authority and its major units and subsid-
54 iaries;

55 (b) the number of employees, and minority and women employees, for
56 each;

1 (c) an organizational chart;

2 (d) its charter, if any and by-laws;

3 (e) the extent of participation by minority and women-owned enter-
4 prises in authority contracts and services in accordance with article
5 fifteen-A of the executive law; and

6 (f) a listing of material changes in internal operations and programs
7 during the reporting year.

8 § 1349-y. Mission statement and measurement report. 1. The authority
9 shall submit to the mayor and speaker of the city council, on or before
10 the first of October next succeeding the effective date of this title, a
11 proposed authority mission statement and proposed measurements. The
12 proposed mission statement and proposed measurements shall have the
13 following components: a brief mission statement expressing the purpose
14 and goals of the authority; a description of the stakeholders of the
15 authority and their reasonable expectations from the authority, which
16 stakeholders shall include at a minimum: the residents and taxpayers of
17 the area of the state served by the authority, the persons that use the
18 services provided by the authority, and the employees of the authority
19 and any employee organization; the goals of the authority in response to
20 the needs of each group of stakeholders; and a list of measures by which
21 performance of the authority and the achievement of its goals may be
22 evaluated.

23 2. The authority shall thereafter reexamine its mission statement and
24 measurements on an annual basis and publish on its website self-evalu-
25 ations based on the stated measures.

26 § 1349-z. Requirements for certain authority contracts and related
27 subcontracts. 1. Any contractor or subcontractor subject to the posting
28 requirements of paragraph a of subdivision three-a of section two
29 hundred twenty of the labor law with respect to a public works contract
30 of the authority shall:

31 (a) post information conforming to the provisions of subdivision two
32 of this section in one or more conspicuous places at each major work-
33 place site where persons who perform work on the contract or subcon-
34 tract, including management, are most likely to see such postings;
35 provided that, this requirement may be satisfied by the displaying of
36 such information with other notices that inform persons of rights under
37 federal or state laws or rules, human resource policies, or collective
38 bargaining agreements;

39 (b) post information conforming to the provisions of subdivision two
40 of this section on an internet and intranet website, if any, of that
41 person or business organization; provided that, this requirement may be
42 satisfied by providing on such website a conspicuous hyperlink to the
43 authority website maintained pursuant to subdivision three of this
44 section, which hyperlink shall be labeled "Protections for Reporting
45 Fraud in New York";

46 (c) distribute information specified in subdivision two of this
47 section to those persons, including employees and managers, who perform
48 work on the contract; provided that, this requirement may be satisfied
49 by distributing such information in an employee handbook or through a
50 specific electronic communication containing the information to a known
51 electronic mail address maintained by the person; and

52 (d) comply with the provisions of this subdivision, and provide to the
53 authority satisfactory evidence of such compliance, within ninety days.

54 2. The disclosures required by subdivision one of this section shall:

55 (a) provide the telephone numbers and addresses to report information
56 of fraud or other illegal activity to the appropriate officers of the

1 inspector general of the authority and the attorney general of the
2 state;

3 (b) describe in detail conduct prohibited by section one hundred
4 eighty-nine of the state finance law, and the role of that act in
5 preventing and detecting fraud and abuse in work paid for by the author-
6 ity or with funds originating from the authority;

7 (c) notify prospective qui tam plaintiffs on how to file a qui tam
8 action, including the necessity to contact private counsel skilled in
9 filing such actions and of the potential for cash rewards in such
10 actions based on the percentage of the funds recovered by the govern-
11 ment; and

12 (d) describe prohibitions on employer retaliation against persons who
13 file or assist actions under article thirteen of the state finance law,
14 the New York false claims act pursuant to section one hundred ninety-one
15 of the state finance law, or who report illegal conduct that threatens
16 the health or safety of the public pursuant to section seven hundred
17 forty of the labor law.

18 3. No later than forty-five days after the effective date of this
19 section, the authority shall establish and continuously maintain on its
20 public website and its intranet site a page that shall provide the
21 information specified in subdivision two of this section, and that shall
22 also provide sample statements, displays and other materials suitable
23 for insertion in employee handbooks or posting at workplaces or on
24 websites that would satisfy the disclosure requirements of this section.

25 4. On and after the effective date of this section, the authority
26 shall not enter into any contract described in subdivision one of this
27 section that does not incorporate the terms of this section.

28 5. Material compliance by a covered person or business organization
29 that has contracted with the authority under a contract that incorpo-
30 rates the terms of this section shall be a material condition of payment
31 for the provision of goods or services.

32 6. The authority is authorized to adopt such rules and regulations as
33 are necessary to effectuate the purposes of this section.

34 § 1349-aa. Reserve funds and appropriations. The authority may create
35 and establish one or more reserve funds in accordance with agreements
36 with bondholders, noteholders or the holders of other obligations of the
37 authority and may pay into such reserve funds (a) any monies appropri-
38 ated and made available by the state for the purposes of such funds, (b)
39 any proceeds of sales of notes, bonds or other obligations to the extent
40 provided in the resolution of the authority authorizing the issuance
41 thereof, and (c) any other moneys which may be made available to the
42 authority for the purpose of such funds from any other source or sourc-
43 es. In lieu thereof, the authority may provide for the deposit therein
44 of, or substitute for moneys on deposit therein, a liquidity or credit
45 facility, surety bond or other similar agreement.

46 § 1349-bb. Big apple transit authority special assistance fund. 1. The
47 authority shall create and establish a fund to be known as the "big
48 apple transit authority special assistance fund" which shall be kept
49 separate from and shall not be commingled with any other moneys of the
50 authority. The special assistance fund shall consist of two separate
51 accounts: (i) the "transit account"; and (ii) the "corporate transporta-
52 tion account".

53 2. Moneys in the transit account may be pledged to the Triborough
54 bridge and tunnel authority to secure bonds and notes and, if so
55 pledged, shall be paid to the Triborough bridge and tunnel authority in
56 such amounts and at such times as necessary to pay or to reimburse that

1 authority for its payment of debt service and reserve requirements on
2 that portion of special Triborough bridge and tunnel authority bonds and
3 notes issued by that authority pursuant to section five hundred fifty-
4 three-d of this chapter for transit projects undertaken for the New York
5 city transit authority and its subsidiaries. Subject to the provisions
6 of such pledge, any excess moneys, or in the event there is no such
7 pledge, any moneys in such account shall, at the direction of the big
8 apple transit authority, be: (a) deposited into one or more funds or
9 accounts and used as contemplated by section thirteen hundred forty-
10 nine-dd of this title; or (b) used for the payment of operating and
11 capital costs of the New York city transit authority and its subsidi-
12 aries and the Staten Island rapid transit operating authority.

13 3. (a) Moneys in the corporate transportation account shall be pledged
14 by the authority, or pledged to the Triborough bridge and tunnel author-
15 ity, to secure bonds, notes or other obligations of the authority or the
16 Triborough bridge and tunnel authority, as the case may be, and, if so
17 pledged to the Triborough bridge and tunnel authority, shall be paid to
18 the Triborough bridge and tunnel authority in such amounts and at such
19 times as necessary to pay or to reimburse that authority for its payment
20 of debt service and reserve requirements, if any, on that portion of
21 special Triborough bridge and tunnel authority bonds and notes issued by
22 that authority pursuant to section five hundred fifty-three-d of this
23 chapter. Subject to the provisions of any such pledge, or in the event
24 there is no such pledge, any excess moneys in the corporate transporta-
25 tion account may be used by the authority for payment of operating costs
26 of, and capital costs, including debt service and reserve requirements,
27 if any, of or for the authority, the New York city transit authority and
28 their subsidiaries as the authority shall determine.

29 § 1349-cc. Big apple transit authority dedicated tax fund. 1. The
30 authority shall establish a fund to be known as the "big apple transit
31 authority dedicated tax fund" which shall be kept separate from and
32 shall not be commingled with any other moneys of the authority. The fund
33 shall consist of a "pledged amounts account" and an "operating and capi-
34 tal costs account" and such other accounts and subaccounts as the
35 authority may determine.

36 2. Moneys in the fund may be:

37 (a) pledged by the authority to secure and be applied to the payment
38 of its bonds, notes or other obligations specified by the authority and
39 issued to finance: (i) transit projects undertaken for the New York city
40 transit authority and its subsidiaries; and (ii) transportation facili-
41 ties undertaken for the authority and its subsidiaries; and

42 (b) used for payment of operating costs, and capital costs, including
43 debt service, reserve requirements, if any, the payment of amounts
44 required under bond and note facilities or agreements related thereto,
45 the payment of federal government loans, security or credit arrangements
46 or other agreements related thereto, and the payment of all costs
47 related to such obligations, of or for the authority, the New York city
48 transit authority and their subsidiaries as the authority shall deter-
49 mine. To the extent moneys in the fund have been pledged by the authori-
50 ty to secure and pay its bonds, notes or other obligations as herein
51 provided, moneys deposited into the fund shall first be deposited into
52 the pledged amounts account to the extent necessary to satisfy the
53 requirements of any debt service or reserve requirements, if any, of the
54 resolution authorizing such bonds, notes or other obligations. After
55 satisfaction of such requirements of the resolution, or if the authority
56 has not so pledged the moneys in the fund, moneys deposited in the fund

1 shall be directly deposited into the operating and capital costs account
2 and, subject to the provisions of any resolutions of the authority not
3 secured by the pledged amounts account, transferred forthwith to or for
4 the benefit of the New York city transit authority and its subsidiaries
5 and the Staten Island rapid transit operating authority.

6 3. Any moneys deposited in the fund shall be held in the fund free and
7 clear of any claim by any person arising out of or in connection with
8 article thirteen-A of the tax law. Without limiting the generality of
9 the foregoing and without limiting the rights and duties of the commis-
10 sioner of taxation and finance under article thirteen-A of the tax law,
11 or any other person, including the state, a person shall have any right
12 or claim against the authority, any of its bondholders, the authority or
13 the commuter transportation authority to any moneys in or distributed
14 from the fund or in respect of a refund, rebate, credit or reimbursement
15 of taxes paid under article thirteen-A of the tax law.

16 § 1349-dd. Consolidated financings. 1. Notwithstanding any inconsis-
17 ent provisions of this law or any other law, general, special or local,
18 the authority may issue its notes, bonds and other obligations to
19 finance transportation facilities, including transit projects and
20 Triborough bridge and tunnel authority projects, utilizing a consol-
21 idated pledge of all or any portion of the revenues and other moneys and
22 assets of the authority and its subsidiaries, New York city transit
23 authority and its subsidiaries, and the Triborough bridge and tunnel
24 authority, together with those other sources of payment described in
25 this section. In connection therewith, at its discretion, the authority,
26 subject to the rights of the holders of notes, bonds or other obli-
27 gations of the authority, the metropolitan transportation authority, the
28 New York city transit authority or the Triborough bridge and tunnel
29 authority, may: (a) agree with the New York city transit authority or
30 the Triborough bridge and tunnel authority that any such entity shall
31 deposit all or any portion of the revenues, other monies and assets
32 received by it or its subsidiaries into one or more funds or accounts;
33 and (b) deposit or cause to be deposited into one or more funds and
34 accounts: (i) all or any portion of the revenues, other monies and
35 assets received by the authority and its subsidiaries; (ii) all or any
36 portion of the annual operating surplus of the Triborough bridge and
37 tunnel authority as certified pursuant to paragraph (b) of subdivision
38 two of section twelve hundred nineteen-a of this article; (iii) all or
39 any portion of the amounts from the operating and capital costs account
40 of the metropolitan transportation authority dedicated tax fund required
41 to be distributed to New York city transit authority under the
42 provisions of section twelve hundred seventy-c of this title; (iv) all
43 or any portion of the available monies in the transit account of the
44 metropolitan transportation authority special assistance fund estab-
45 lished under the provisions of section twelve hundred seventy-a of this
46 title available for payment of operating and capital costs of New York
47 city transit authority and its subsidiaries and Staten Island rapid
48 transit operating authority as provided in subdivision two of section
49 twelve hundred seventy-a of this title; (v) all or any portion of the
50 available moneys in the corporate transportation account of the metro-
51 politan transportation authority special assistance fund established
52 under the provisions of section twelve hundred seventy-a of this title
53 available for use by the authority for payment of operating costs of,
54 and capital costs, including debt service and reserve requirements, if
55 any, of or for the authority, the New York city transit authority and
56 their subsidiaries as provided in paragraph (a) of subdivision four of

1 section twelve hundred seventy-a of this title; and (vi) any other
2 monies of the authority, its subsidiaries, the New York city transit
3 authority and its subsidiaries, and the Triborough bridge and tunnel
4 authority from any source whatsoever.

5 2. Amounts so deposited in such funds or accounts may be: (a) pledged
6 by the authority to secure, and be applied to, the payment of its bonds,
7 notes or other obligations issued to finance transportation facilities
8 undertaken for the authority and its subsidiaries, transportation facil-
9 ities, including transit projects, undertaken for New York city transit
10 authority and its subsidiaries, and Triborough bridge and tunnel author-
11 ity projects undertaken for the Triborough bridge and tunnel authority;
12 and (b) used for payment of operating costs, and capital costs, includ-
13 ing debt service, reserve requirements, if any, the payment of amounts
14 required under bond, note or other financing facilities or agreements,
15 and the payment of all costs related to such obligations, of or for the
16 authority and its subsidiaries, and the New York city transit authority
17 and its subsidiaries as the authority in its full discretion shall
18 determine. To the extent moneys so deposited have been pledged by the
19 authority to secure and pay its bonds, notes or other obligations pursu-
20 ant to this subdivision, such moneys shall first be applied to satisfy
21 the requirements of any debt service or reserve requirements of the
22 resolution or resolutions or other contractual arrangements authorizing
23 such bonds, notes or other obligations. After satisfaction of such
24 requirements of any such resolution, resolutions, or other contractual
25 arrangements or if the authority has not so pledged such moneys, such
26 moneys so deposited, subject to the provisions of any other resolutions
27 or contractual arrangements of the authority and the New York city tran-
28 sit authority and applicable provisions of law, may be transferred to or
29 for the benefit of the authority and its subsidiaries and New York city
30 transit authority and its subsidiaries. Revenues and other monies of the
31 authority and its subsidiaries and New York city transit authority and
32 its subsidiaries, respectively, which are deposited in the funds or
33 accounts authorized by this section, as reduced by any application of
34 such revenues or monies to the payment of debt service, reserve require-
35 ments, if any, and other costs attributable to the funding of the capi-
36 tal costs of such entity, shall be allocated, credited and distributed
37 to such source entity. Any other revenues or monies which are deposited
38 in the funds or accounts authorized by this section which are required
39 by law to be allocated or paid to the authority or its subsidiaries or
40 New York city transit authority or its subsidiaries, shall be allocated
41 or paid to the entity to which it is required to be allocated or paid by
42 law after reduction by an amount equal to the portion thereof applied to
43 the payment of debt service, reserve requirements, if any, and other
44 costs attributable to the funding of the capital costs of such entity.
45 In determining the amount of debt service, reserve requirements, if any,
46 and other costs attributable to the authority and its subsidiaries and
47 the New York city transit authority and its subsidiaries, the authority
48 shall make such calculation based upon the percentage of the proceeds of
49 the bonds, notes and other obligations expended for the capital costs
50 attributable to each such entity. The authority may utilize any interim
51 allocation of such distributions, provided that within ninety days after
52 the end of each calendar year, the authority shall certify that the
53 aggregate amount of moneys transferred to each of the authority and its
54 subsidiaries, and the New York city transit authority and its subsid-
55 aries in respect of such calendar year, taking into account any intera-
56 gency repayments or reimbursements anticipated to be made in the next

1 succeeding calendar year, is not less than the amounts required to be
2 paid or transferred to such entities.

3 3. For the purpose of appropriately aligning and allocating the ulti-
4 mate responsibility for debt service among and between the authority and
5 its subsidiaries, New York city transit authority and its subsidiaries,
6 or the Triborough bridge and tunnel authority, each being an "affiliated
7 group", and except as otherwise authorized or required by law, in
8 connection with the application of revenues, subsidies or other moneys
9 or securities of an affiliated group to pay the debt service attribut-
10 able to bonds, notes or other obligations which provide funding of the
11 capital costs of another affiliated group or to refund or redeem bonds,
12 notes or other obligations, the proceeds of which were used to fund the
13 capital costs of another affiliated group, the affiliated group for
14 whose benefit debt service is paid or obligations refunded or redeemed,
15 shall repay, through payments, adjustments or other form of reconcil-
16 iation, such amounts to the affiliated group that made such payments not
17 later than the end of the next succeeding fiscal year; provided, howev-
18 er, that in connection with any refunding or redemption of bonds, notes
19 or other obligations, such repayment, adjustments or other form of
20 reconciliation shall be completed within the period of the applicable
21 capital program plan.

22 § 1349-ee. Regulation of certain authority expenditures. The authori-
23 ty shall implement policies as appropriate to minimize unwarranted
24 expenses and to protect against abuses in connection with (i) the grant-
25 ing of any privileges or benefits having financial value, other than
26 wage payments or expense reimbursements, to members or staff of the
27 authority, or any subsidiary or other authority created by the authori-
28 ty; and (ii) the full-time and part-time assignment and use of autom-
29 obiles owned or leased by the authority, or any subsidiary or other
30 authority created by the authority, and the use by authority employees
31 and board members of livery vehicles, as defined in section one hundred
32 twenty-one-e of the vehicle and traffic law.

33 § 1349-ff. Metropolitan transportation authority finance fund. 1. The
34 authority shall establish a fund to be known as the "metropolitan trans-
35 portation authority finance fund" which shall be kept separate from and
36 shall not be commingled with any other moneys of the authority.

37 2. Moneys in the fund may be: (a) pledged by the authority to secure
38 and be applied to the payment of the bonds, notes or other obligations
39 of the authority issued on or after the effective date of this section
40 to finance capital projects of the authority and its subsidiaries and
41 the New York city transit authority and any subsidiaries; or (b) used
42 for payment of capital costs, including debt service, reserve require-
43 ments, if any, the payment of amounts required under bond and note
44 facilities or agreements related thereto, the payment of federal govern-
45 ment loans, security or credit arrangements or other agreements related
46 thereto, and the payment of all costs related to such obligations, of or
47 for the authority, the New York city transit authority and their subsid-
48 iaries as the authority shall determine. Subject to the provisions of
49 any such pledge, or in the event there is no such pledge, any excess
50 moneys in this fund may be used by the authority for payment of operat-
51 ing costs of, and capital costs, including debt service and reserve
52 requirements, if any, of or for the authority, the New York city transit
53 authority and their subsidiaries as the authority shall determine. To
54 the extent moneys in the fund have been pledged by the authority to
55 secure and pay the bonds, notes or other obligations of the authority
56 issued to finance capital projects of the authority and its subsidiaries

1 and the New York city transit authority and any subsidiaries as herein
2 provided, moneys deposited into the fund shall be deposited to the
3 extent necessary to satisfy the requirements of any debt service or
4 reserve requirements, if any, of the resolution authorizing such bonds,
5 notes or other obligations.

6 3. Any moneys deposited in the fund shall be held in the fund free and
7 clear of any claim by any person arising out of or in connection with
8 article twenty-three of the tax law. Without limiting the generality of
9 the foregoing and without limiting the rights and duties of the commis-
10 sioner of taxation and finance under article twenty-three of the tax
11 law, a person shall have any right or claim against the authority, any
12 of their bondholders, any of the authority's other subsidiaries or the
13 New York city transit authority or any subsidiary to any moneys in or
14 distributed from the fund or in respect of a refund, rebate, credit or
15 reimbursement of taxes paid under article twenty-three of the tax law.

16 § 1349-gg. New York city transportation assistance fund. 1. The
17 authority shall create and establish a fund to be known as the "New York
18 city transportation assistance fund" which shall be kept separate from
19 and shall not be commingled with any other moneys of the authority. The
20 New York city transportation assistance fund shall consist of three
21 separate accounts: (i) the "subway action plan account"; (ii) the "outer
22 borough transportation account"; and (iii) the "general transportation
23 account".

24 2. Moneys in the subway action plan account shall be used for the
25 exclusive purpose of funding the operating and capital costs of the
26 metropolitan transportation authority's New York city subway action
27 plan. Such funds may be used for infrastructure including construction,
28 reconstruction, reconditioning and preservation of transportation
29 systems, facilities and equipment, acquisition of property, and for
30 operating costs including personal services, non-personal services,
31 fringe benefits, and contractual services. Funds may also be used to pay
32 or to reimburse the authority for its payment of debt service and
33 reserve requirements on that portion of authority bonds and notes issued
34 by the authority for capital costs of the metropolitan transportation
35 authority's New York city subway action plan.

36 3. Moneys in the outer borough transportation account shall be used
37 for the exclusive purpose of funding the operating and capital costs of
38 metropolitan transportation authority facilities, equipment and services
39 in the counties of Bronx, Kings, Queens and Richmond, and any projects
40 improving transportation connections from such counties to New York
41 county. Such funds may be used for infrastructure including
42 construction, reconstruction, reconditioning and preservation of trans-
43 portation systems, facilities and equipment, acquisition of property,
44 and for operating costs including personal services, non-personal
45 services, fringe benefits, and contractual services. Funds may also be
46 used to fund a toll reduction program for any crossings under the juris-
47 isdiction of the metropolitan transportation authority or its subsidiaries
48 or affiliates. Funds may also be used to pay or to reimburse the author-
49 ity for its payment of debt service and reserve requirements on that
50 portion of authority bonds and notes that have been issued by the
51 authority specifically for the authorized purpose of this account.
52 Notwithstanding any law to the contrary, final approval of the use of
53 any funds paid into the outer borough transportation account shall be
54 approved by the mayor.

55 4. Moneys in the general transportation account shall be used for
56 funding the operating and capital costs of the metropolitan transporta-

1 tion authority. Such funds may be used for infrastructure including
2 construction, reconstruction, reconditioning and preservation of trans-
3 portation systems, facilities and equipment, acquisition of property,
4 and for operating costs including personal services, non-personal
5 services, fringe benefits, and contractual services. Funds may also be
6 used to pay or to reimburse the authority for its payment of debt
7 service and reserve requirements on that portion of authority bonds and
8 notes that have been issued by the authority specifically for the
9 purposes of this account.

10 5. Any revenues deposited in the subway action plan account, the outer
11 borough transportation account, or the general transportation account
12 pursuant to subdivision one of this section shall be used exclusively
13 for the purposes described, respectively, in subdivisions two, three,
14 and four of this section. Such revenues shall only supplement and shall
15 not supplant any federal, state, or local funds expended by the metro-
16 politan transportation authority, such authority's affiliates or subsidi-
17 aries for such respective purposes.

18 6. Any revenues deposited into the New York city transportation
19 assistance fund pursuant to subdivision one of this section shall not be
20 diverted into the general fund of the state, any other fund maintained
21 for the support of any other governmental purpose, or for any other
22 purpose not authorized by subdivisions two, three and four of this
23 section.

24 7. The authority shall report on the receipt and uses of all funds
25 received by the New York city transportation assistance fund, and in
26 each of its accounts, to the director of the budget, the temporary pres-
27 ident of the senate, and the speaker of the assembly, on an annual basis
28 no later than the first day of February.

29 § 1349-hh. Agreement of the state. The state does hereby pledge to and
30 agree with the authority and its subsidiaries, the New York city transit
31 authority and its subsidiaries, and the Triborough bridge and tunnel
32 authority, and the holders of any notes, bonds or other obligations,
33 including lease obligations, issued or incurred under this title, that
34 the state shall not limit or alter the denial of authority under subdivi-
35 sion nine of section thirteen hundred forty-nine-u of this title, or
36 the rights and powers vested in the authority and its subsidiaries, the
37 New York city transit authority and its subsidiaries, and the Triborough
38 bridge and tunnel authority by this title to fulfill the terms of any
39 agreements made by any of them with the holders thereof, or in any way
40 impair the rights and remedies of such holders until such notes, bonds
41 or other obligations, including lease obligations, together with the
42 interest thereon, with interest on any unpaid installments of interest,
43 and all costs and expenses for which the authority or its subsidiaries,
44 the New York city transit authority and its subsidiaries, and the
45 Triborough bridge and tunnel authority is liable in connection with any
46 action or proceeding by or on behalf of such holders, are fully met and
47 discharged. The authority and its subsidiaries, the New York city trans-
48 it authority and its subsidiaries, and the Triborough bridge and tunnel
49 authority are each authorized to include this pledge and agreement of
50 the state in any agreement with the holders of such notes, bonds or
51 other obligations, including lease obligations.

52 § 1349-ii. Right of state to require redemption of bonds. Notwith-
53 standing, and in addition to any provisions for the redemption of bonds
54 which may be contained in any contract with the holders of the bonds,
55 the state may, upon furnishing sufficient funds therefor, require the
56 authority to redeem, prior to maturity, as a whole, any issue of bonds

1 on any interest payment date not less than twenty years after the date
2 of the bonds of such issue at one hundred five per centum of their face
3 value and accrued interest or at such lower redemption price as may be
4 provided in the bonds in case of the redemption thereof as a whole on
5 the redemption date. Notice of such redemption shall be published in at
6 least two newspapers publishing and circulating respectively in the
7 cities of Albany and New York at least twice, the first publication to
8 be at least thirty days before the date of redemption.

9 § 1349-jj. Remedies of noteholders and bondholders. 1. In the event
10 that the authority shall default in the payment of principal of or
11 interest on any issue of notes or bonds after the same shall become due,
12 whether at maturity or upon call for redemption, and such default shall
13 continue for a period of thirty days, or in the event that the authority
14 shall fail or refuse to comply with the provisions of this title or
15 shall default in any agreement made with the holders of any issue of
16 notes or bonds, the holders of twenty-five per centum in aggregate prin-
17 cipal amount of the notes or bonds of such issue then outstanding, by
18 instrument or instruments filed in the office of the clerk of any county
19 in which the authority operates and has an office and proved or acknowl-
20 edged in the same manner as a deed to be recorded, may appoint a trustee
21 to represent the holders of such notes or bonds for the purposes
22 provided by this section.

23 2. Such trustee may, and upon written request of the holders of twenty-
24 five per centum in principal amount of such notes or bonds then
25 outstanding, shall, in his or her own name:

26 (a) by suit, action or proceeding in accordance with the civil prac-
27 tice law and rules, enforce all rights of the noteholders or bondhold-
28 ers, including the right to require the authority to collect fares,
29 tolls, rentals, rates, charges and other fees adequate to carry out any
30 agreement as to, or pledge of, such fares, tolls, rentals, rates, charg-
31 es and other fees and to require the authority to carry out any other
32 agreements with the holders of such notes or bonds and to perform its
33 duties under this title;

34 (b) bring suit upon such notes or bonds;

35 (c) by action or suit, require the authority to account as if it were
36 the trustee of an express trust for the holders of such notes or bonds;

37 (d) by action or suit, enjoin any acts or things which may be unlawful
38 or in violation of the rights of the holders of such notes or bonds; and

39 (e) declare all such notes or bonds due and payable, and if all
40 defaults shall be made good, then, with the consent of the holders of
41 twenty-five per centum of the principal amount of such notes or bonds
42 then outstanding, to annul such declaration and its consequences.

43 3. Such trustee shall in addition to the foregoing have and possess
44 all of the powers necessary or appropriate for the exercise of any func-
45 tions specifically set forth herein or incident to the general represen-
46 tation of bondholders or noteholders in the enforcement and protection
47 of their rights.

48 4. The supreme court shall have jurisdiction of any suit, action or
49 proceeding by the trustee on behalf of such noteholders or bondholders.
50 The venue of any such suit, action or proceeding shall be laid in the
51 county in which the instrument or instruments are filed in accordance
52 with subdivision one of this section.

53 5. Before declaring the principal of notes or bonds due and payable,
54 the trustee shall first give thirty days' notice, in writing, to the
55 mayor, the authority, the comptroller and the public advocate.

1 § 1349-kk. Notes and bonds as legal investment. The notes and bonds of
2 the authority are hereby made securities in which all public officers
3 and bodies of the state and all municipalities and political subdivi-
4 sions, all insurance companies and associations and all other persons
5 carrying on an insurance business, all banks, bankers, trust companies,
6 savings banks and savings associations, including savings and loan asso-
7 ciations, building and loan associations, investment savings and loan asso-
8 ciations, building and loan associations, investment savings and loan asso-
9 ciations, building and loan associations, investment savings and loan asso-
10 ciations, building and loan associations, investment savings and loan asso-
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54 ciations, building and loan associations, investment savings and loan asso-
55 ciations, building and loan associations, investment savings and loan asso-

19 § 1349-ll. Exemption from taxation. It is hereby found, determined and
20 declared that the creation of the authority and the carrying out of its
21 purposes is, in all respects, for the benefit of the people of the city
22 of New York and for the improvement of their health, welfare and pros-
23 perity and is a public purpose, and that the authority shall be perform-
24 ing an essential governmental function in the exercise of the powers
25 conferred upon it by this title. Without limiting the generality of the
26 following provisions of this section, property owned by the authority,
27 property leased by the authority and used for transportation purposes,
28 and property used for transportation purposes by or for the benefit of
29 the authority exclusively pursuant to the provisions of a joint service
30 arrangement or of a joint facilities agreement or trackage rights agree-
31 ment shall all be exempt from taxation and special ad valorem levies.
32 The authority shall be required to pay no fees, taxes or assessments,
33 whether state or local, including but not limited to fees, taxes or
34 assessments on real estate, franchise taxes, sales taxes or other excise
35 taxes, upon any of its property, or upon the use thereof, or upon its
36 activities in the operation and maintenance of its facilities or on any
37 fares, tolls, rentals, rates, charges or other fees, revenues or other
38 income received by the authority and the bonds of the authority and the
39 income therefrom shall at all times be exempt from taxation, except for
40 gift and estate taxes and taxes on transfers. This section shall consti-
41 tute a covenant and agreement with the holders of all bonds issued by
42 the authority. The terms "taxation" and "special ad valorem levy" shall
43 have the same meanings as defined in section one hundred two of the real
44 property tax law and the term "transportation purposes" shall have the
45 same meaning as used in titles two-A and two-B of article four of such
46 law.

47 § 1349-mm. Actions against the authority. 1. As a condition to the
48 consent of the state to suits against the authority, in every action
49 against the authority for damages, for injuries to real or personal
50 property or for the destruction thereof, or for personal injuries or
51 death, the complaint shall contain an allegation that at least thirty
52 days have elapsed since the demand, claim or claims upon which such
53 action is founded were presented to a member of the authority or other
54 officer designated for such purpose and that the authority has neglected
55 or refused to make an adjustment or payment thereof.

1 2. An action against the authority founded on tort, except an action
2 for wrongful death, shall not be commenced more than fifteen months
3 after the cause of action therefor shall have accrued, nor unless a
4 notice of claim shall have been served on the authority within the time
5 limited by and in compliance with all the requirements of section
6 fifty-e of the general municipal law. An action against the authority
7 for wrongful death shall be commenced in accordance with the notice of
8 claim and time limitation provisions of title eleven of article nine of
9 this chapter.

10 3. The authority shall be liable, and shall assume the liability to
11 the extent that it shall save harmless any duly appointed officer or
12 employee of the authority, for the negligence of such officer or employ-
13 ee, in the operation of a vehicle or other facility of transportation
14 owned or otherwise under the jurisdiction and control of the authority
15 in the discharge of a duty imposed upon such officer or employee at the
16 time of the accident, injury or damages complained of, while otherwise
17 acting in the performance of his or her duties and within the scope of
18 his or her employment.

19 4. The authority may require any person, presenting for settlement an
20 account or claim for any cause whatever against the authority, to be
21 sworn before a member, counsel or an attorney, officer or employee of
22 the authority designated for such purpose, concerning such account or
23 claim and when so sworn to answer orally as to any facts relative to
24 such account or claim. The authority shall have power to settle or
25 adjust all claims in favor of or against the authority.

26 5. The rate of interest to be paid by the authority upon any judgment
27 for which it is liable shall not exceed four per centum per annum.

28 6. The provisions of this section which relate to the requirement for
29 service of a notice of claim shall not apply to a subsidiary corporation
30 of the authority. In all other respects, each subsidiary corporation of
31 the authority shall be subject to the provisions of this section as if
32 such subsidiary corporation were separately named herein, provided,
33 however, that a subsidiary corporation of the authority which is a stock
34 corporation shall not be subject to the provisions of this section
35 except with respect to those causes of action arising on and after the
36 first day of the twelfth calendar month following that calendar month in
37 which such stock corporation becomes a subsidiary corporation of the
38 authority.

39 § 1349-nn. Annual audit of authority. The comptroller shall conduct an
40 annual audit of the books and records of the authority and its subsid-
41 ary corporations. Such audit shall include a complete and thorough
42 examination of such authority's receipts, disbursements, revenues and
43 expenses during the prior fiscal year in accordance with the categories
44 or classifications established by such authority for its own operating
45 and capital outlay purposes; assets and liabilities at the end of its
46 last fiscal year including the status of reserve, depreciation, special
47 or other funds and including the receipts and payments of these funds;
48 schedule of bonds and notes outstanding at the end of its fiscal year
49 and their redemption dates, together with a statement of the amounts
50 redeemed and incurred during such fiscal year; operations, debt service
51 and capital construction during the prior fiscal year.

52 The comptroller, upon completion of such audit, shall within sixty
53 days thereafter, report to the mayor and city council of his or her
54 findings, conclusions and recommendations thereof.

55 § 1349-oo. Authority budget and financial plan. 1. In addition to the
56 requirements of section twenty-eight hundred two of this chapter, each

1 authority budget and plan shall be posted on its website and shall: (a)
2 present information relating to the authority and each of its agencies
3 in a clear and consistent manner and format; (b) be prepared in accord-
4 ance with generally accepted accounting principles, except as otherwise
5 consented to by the comptroller upon a showing of good cause; (c) be
6 based on reasonable assumptions and methods of estimation; (d) include
7 estimates of projected operating revenues and expenses; (e) identify any
8 planned transaction that would shift resources, from any source, from
9 one fiscal year to another, and the amount of any reserves; and (f)
10 contain a summary in plain English of the principal information in the
11 budget and conclusions to be drawn from it.

12 2. The authority shall prepare and make available for public
13 inspection on its website information that details the sources of data
14 and the assumptions and methods of estimation used to calculate all
15 operating and capital budget projections, consistent with generally
16 accepted budgetary practices.

17 3. The authority shall establish, at least annually, the quarterly
18 revenue and expense targets for the authority, and for each subsidiary
19 or other authority created by the authority itself and for which it
20 reports financial data.

21 4. The authority shall prepare and make available for public
22 inspection on its website: (a) within sixty days of the release of the
23 adopted budget and any updates to the budget, except updates released
24 within ninety days of the close of the fiscal year, monthly projections
25 for the current fiscal year of all revenues and expenses, staffing for
26 the authority and each of its agencies, and utilization for each of the
27 authority's agencies that operate transportation systems, including
28 bridges and tunnels; (b) within sixty days after the close of each quar-
29 ter, a comparison of actual revenues and expenses, actual staffing and
30 actual utilization to planned or projected levels for each of the
31 authority's agencies that operate transportation systems, including
32 bridges and tunnels, with an explanation of each material variance and
33 its budgetary impact; and (c) within ninety days after the close of each
34 quarter, the status of each gap-closing initiative with a projected
35 value greater than one million dollars in any given fiscal year; the
36 status of capital projects by capital element, including but not limited
37 to commitments, expenditures and completions; and an explanation of
38 material variances from the plan, cost overruns and delays.

39 5. Financial information required to be submitted by the authority
40 pursuant to paragraphs d and e of subdivision one of section thirteen
41 hundred forty-nine-x of this title shall be presented in a format
42 consistent with the budget and plan, in downloadable, searchable format.

43 § 1349-pp. Independent audit of authority. The independent auditor
44 retained by the authority shall not provide to the authority, contempo-
45 ranously with the audit, unless it shall have previously received writ-
46 ten approval by the audit committee, any non-audit service, including:

- 47 1. routine bookkeeping or other services;
- 48 2. financial information systems design and implementation;
- 49 3. appraisal or valuation services, fairness opinions, or contribu-
- 50 tion-in-kind reports;
- 51 4. actuarial services;
- 52 5. outsourcing services;
- 53 6. authority management functions or human resources;
- 54 7. broker or dealer, investment advisor or investment banking
- 55 services; and
- 56 8. legal services and expert services unrelated to the audit.

1 § 1349-qq. Independent audit by the legislature. After the submission
2 of the annual independent audit report to the legislature pursuant to
3 section twenty-eight hundred two of this chapter, and after review of
4 such report, the temporary president of the senate and the speaker of
5 the assembly may commission an auditing firm, every two years, to
6 conduct an independent audit of the authority, including its subsid-
7 iaries. The temporary president of the senate and the speaker of the
8 assembly shall set the scope of such audit and determine the terms of
9 the request for proposal for such audit. Such audit shall be performed
10 for the second year after the effective date of this section. The
11 authority shall fully cooperate with and assist in such an audit.

12 § 1349-rr. Reporting. The authority shall post on its website on or
13 before the first of May, the law firms retained by the authority which
14 in the past year received payment for services in such year.

15 § 1349-ss. Transfer and receipt of surplus funds. Notwithstanding any
16 provision of this title or any other provision of law, general, special
17 or local, the authority may from time to time transfer and pay over to
18 New York city transit authority or Triborough bridge and tunnel authori-
19 ty all or any part of its surplus funds; and may accept and use any
20 moneys transferred and paid over to it by New York city transit authori-
21 ty or Triborough bridge and tunnel authority.

22 § 1349-tt. Title not affected if in part unconstitutional or ineffec-
23 tive. If any provision of any section of this title or the application
24 thereof to any person or circumstance shall be adjudged invalid by a
25 court of competent jurisdiction, such order or judgment shall be
26 confined in its operation to the controversy in which it was rendered,
27 and shall not affect or invalidate the remainder of any provision of any
28 section of this title or the application of any part thereof to any
29 other person or circumstance and to this end the provisions of each
30 section of this title are hereby declared to be severable.

31 § 1349-uu. Big apple transit authority inspector general. 1. There is
32 hereby created in the big apple transit authority an office of big apple
33 transit authority inspector general. The inspector general shall be
34 appointed by the mayor with the advice and consent of the city council.
35 The inspector general shall, prior to his or her appointment, have had
36 at least ten years experience in the management of transportation
37 services, in auditing and investigation of governmental operations, or
38 in services related to management and productivity improvement. The term
39 of office of the inspector general shall be five years from the effec-
40 tive date of appointment, and he or she shall serve at the pleasure of
41 the mayor. The salary of the inspector general shall be determined by
42 the authority board.

43 2. The inspector general shall annually submit to the board of the big
44 apple transit authority a budget request for the operation of the
45 office. If the board disapproves any portion of such request and the
46 commissioner determines such disapproval to be unreasonable, such
47 commissioner shall withhold from payments due such authority, the amount
48 so determined to be unreasonable and transfer such amount to the office
49 of the big apple transit authority inspector general.

50 3. The inspector general shall have full and unrestricted access to
51 all records, information, data, reports, plans, projections, matters,
52 contracts, memoranda, correspondence and any other materials of the big
53 apple transit authority and its affiliates, or any other agency that may
54 come under the control of the authority, or within their custody or
55 control.

1 4. The inspector general, notwithstanding the provisions of this
2 title, title nine of this article and title three of article three of
3 this chapter, shall have the following functions, powers and duties:

4 (a) to receive and investigate complaints from any source or upon his
5 or her own initiative concerning alleged abuses, frauds and service
6 deficiencies, including deficiencies in the maintenance and operation of
7 facilities, relating to the authority and its affiliates;

8 (b) to initiate such reviews as he or she may deem appropriate of the
9 operations of the authority and its affiliate subsidiaries, in order to
10 identify areas in which performance might be improved and available
11 funds used more effectively;

12 (c) to recommend remedial actions to be taken by the authority and its
13 affiliates, to overcome or correct operating or maintenance deficiencies
14 and inefficiencies that he or she determines to exist;

15 (d) to make available to appropriate law enforcement officials infor-
16 mation and evidence that relate to criminal acts that he or she may
17 obtain in carrying out his or her duties;

18 (e) to subpoena witnesses, administer oaths or affirmations, take
19 testimony and compel the production of such books, papers, records and
20 documents as he or she may deem to be relevant to any inquiry or inves-
21 tigation undertaken pursuant to this section and to delegate such powers
22 to a duly authorized deputy inspector general;

23 (f) to monitor the implementation by the authority and its subsid-
24 aries, the Triborough bridge and tunnel authority and the New York city
25 transit authority and its subsidiaries of recommendations made by the
26 inspector general or other audit agencies; and

27 (g) to do all things necessary to carry out the functions, powers and
28 duties set forth in this section.

29 5. The inspector general shall cooperate, consult and coordinate with
30 the state public transportation safety board with regard to any activity
31 concerning the operations of the big apple transit authority. With
32 respect to any accident on the facilities of the big apple transit
33 authority, the primary responsibility for investigation shall be that of
34 the board which shall share its findings with the big apple transit
35 authority inspector general.

36 6. The inspector general shall make annual public reports on his or
37 her findings and recommendations. Such a report shall be filed in the
38 office of the mayor and with the city council on or before the first day
39 of February for the preceding year. The big apple transit authority and
40 its applicable constituent agencies shall prepare a response to the
41 annual report and to any and all other final reports made by the inspec-
42 tor general within thirty days of receipt, which time may be extended by
43 the inspector general in his or her discretion, indicating whether such
44 authority intends to implement the recommendations in such reports, and,
45 if not, an explanation of why not. In addition, the big apple transit
46 authority and its applicable constituent agencies shall give quarterly
47 reports to the inspector general outlining the status of each of the
48 recommendations made by the inspector general in his or her final
49 reports. Copies of all such reports shall be sent to the mayor and the
50 speaker of the city council.

51 7. To effectuate the purposes of this section, the inspector general
52 may request from any department, board, bureau, commission, office or
53 other agency of the state, or of any of its political subdivisions, such
54 cooperation, assistance, services and data as shall enable him or her to
55 carry out his or her functions, powers and duties hereunder, and such
56 departments, boards, bureaus, commissions, offices or other agencies of

1 the state are authorized and directed to provide such cooperation,
2 assistance, services and data.

3 § 1349-vv. Management advisory board. 1. There is hereby created in
4 the office of the big apple transit authority inspector general a
5 management advisory board, consisting of thirteen members appointed by
6 the mayor, of whom two shall be appointed upon nomination by the city
7 council. All members shall serve for a term of three years. One of the
8 members appointed to the management advisory board directly by the mayor
9 shall be designated by the mayor to serve as its chairman.

10 2. All members of the management advisory board shall be residents of
11 the city and shall be persons with substantial experience in the manage-
12 ment of private enterprises, in the delivery of public services, or in
13 labor or labor-management relations.

14 3. The management advisory board shall assist the big apple transit
15 authority inspector general in identifying ways to improve services,
16 reduce costs and increase the efficiency of the authority and its
17 subsidiaries, the Triborough bridge and tunnel authority or the New York
18 city transit authority and its subsidiaries.

19 4. No later than April first, two thousand twenty-one, succeeding the
20 effective date of this section, and annually thereafter, the management
21 advisory board shall submit to the mayor and the city council a report
22 on its activities during the previous year.

23 5. The office of the big apple transit authority inspector general
24 shall provide the management advisory board with such staff support as
25 may be required for the performance of its duties.

26 6. Members of the management advisory board shall serve without
27 compensation, but shall be reimbursed for expenses reasonably incurred
28 in the performance of their duties.

29 § 1349-ww. The office of legislative and community input. 1. The
30 chairperson of the authority shall establish the office of legislative
31 and community input for the purpose of communicating information to, and
32 receiving comments, concerns and recommendations from, members of the
33 city council, and members of the permanent citizens advisory committee
34 to the authority, as defined in section thirteen hundred forty-nine-m of
35 this title, on the following:

36 (a) the operations of the rapid transit and omnibus facilities of the
37 authority, including but not limited to:

38 (i) the quality of service provided on any rapid transit, and omnibus
39 line or route;

40 (ii) the frequency of operating service on the authority's mass trans-
41 it facilities;

42 (iii) the maintenance and condition of the authority's mass transit
43 facilities, including but not limited to, rapid transit and buses, fare
44 collection systems and sound systems; and

45 (iv) proposed service changes, including any reductions or expansion
46 of services, as it relates to the authority's mass transit facilities;
47 and

48 (b) any proposed, submitted and/or approved capital program plan, its
49 components, elements and projects, and associated expenditures. Any such
50 comments, concerns and recommendations relating to the capital program
51 plan, its components, elements and projects, and associated expenditures
52 shall be taken into consideration in the development of the current and
53 each successive capital program plan and/or any amendment to such plan.

54 2. The office shall establish a process to ensure timely notification
55 of the receipt of, and response to, comments, concerns, and recommenda-

1 tions by members of the legislature or members of the permanent citizens
2 advisory committee to the authority.

3 3. The chair and office shall prepare a report containing the follow-
4 ing information:

5 (a) a compilation of the comments, concerns, and recommendations
6 received by the office;

7 (b) how these comments, concerns or recommendations were or will be
8 addressed, such as the authority's response by the incorporation or
9 initiation of system and operational adjustments, improvements or expan-
10 sions if applicable; and

11 (c) how these comments, concerns or recommendations were or will be
12 addressed, such as the authority's response by changing or amending the
13 capital plan, as well as providing status updates on the progress of
14 such plan.

15 4. Such report shall, on a biannual basis commencing September first,
16 two thousand twenty, succeeding the effective date of this section, be
17 submitted to the mayor, the speaker of the city council and be posted on
18 the authority's website and also be made readily available to the
19 public.

20 § 1349-xx. Supplemental revenue reporting program. 1. On or before the
21 first of January next succeeding the effective date of this section, the
22 authority shall develop a supplemental revenue reporting program. Such
23 program shall provide a detailed accounting of the amount spent from
24 supplemental revenues on actions, measures or projects undertaken to
25 reduce major incidents that have been found to cause delays to the New
26 York city subway system, including but not limited to: track incidents;
27 signal failure; persons on the track; police and medical activity;
28 structural and electrical problems; and broken traincar equipment. The
29 information described in this subdivision, including the spending
30 details and the associated category of major incident, shall be updated
31 quarterly and be prominently posted together on the authority's website.

32 2. For purposes of this section, "supplemental revenues" shall include
33 any funds appropriated by the state or the city of New York to support
34 the NYC subway action plan approved by the board of the authority.

35 § 2. This act shall take effect January 1, 2021.

36 PART E

37 Section 1. Article 5 of the public authorities law is amended by
38 adding a new title 11-F to read as follows:

39 TITLE 11-F

40 COMMUTER TRANSPORTATION AUTHORITY

41 Section 1349-aaaa. Short title.

42 1349-bbbb. Definitions.

43 1349-cccc. Commuter transportation authority.

44 1349-dddd. Purposes of the authority.

45 1349-eeee. State of emergency; boarding of a commuter transpor-
46 tation by domestic companion animals.

47 1349-ffff. General powers of the authority.

48 1349-gggg. Contracts.

49 1349-hhhh. Commuter transportation authority small business
50 mentoring program.

51 1349-iiii. Special powers of the authority.

52 1349-jjjj. Medical emergency services.

- 1 1349-kkkk. Medical emergency services plan; implementation on
2 Long Island Rail Road.
3 1349-llll. Long Island Rail Road commuter council.
4 1349-mmmm. Metro-North rail commuter council.
5 1349-nnnn. Medical emergency services plan; implementation on
6 Metro-North Commuter Railroad Company.
7 1349-oooo. Excess loss fund.
8 1349-pppp. Authority police force.
9 1349-qqqq. The permanent citizens advisory committee.
10 1349-rrrr. Commuter transportation authority pledge to custom-
11 ers.
12 1349-ssss. Expired fare transfer policy.
13 1349-tttt. Acquisition and disposition of real property.
14 1349-uuuu. Acquisition and disposition of real property by
15 department of transportation.
16 1349-vvvv. Cooperation and assistance of other agencies.
17 1349-wwww. Promotion of qualified transportation fringes.
18 1349-xxxx. Notes, bonds and other obligations of the authority.
19 1349-yyyy. Capital program plans; approvals; effect of disap-
20 proval.
21 1349-zzzz. Submission of strategic operation plan.
22 1349-aaaa. Financial and operational reports.
23 1349-bbbbb. Mission statement and measurement report.
24 1349-cccc. Requirements for certain authority contracts and
25 related subcontracts.
26 1349-ddddd. Reserve funds and appropriations.
27 1349-eeee. Consolidated financings.
28 1349-ffff. Regulation of certain authority expenditures.
29 1349-ggggg. Agreement of the state.
30 1349-hhhhh. Right of state to require redemption of bonds.
31 1349-iiii. Remedies of noteholders and bondholders.
32 1349-jjjjj. Notes and bonds as legal investment.
33 1349-kkkkk. Exemption from taxation.
34 1349-lllll. Actions against the authority.
35 1349-mmmmm. Annual audit of the authority.
36 1349-nnnnn. Authority budget and financial plan.
37 1349-oooo. Independent audit of the authority.
38 1349-ppppp. Independent audit by the legislature.
39 1349-qqqqq. Reporting.
40 1349-rrrrr. Station operation and maintenance.
41 1349-sssss. Transfer and receipt of surplus funds.
42 1349-ttttt. Title not affected if in part unconstitutional or
43 ineffective.
44 1349-uuuuu. Commuter transportation authority inspector general.
45 1349-vvvvv. Management advisory board.
46 1349-wwwww. Transition-election to withdraw from the metropol-
47 itan commuter transportation district.
48 1349-xxxxx. The office of legislative and community input.
49 1349-yyyyy. Debarment.
50 1349-zzzzz. Right to share employees.
51 § 1349-aaaa. Short title. This title may be known and may be cited as
52 the "Metropolitan Commuter Authority Act".
53 § 1349-bbbb. Definitions. As used or referred to in this title, unless
54 a different meaning clearly appears from the context:
55 1. "Authority" shall mean the corporation created by section thirteen
56 hundred forty-nine-cccc of this title.

1 2. "Authority facilities" shall mean the authority's railroad, omni-
2 bus, marine and aviation facilities and operations pursuant to joint
3 service arrangements.

4 3. "Budget" shall mean the preliminary, final proposed and adopted
5 final plans of the authority, and each of its agencies.

6 4. "Comptroller" shall mean the comptroller of the state of New York.

7 5. "Equipment" shall mean rolling stock, omnibuses, vehicles, air,
8 marine or surface craft, motors, boilers, engines, wires, ways, conduits
9 and mechanisms, machinery, tools, implements, materials, supplies,
10 instruments and devices of every nature whatsoever used or useful for
11 transportation purposes or for the generation or transmission of motive
12 power including but not limited to all power houses, and all apparatus
13 and all devices for signaling, communications and ventilation as may be
14 necessary, convenient or desirable for the operation of a transportation
15 facility.

16 6. "Federal government" shall mean the United States of America, and
17 any officer, department, board, commission, bureau, division, corpo-
18 ration, agency or instrumentality thereof.

19 7. "Gap" shall mean the difference between projected revenues and
20 expenses for any given fiscal year based on the existing fare structure.

21 8. "Gap-closing initiative" shall mean any action to reduce a project-
22 ed gap.

23 9. "Joint service arrangements" shall mean agreements between or among
24 the authority and any common carrier or freight forwarder, the state,
25 any state agency, the federal government, any other state or agency or
26 instrumentality thereof, any public authority of this or any other
27 state, or any political subdivision or municipality of the state, relat-
28 ing to property, buildings, structures, facilities, services, rates,
29 fares, classifications, divisions, allowances or charges, including
30 charges between operators of railroad, omnibus, marine and aviation
31 facilities, or rules or regulations pertaining thereto, for or in
32 connection with or incidental to transportation in part in or upon rail-
33 road, omnibus, marine or aviation facilities located within the district
34 and in part in or upon railroad, omnibus, marine or aviation facilities
35 located outside the district.

36 10. "Marine and aviation facilities" shall mean equipment and craft
37 for the transportation of passengers, mail and cargo between points
38 within the district or pursuant to joint service arrangements, by marine
39 craft and aircraft of all types including but not limited to hydrofoils,
40 ferries, lighters, tugs, barges, helicopters, amphibians, seaplanes or
41 other contrivances now or hereafter used in navigation or movement on
42 waterways or in the navigation of or flight in airspace. It shall also
43 mean any marine port or airport facility within the transportation
44 district but outside the port of New York district as defined in chapter
45 one hundred fifty-four of the laws of nineteen hundred twenty-one,
46 including but not limited to terminals, docks, piers, bulkheads, ramps
47 or any facility or real property necessary, convenient or desirable for
48 the accommodation of passengers and cargo or the docking, sailing, land-
49 ing, taking off, accommodation or servicing of such marine craft or
50 aircraft.

51 11. "Omnibus facilities" shall mean motor vehicles, of the type oper-
52 ated by carriers subject to the jurisdiction of the public service
53 commission, engaged in the transportation of passengers and their
54 baggage, express and mail between points within the district or pursuant
55 to joint service arrangements, and equipment, property, buildings,
56 structures, improvements, loading or unloading areas, parking areas or

1 other facilities, necessary, convenient or desirable for the accommo-
2 modation of such motor vehicles or their passengers, including but not
3 limited to buildings, structures and areas notwithstanding that portions
4 shall not be devoted to any omnibus purpose other than the production of
5 revenues available for the costs and expenses of all or any facilities
6 of the authority.

7 12. "Railroad facilities" shall mean right of way and related track-
8 age, rails, cars, locomotives, other rolling stock, signal, power, fuel,
9 communication and ventilation systems, power plants, stations, termi-
10 nals, storage yards, repair and maintenance shops, yards, equipment and
11 parts, offices and other real estate or personal property used or held
12 for or incidental to the operation, rehabilitation or improvement of any
13 railroad operating or to operate between points within the district or
14 pursuant to joint service arrangements, including but not limited to
15 buildings, structures, and areas notwithstanding that portions thereof
16 shall not be devoted to any railroad purpose other than the production
17 of revenues available for the costs and expenses of all or any facili-
18 ties of the authority.

19 13. "Real property" shall mean lands, structures, franchises and
20 interests in land, waters, lands under water, riparian rights and air
21 rights and any and all things and rights included within said term and
22 includes not only fees simple absolute but also any and all lesser
23 interests including but not limited to easements, rights of way, uses,
24 leases, licenses and all other incorporeal hereditaments and every
25 estate, interest or right, legal or equitable, including terms for years
26 and liens thereon by way of judgments, mortgages or otherwise.

27 14. "State" shall mean the state of New York.

28 15. "State agency" shall mean any officer, department, board, commis-
29 sion, bureau, division, public benefit corporation, agency or instrumen-
30 talinity of the state.

31 16. "Transportation facility" shall mean any transit, railroad, omni-
32 bus, marine or aviation facility and any person, firm, partnership,
33 association or, corporation which owns, leases or operates any such
34 facility or any other facility used for service in the transportation of
35 passengers, United States mail or personal property as a common carrier
36 for hire and any portion thereof and the rights, leaseholds or other
37 interest therein together with routes, tracks, extensions, connections,
38 parking lots, garages, warehouses, yards, storage yards, maintenance and
39 repair shops, terminals, stations and other related facilities thereof,
40 the devices, appurtenances, and equipment thereof and power plants and
41 other instrumentalities used or useful therefor or in connection there-
42 with.

43 17. "Transportation district" and "district" shall mean the metropol-
44 itan commuter transportation district created by section twelve hundred
45 sixty-two of this article.

46 18. "Transportation purpose" shall mean a purpose that directly
47 supports the missions or purposes of the authority, any of its subsid-
48 iaries, including the realization of revenues derived from property that
49 is, or is to be used as, a transportation facility.

50 19. "New York city transit authority" shall mean the corporation
51 created by section twelve hundred one of this article.

52 20. "Triborough bridge and tunnel authority" shall mean the corpo-
53 ration created by section five hundred fifty-two of this chapter.

54 21. "Inspector general" shall mean the commuter transportation author-
55 ity inspector general.

1 22. "Revenues" shall mean all monies received by the authority or its
2 subsidiaries from whatever source, derived directly or indirectly from
3 or in connection with the operations of the respective entity except for
4 any monies transferred to the metropolitan transportation authority
5 pursuant to section thirteen hundred forty-nine-h of this title that is
6 not returned to the authority pursuant to paragraph (c) of subdivision
7 two of section twelve hundred sixty-six of this chapter.

8 23. "Transit facility" shall mean rapid transit railroad, omnibus line
9 or any other facility or any railroad used for local service in the
10 transportation of passengers as common carriers for hire or in the
11 transportation of the United States mail or personal property, and any
12 portion thereof and the rights, leaseholds or other interests therein,
13 together with the devices and appurtenances, facilities and equipment
14 thereof and power plants and other instrumentalities used or useful
15 therefor or in connection therewith.

16 24. "Utilization" shall mean public usage of buses and railroads as
17 reflected in empirical data.

18 § 1349-cccc. Commuter transportation authority. 1. (a) (i) There is
19 hereby created the "commuter transportation authority". The authority
20 shall be a body corporate and politic constituting a public benefit
21 corporation. The authority shall consist of a chairperson, seven other
22 voting members, and four non-voting members, as described in subpara-
23 graph (ii) of this paragraph, appointed by the governor and with the
24 advice and consent of the senate. Any member appointed shall have expe-
25 rience in one or more of the following areas of expertise: transporta-
26 tion, public administration, business management, finance, accounting,
27 law, engineering, land use, urban and regional planning, management of
28 large capital projects, labor relations, or have experience in some
29 other area of activity central to the mission of the authority. Each
30 voting member other than the chairperson shall be appointed after
31 selection from a written list of three recommendations from the chief
32 executive officer of the county in which such member is required to
33 reside pursuant to the provisions of this subdivision. Of the members
34 appointed on recommendation of the chief executive officer of a county,
35 one such member shall be, at the time of appointment: a resident of the
36 county of Nassau; one a resident of the county of Suffolk; one a resi-
37 dent of the county of Westchester; one a resident of the county of
38 Dutchess; one a resident of the county of Orange; one a resident of the
39 county of Putnam; and one a resident of the county of Rockland. The term
40 of any member who is a resident of a county that has withdrawn from the
41 metropolitan commuter transportation district pursuant to section twelve
42 hundred seventy-nine-b of this article shall terminate upon the effec-
43 tive date of such county's withdrawal from such district. The chair-
44 person and each of the members shall be appointed for a term of six
45 years. The members from the counties of Dutchess, Orange, Putnam and
46 Rockland shall cast one collective vote.

47 (ii) There shall be four non-voting members, as referred to in subpar-
48 agraph (i) of this paragraph. The first non-voting member shall be a
49 regular user of the facilities of the authority and be recommended to
50 the governor by the Metro-North commuter council. The second non-voting
51 member shall be a regular mass transit user of the facilities of the
52 authority and be recommended to the governor by the Long Island Rail
53 Road commuter council. The third non-voting member shall be recommended
54 to the governor by the labor organization representing the majority of
55 employees of the Long Island Rail Road. The fourth non-voting member
56 shall be recommended to the governor by the labor organization repres-

1 enting the majority of employees of the Metro-North Commuter Railroad
2 Company. The chairperson of the authority, at their direction, may
3 exclude such non-voting member from attending any portion of a meeting
4 of the authority or of any committee established pursuant to paragraph
5 (b) of subdivision four of this section held for the purpose of discuss-
6 ing negotiations with labor organizations.

7 (b) Vacancies occurring otherwise than by expiration of term shall be
8 filled in the same manner as original appointments for the balance of
9 the unexpired term.

10 2. The chairperson and the first vice chairperson shall be paid a
11 salary in the amount determined by the authority; the other members
12 shall not receive a salary or other compensation. Each member, includ-
13 ing the chairperson and the first vice chairperson, shall be entitled to
14 reimbursement for actual and necessary expenses incurred in the perform-
15 ance of his or her official duties.

16 3. (a) A majority of the whole number of members of the authority then
17 in office shall constitute a quorum for the transaction of any business
18 or the exercise of any power of the authority. Except as otherwise spec-
19 ified in this title, for the transaction of any business or the exercise
20 of any power of the authority, the authority shall have power to act by
21 a majority vote of the members present at any meeting at which a quorum
22 is in attendance and except further, that in the event of a tie vote the
23 chairperson shall cast one additional vote.

24 (b) For purposes of determining the presence of a quorum, and for
25 purposes of participation on any committee or subcommittee, those
26 members who collectively cast a single vote pursuant to the provisions
27 of paragraph (a) of subdivision one of this section shall be considered
28 to be a single member, and the presence of such member shall be deter-
29 mined as provided in this subdivision. Except as otherwise provided in a
30 by-law adopted as hereinafter provided, such single member constituting
31 those members entitled to a collective vote shall be deemed present as a
32 single member for purposes of a quorum if one or more of the members
33 then in office entitled to cast such collective vote is present, and
34 such collective vote shall be cast in accordance with the majority
35 agreement of the members entitled to a collective vote who are present
36 or in the event a single member entitled to a collective vote is present
37 it shall be cast by that member. To evidence the existence of such
38 majority agreement among the members entitled to a collective vote, each
39 such member shall be polled as to his or her vote and such poll shall be
40 recorded in the minutes. In the event a majority vote is not achieved by
41 the members entitled to a collective vote who are present, then the vote
42 shall not be cast. Nothing herein shall limit the right of an individual
43 member to participate in board meetings or in other activities of the
44 authority when the other members then in office entitled to collectively
45 cast a vote are not present. At any meeting of the authority at which
46 there is a quorum including all the members then in office entitled to
47 cast a collective vote, the authority may adopt a by-law or by-laws
48 regulating the casting of such collective vote, provided all members
49 then in office entitled to cast a collective vote affirmatively approve
50 such by-law or by-laws. Any action taken by the authority in accordance
51 with any such by-law or by-laws adopted pursuant to the provisions of
52 this paragraph shall take effect in the same manner as any other action
53 of the authority. Any such by-law or by-laws shall not provide for the
54 casting of any fractional vote. Nor shall such a by-law or by-laws
55 provide for the amendment, repeal or adoption in the future of such a

1 by-law or by-laws in a manner other than that set forth in this para-
2 graph.

3 (c) No provision of paragraph (b) of this subdivision relating to the
4 adoption of certain by-laws by the authority shall affect the manner in
5 which by-laws of the authority are adopted concerning any subject other
6 than the voting and presence for quorum purposes of the members from the
7 counties of Dutchess, Putnam, Orange and Rockland.

8 4. (a) Notwithstanding any provision of law to the contrary, the
9 chairperson shall be the chief executive officer of the authority and
10 shall be responsible for the discharge of the executive and administra-
11 tive functions and powers of the authority. The chairperson may appoint
12 an executive director and such other officials and employees as shall in
13 his or her judgment be needed to discharge the executive and administra-
14 tive functions and powers of the authority.

15 (b) The chairperson shall establish committees to assist in the
16 performance of their duties and shall appoint members of the authority
17 to such committees. Among such committees, there shall be: (i) a commit-
18 tee on operations of the Long Island Rail Road and the metropolitan
19 suburban bus authority; (ii) a committee on operations of the Metro-
20 North commuter railroad; (iii) a committee on finance; (iv) a committee
21 on capital program oversight; and (v) a committee on safety. The commit-
22 tee on capital program oversight shall include not less than four
23 members, and shall include the chairpersons of the committee on oper-
24 ations of the Long Island Rail Road and the metropolitan suburban bus
25 authority, the committee on operations of the Metro-North commuter rail-
26 road, and the committee on safety. The committee on safety shall convene
27 at least once annually and each committee chairperson, that is a member
28 of the committee on safety, shall report to the committee on safety any
29 and all initiatives, concerns, improvements, or failures involving the
30 safety of: (i) customers; (ii) employees; and (iii) the public at large,
31 in relation to authority facilities and services. The capital program
32 committee shall, with respect to any approved or proposed capital
33 program plans: (i) monitor the current and future availability of funds
34 to be utilized for such plans; (ii) monitor the contract awards of the
35 commuter transportation authority to ensure that such awards are
36 consistent with: (A) provisions of law authorizing United States content
37 and New York state content; (B) collective bargaining agreements; (C)
38 provisions of law providing for participation by minority and women-
39 owned businesses; (D) New York state labor laws; (E) competitive bidding
40 requirements including those regarding sole source contracts; and (F)
41 any other relevant requirements established by law; (iii) monitor the
42 award of contracts to determine if such awards are consistent with the
43 manner in which the work was traditionally performed in the past
44 provided, however, that any such determination shall not be admissible
45 as evidence in any arbitration or judicial proceeding; (iv) review the
46 relationship between capital expenditures pursuant to each such capital
47 program plan and current and future operating budget requirements; (v)
48 monitor the progress of capital elements described in each capital
49 program plan; (vi) monitor the expenditures incurred and to be incurred
50 for each such element; and (vii) identify capital elements not progress-
51 ing on schedule, ascertain responsibility therefor and recommend those
52 actions required or appropriate to accelerate their implementation. The
53 capital program committee shall issue a quarterly report on its activ-
54 ities and findings, and shall in connection with the preparation of such
55 quarterly report, consult with the division of the budget, the depart-
56 ment of transportation, the governor, and any other group the committee

1 deems relevant, including public employee organizations, and, at least
2 annually, with a nationally recognized independent transit engineering
3 firm. Such report shall be made available to the members of the authori-
4 ty, to the governor, and the directors of the municipal assistance
5 corporation for the city of New York.

6 (c) The chairperson shall ensure that at every meeting of the board
7 and at every meeting of each committee the public shall be allotted a
8 period of time, not less than thirty minutes, to speak on any topic on
9 the agenda.

10 (d) Notwithstanding paragraph (c) of subdivision one of section twenty-
11 eight hundred twenty-four of this chapter or any other provision of
12 law to the contrary, the chairperson shall not participate in establish-
13 ing authority policies regarding the payment of salary, compensation and
14 reimbursement to, nor establish rules for the time and attendance of,
15 the chief executive officer. The salary of the chairperson, as deter-
16 mined pursuant to subdivision two of this section, shall also be compen-
17 sation for all services performed as chief executive officer.

18 5. The authority shall be a "state agency" for the purposes of
19 sections seventy-three and seventy-four of the public officers law.

20 6. Notwithstanding any inconsistent provisions of this or any other
21 law, general, special or local, no officer or employee of the state, or
22 of any public corporation, shall be deemed to have forfeited or shall
23 forfeit his or her office or employment or any benefits provided under
24 the retirement and social security law or under any public retirement
25 system maintained by the state by reason of their acceptance of member-
26 ship on or chairpersonship of the authority; provided, however, a member
27 or chairperson who holds such other public office or employment shall
28 receive no additional compensation for services rendered pursuant to
29 this title, but shall be entitled to reimbursement for their actual and
30 necessary expenses incurred in the performance of such services.

31 7. The governor may remove any member for inefficiency, neglect of
32 duty, breach of fiduciary duty or misconduct in office after giving the
33 member a copy of the charges against the member and an opportunity to be
34 heard, in person or by counsel in the member's defense, upon not less
35 than ten days' notice. If any member shall be so removed, the governor
36 shall file in the office of the department of state a complete statement
37 of charges made against such member, and his or her findings thereon,
38 together with a complete record of the proceedings.

39 8. The authority shall continue so long as it shall have bonds or
40 other obligations outstanding and until its existence shall be termi-
41 nated by law. Upon the termination of the existence of the authority,
42 all its rights and properties shall pass to and be vested in the state.

43 9. Whenever the authority causes notices of hearings on proposed
44 changes in services or fares to be posted pursuant to this section or
45 any statute, regulation, or authority policy, or where it voluntarily
46 posts such notices, such notices shall: (a) be written in a clear and
47 coherent manner using words with common and every day meaning; (b) be
48 captioned in large point type bold lettering with a title that fairly
49 and accurately conveys the basic nature of such change or changes; (c)
50 where such change involves a proposed change in levels of fare, include
51 in its title the range of amounts of fare changes under consideration;
52 (d) contain, to the extent practicable, a concise description of the
53 specific nature of the change or changes, including but not limited to a
54 concise description of those changes that affect the largest number of
55 passengers; (e) where such change involves a change in the nature of a
56 route, contain, to the extent practicable, a clear graphic illustration

1 of such change or changes; and (f) where such change involves a partial
2 or complete station closing, such notice shall be posted at the affected
3 station with a clear graphic illustration depicting the nature of any
4 closing for such station.

5 § 1349-dddd. Purposes of the authority. 1. The purposes of the author-
6 ity shall be the continuance, further development and improvement of
7 commuter transportation and other services related thereto within the
8 metropolitan commuter transportation district, except within the city of
9 New York, including but not limited to such transportation by railroad,
10 omnibus, marine and air, in accordance with the provisions of this
11 title, in an efficient and cost-effective manner that includes the use
12 of design-build contracting on all appropriate projects.

13 2. It is hereby found and declared that such purposes are in all
14 respects for the benefit of the people of the state of New York and the
15 authority shall be regarded as performing an essential governmental
16 function in carrying out its purposes and in exercising the powers
17 granted by this title.

18 § 1349-eeee. State of emergency; boarding of a commuter transportation
19 by domestic companion animals. 1. For the purposes of this section:

20 (a) "Commuter transportation" means commuter transportation, and other
21 related services and facilities, operated by the authority or any of its
22 subsidiaries, including but not limited to such transportation by rail-
23 road, omnibus, marine and air, in accordance with this title.

24 (b) "Domestic companion animal" means a companion animal or pet as
25 defined in section three hundred fifty of the agriculture and markets
26 law and shall also mean any other domesticated animal normally main-
27 tained in or near the household of the owner or person who cares for
28 such other domesticated animal. "Domestic companion animal" shall not
29 include a "farm animal", as defined in section three hundred fifty of
30 the agriculture and markets law.

31 2. (a) In the event that a state of emergency has been declared and an
32 evacuation of any region of the state is in progress, the owner of a
33 domestic companion animal shall be permitted to board any commuter
34 transportation with such domestic companion animal so long as that
35 animal is under the owner's control by use of a leash or tether, or is
36 properly confined in an appropriate container or by other suitable
37 means, provided that such boarding is authorized by and consistent with
38 the provisions of state disaster emergency plans or local state of emer-
39 gency plans pertaining to the needs of animals and individuals with an
40 animal under their care. The provisions of this section shall only apply
41 to the owners of domestic companion animals who are evacuating from a
42 region of the state affected by an emergency or disaster, or a local
43 state of emergency, as defined in section twenty-four of the executive
44 law.

45 (b) A domestic companion animal may be refused permission to board any
46 commuter transportation, even if the animal is under the owner's control
47 or properly confined in accordance with this subdivision if there is
48 reasonable cause to believe that, due to attendant circumstances,
49 permitting the animal to board would pose a health or safety hazard.

50 3. All passengers with service animals shall be given priority seating
51 on all means of transportation regulated by this title in accordance
52 with the federal "Americans with Disabilities Act of 1990", 42 U.S.C.
53 s.12101 et seq. For the purposes of this section, "service animal" shall
54 have the same meaning as set forth in the federal "Americans with Disa-
55 bilities Act of 1990", 42 U.S.C. s.12101 et seq. and any regulations
56 under such act.

1 4. All passengers on any commuter transportation shall be provided
2 seating before a domestic companion animal may be placed in a seat.

3 5. The authority is authorized and directed to promulgate and enforce
4 such rules and regulations as shall be necessary for the implementation
5 of this section.

6 § 1349-ffff. General powers of the authority. Except as otherwise
7 limited by this title, the authority shall have power:

8 1. To sue and be sued;

9 2. To have a seal and alter the same at pleasure;

10 3. To borrow money, to issue negotiable notes, bonds or other obli-
11 gations and to provide for the rights of the holders thereof, and to
12 finance or refinance all or any part of the costs to the authority or to
13 any other person or entity, public or private, of the planning, design,
14 acquisition, construction, improvement, reconstruction or rehabilitation
15 of any transportation facility;

16 4. To invest any funds, accounts or other monies not required for
17 immediate use or disbursement, at the discretion of the authority, in:

18 (a) obligations of the state or the United States government;

19 (b) obligations the principal and interest of which are guaranteed by
20 the state or the United States government;

21 (c) certificates of deposit of banks or trust companies in this state,
22 secured, if the authority shall so require, by obligations of the United
23 States or of the state of New York of a market value equal at all times
24 to the amount of the deposit;

25 (d) banker's acceptances with a maturity of ninety days or less which
26 are eligible for purchase by the Federal Reserve Banks and whose rating
27 at the time of purchase is in the highest rating category of two
28 nationally recognized independent rating agencies, provided, however,
29 that the amount of banker's acceptances of any one bank shall not exceed
30 two hundred fifty million dollars;

31 (e) obligations of any bank or corporation created under the laws of
32 either the United States or any state of the United States maturing
33 within two hundred seventy days, provided that such obligations receive
34 the highest rating of two nationally recognized independent rating agen-
35 cies and, provided further, that no more than two hundred fifty million
36 dollars may be invested in such obligations of any one bank or corpo-
37 ration;

38 (f) as to any such moneys held in reserve and sinking funds, other
39 securities in which the trustee or trustees of any public retirement
40 system or pension fund has the power to invest the monies thereof pursu-
41 ant to article four-A of the retirement and social security law, each
42 such reserve and sinking fund being treated as a separate fund for the
43 purposes of article four-A of the retirement and social security law;

44 (g) notes, bonds, debentures, mortgages and other evidences of indebt-
45 edness, issued or guaranteed at the time of the investment by the United
46 States Postal Service, the federal national mortgage association, the
47 federal home loan mortgage corporation, the student loan marketing asso-
48 ciation, the federal farm credit system, or any other United States
49 government sponsored agency, provided that at the time of the investment
50 such agency or its obligations are rated and the agency receives, or its
51 obligations receive, the highest rating of all independent rating agen-
52 cies that rate such agency or its obligations, provided, however, that
53 no more than two hundred fifty million dollars or such greater amount as
54 may be authorized for investment by the state comptroller by section
55 ninety-eight of the state finance law may be invested in the obligations
56 of any one agency;

1 (h) general obligation bonds and notes of any state other than the
2 state, provided that such bonds and notes receive the highest rating of
3 at least one independent rating agency, and bonds and notes of any coun-
4 ty, town, city, village, fire district or school district of the state,
5 provided that such bonds and notes receive either of the two highest
6 ratings of at least two independent rating agencies;

7 (i) mutual funds registered with the United States securities and
8 exchange commission whose investments are limited to obligations of the
9 state described in paragraph (a) of this subdivision, obligations the
10 principal and interest of which are guaranteed by the state described in
11 paragraph (b) of this subdivision, and those securities described in
12 paragraph (h) of this subdivision and that have received the highest
13 rating of at least one independent rating agency, provided that the
14 aggregate amount invested at any one time in all such mutual funds shall
15 not exceed ten million dollars, and, provided further, that the authori-
16 ty shall not invest such funds, accounts or other monies in any mutual
17 fund for longer than thirty days; and

18 (j) financial contracts in a foreign currency entered into for the
19 purpose of minimizing the foreign currency exchange risk of the purchase
20 price of a contract with a vendor chosen through competitive process for
21 the acquisition of capital assets for the benefit of the transportation
22 capital program;

23 5. To make and alter by-laws for its organization and internal manage-
24 ment, and rules and regulations governing the exercise of its powers and
25 the fulfillment of its purposes under this title;

26 6. (a) To enter into contracts and leases and to execute all instru-
27 ments necessary or convenient;

28 (b) With respect to any lease transaction entered into pursuant to
29 section 168(f)(8) of the United States internal revenue code or any
30 successor provisions, the authority shall meet the following standards
31 and procedures:

32 (i) notice of intention to negotiate shall be published in at least
33 one newspaper of general circulation, and a copy thereof shall be mailed
34 to all parties who have requested notification from the authority to
35 engage in transactions of this type. Such notice shall describe the
36 nature of the proposed transaction and the factors subject to negoti-
37 ation, which shall include, but not be limited to, the price to be paid
38 to the authority;

39 (ii) the authority shall negotiate with those respondents whose
40 response complies with the requirements set forth in the notice; and

41 (iii) the board of the authority shall resolve on the basis of parti-
42 cularized findings relevant to the factors negotiated that such trans-
43 action will provide maximum available financial benefits, consistent
44 with other defined objectives and requirements;

45 (c) The authority shall provide to the governor, the temporary presi-
46 dent of the senate, the speaker of the assembly, the minority leader of
47 the senate and the minority leader of the assembly notice of each lease
48 entered into pursuant to paragraph (b) of this subdivision and support-
49 ing documentation of compliance by the authority with subparagraphs (i),
50 (ii) and (iii) of paragraph (b) of this subdivision;

51 7. To acquire, hold and dispose of real or personal property in the
52 exercise of its powers;

53 8. To appoint such officers and employees as it may require for the
54 performance of its duties, and to fix and determine their qualifica-
55 tions, duties, and compensation and to retain or employ counsel, audi-

1 tors, engineers and private consultants on a contract basis or otherwise
2 for rendering professional or technical services and advice;

3 9. (a) Notwithstanding section one hundred thirteen of the retirement
4 and social security law or any other general or special law, the author-
5 ity and any of its subsidiary corporations may continue or provide to
6 its affected officers and employees any retirement, disability, death or
7 other benefits provided or required for railroad personnel pursuant to
8 federal or state law;

9 (b) The authority and any of its public benefit subsidiary corpo-
10 rations may be a participating employer in the New York state employees'
11 retirement system with respect to one or more classes of officers and
12 employees of such authority or any such public benefit subsidiary corpo-
13 ration, as may be provided by resolution of such authority or any such
14 public benefit subsidiary corporation, as the case may be, or any subse-
15 quent amendment thereof, filed with the comptroller and accepted by him
16 or her pursuant to section thirty-one of the retirement and social secu-
17 rity law. In taking any action pursuant to this paragraph, the authority
18 and any of its public benefit subsidiary corporations shall consider the
19 coverages and benefits continued or provided pursuant to paragraph (a)
20 of this subdivision;

21 10. To make plans, surveys, and studies necessary, convenient or
22 desirable to the effectuation of the purposes and powers of the authori-
23 ty and to prepare recommendations in regard thereto;

24 11. To enter upon such lands, waters or premises as in the judgment of
25 the authority may be necessary, convenient or desirable for the purpose
26 of making surveys, soundings, borings and examinations to accomplish any
27 purpose authorized by this title. The authority shall be liable for
28 actual damage done due to the entering upon such lands, waters or prem-
29 ises and any activities taken thereon;

30 12. The authority may conduct investigations and hearings in the
31 furtherance of its general purposes, and in aid thereof have access to
32 any books, records or papers relevant thereto. If any person whose
33 testimony shall be required for the proper performance of the duties of
34 the authority shall fail or refuse to aid or assist the authority in the
35 conduct of any investigation or hearing, or to produce any relevant
36 books, records or other papers, the authority is authorized to apply for
37 process of subpoena, to issue out of any court of general original
38 jurisdiction whose process can reach such person, upon due cause shown;

39 13. A copy of any report submitted by the authority pursuant to
40 sections twenty-eight hundred, twenty-eight hundred one and twenty-eight
41 hundred two of this chapter shall be forwarded to the mayor of the city
42 of New York and to the chairperson of the board of supervisors and to
43 the county executive, if any, of each county within the district; and

44 14. To do all things necessary, convenient or desirable to carry out
45 its purposes and for the exercise of the powers granted in this title.

46 § 1349-gggg. Contracts. 1. The provisions of this section shall not
47 apply to:

48 (a) the award of any contract of the authority if the bid documents
49 for such contract so provide and such bid documents are issued within
50 sixty days of the effective date of this section; or

51 (b) for a period of one hundred eighty days after the effective date
52 of this section, the award of any contract for which an invitation to
53 bid, solicitation, request for proposal, or any similar document has
54 been issued by the authority prior to the effective date of this
55 section.

1 2. (a) Except as otherwise provided in this section, all purchase
2 contracts for supplies, materials or equipment involving an estimated
3 expenditure in excess of one million dollars and all contracts for
4 public work involving an estimated expenditure in excess of one million
5 dollars shall be awarded by the authority to the lowest responsible
6 bidder after obtaining sealed bids in the manner hereinafter set forth.
7 For purposes hereof, contracts for public work shall exclude contracts
8 for personal, engineering and architectural, or professional services.
9 The authority may reject all bids and obtain new bids in the manner
10 provided by this section when it is deemed in the public interest to do
11 so or, in cases where two or more responsible bidders submit identical
12 bids which are the lowest bids, award the contract to any of such
13 bidders or obtain new bids from such bidders. Nothing in this paragraph
14 shall obligate the authority to seek new bids after the rejection of
15 bids or after cancellation of an invitation to bid. Nothing in this
16 section shall prohibit the evaluation of bids on the basis of costs or
17 savings including life cycle costs of the item to be purchased,
18 discounts, and inspection services so long as the invitation to bid
19 reasonably sets forth the criteria to be used in evaluating such costs
20 or savings. Life cycle costs may include but shall not be limited to
21 costs or savings associated with installation, energy use, maintenance,
22 operation and salvage or disposal.

23 (b) Section twenty-eight hundred seventy-nine of this chapter shall
24 apply to the authority's acquisition of goods or services of any kind,
25 in the actual or estimated amount of fifteen thousand dollars or more,
26 provided: (i) that a contract for services in the actual or estimated
27 amount of one million dollars or less shall not require approval by the
28 board of the authority regardless of the length of the period over which
29 the services are rendered, and provided further that a contract for
30 services in the actual or estimated amount of one million dollars or
31 more shall require approval by the board of the authority regardless of
32 the length of the period over which the services are rendered unless
33 such a contract is awarded to the lowest responsible bidder after
34 obtaining sealed bids; and (ii) the board of the authority may by resol-
35 ution adopt guidelines that authorize the award of contracts to small
36 business concerns, to service disabled veteran owned businesses certi-
37 fied pursuant to article seventeen-B of the executive law, or minority
38 or women-owned business enterprises certified pursuant to article
39 fifteen-A of the executive law, or purchases of goods or technology that
40 are recycled or remanufactured, in an amount not to exceed one million
41 dollars without a formal competitive process and without further board
42 approval. The board of the authority shall adopt guidelines which shall
43 be made publicly available for the awarding of such contract without a
44 formal competitive process.

45 (c)(i) Notwithstanding the provisions of paragraph (a) of this subdivi-
46 sion, the authority shall establish guidelines governing the quali-
47 fications of bidders entering into contracts for its project to bring
48 the Long Island Rail Road into Grand Central Terminal, referred to as
49 the "East Side Access Project" for the purposes of this section. The
50 bidding may be restricted to those who have qualified prior to the
51 receipt of bids according to standards fixed by the authority; provided,
52 however, that the award of contracts shall, to the extent not inconsis-
53 ent with this paragraph, be in accordance with paragraph (a) of this
54 subdivision.

55 (ii) In determining whether a prospective bidder qualifies for the
56 inclusion on a list of prequalified bidders for the East Side Access

1 Project, the authority shall consider: (A) the experience and past
2 performance of the prospective bidder; (B) the prospective bidder's
3 ability to undertake work, including but not limited to whether it
4 participates in state approved apprenticeship programs and whether it
5 utilizes employees who are represented by labor organizations; (C) the
6 financial capability and responsibility of the prospective bidder; and
7 (D) the records of the prospective bidder in complying with existing
8 labor standards. The authority may also consider such other factors as
9 it deems appropriate.

10 3. (a) Advertisement for bids, when required by this section, shall be
11 published at least once in a newspaper of general circulation in the
12 area served by the authority and in the procurement opportunities news-
13 letter published pursuant to article four-C of the economic development
14 law provided that, notwithstanding the provisions of article four-C of
15 the economic development law, an advertisement shall only be required
16 for a purchase contract for supplies, materials or equipment when
17 required by this section. Publication in a newspaper of general circu-
18 lation in the area served or in the procurement opportunities newsletter
19 shall not be required if bids for contracts for supplies, materials or
20 equipment are of a type regularly purchased by the authority and are to
21 be solicited from a list of potential suppliers, if such list is or has
22 been developed consistent with the provisions of subdivision six of this
23 section. Any such advertisement shall contain a statement of: (i) the
24 time and place where bids received pursuant to any notice requesting
25 sealed bids will be publicly opened and read; (ii) the name of the
26 contracting agency; (iii) the contract identification number; (iv) a
27 brief description of the public work, supplies, materials, or equipment
28 sought, the location where work is to be performed, goods are to be
29 delivered or services provided and the contract term; (v) the address
30 where bids or proposals are to be submitted; (vi) the date when bids or
31 proposals are due; (vii) a description of any eligibility or qualifica-
32 tion requirement or preference; (viii) a statement as to whether the
33 contract requirements may be fulfilled by a subcontracting, joint
34 venture, or co-production arrangement; (ix) any other information deemed
35 useful to potential contractors; and (x) the name, address, and tele-
36 phone number of the person to be contacted for additional information.
37 At least fifteen business days shall elapse between the first publica-
38 tion of such advertisement or the solicitation of bids, as the case may
39 be, and the date of opening and reading of bids.

40 (b) The authority may designate any officer or employee to open the
41 bids at the time and place bids are to be opened and may designate an
42 officer to award the contract to the lowest responsible bidder. Such
43 designee shall make a record of all bids in such form and detail as the
44 authority shall prescribe. All bids received shall be publicly opened
45 and read at the time and place specified in the advertisement or at the
46 time of solicitation, or to which the opening and reading have been
47 adjourned by the authority. All bidders shall be notified of the time
48 and place of any such adjournment.

49 4. Notwithstanding the foregoing, the authority may, by resolution
50 approved by a two-thirds vote of its members then in office, or by a
51 majority vote of its members with respect to contracts proposed to be
52 let pursuant to paragraph (a) of this subdivision declare that compet-
53 itive bidding is impractical or inappropriate because of the existence
54 of any of the circumstances hereinafter set forth and thereafter the
55 authority may proceed to award contracts without complying with the
56 requirements of subdivision two or three of this section. In each case

1 where the authority declares competitive bidding impractical or inappro-
2 priate, it shall state the reason therefor in writing and summarize any
3 negotiations that have been conducted. Except for contracts awarded
4 pursuant to paragraphs (a), (b), (c) and (e) of this subdivision, the
5 authority shall not award any contract pursuant to this subdivision
6 earlier than thirty days from the date on which the authority declares
7 that competitive bidding is impractical or inappropriate. Competitive
8 bidding may only be declared impractical or inappropriate where:

9 (a) the existence of an emergency involving danger to life, safety or
10 property requires immediate action and cannot await competitive bidding
11 or the item to be purchased is essential to efficient operation or the
12 adequate provision of service and as a consequence of an unforeseen
13 circumstance such purchase cannot await competitive bidding;

14 (b) the item to be purchased is available only from a single responsi-
15 ble source, provided that if bids have not been solicited for such item
16 pursuant to subdivision two of this section within the preceding twelve
17 months, public notice shall first be given pursuant to subdivision three
18 of this section;

19 (c) the authority receives no responsive bids or only a single respon-
20 sive bid in response to an invitation for competitive bids;

21 (d) the authority wishes to experiment with or test a product or tech-
22 nology or new source for such product or technology or evaluate the
23 service or reliability of such product or technology;

24 (e) the item is available through an existing contract between a
25 vendor and: (i) another public authority provided that such other
26 authority utilized a process of competitive bidding or a process of
27 competitive requests for proposals to award such contracts; (ii) Nassau
28 county; (iii) the state of New York; or (iv) the city of New York,
29 provided that in any case when under this paragraph the authority deter-
30 mines that obtaining such item thereby would be in the public interest
31 and sets forth the reasons for such determination. The authority shall
32 accept sole responsibility for any payment due the vendor as a result of
33 the authority's order; or

34 (f) the authority determines that it is in the public interest to
35 award contracts pursuant to a process for competitive requests for
36 proposals as hereinafter set forth. For purposes of this section, a
37 process for competitive requests for proposals shall mean a method of
38 soliciting proposals and awarding a contract on the basis of a formal
39 evaluation of the characteristics, such as quality, cost, delivery sche-
40 dule and financing of such proposals against stated selection criteria.
41 Public notice of the requests for proposals shall be given in the same
42 manner as provided in subdivision three of this section and shall
43 include the selection criteria. In the event the authority makes a mate-
44 rial change in the selection criteria from those previously stated in
45 the notice, it will inform all proposers of such change and permit
46 proposers to modify their proposals;

47 (i) The authority may award a contract pursuant to this paragraph only
48 after a resolution approved by a two-thirds vote of its members then in
49 office at a public meeting of the authority with such resolution: (A)
50 disclosing the other proposers and the substance of their proposals; (B)
51 summarizing the negotiation process including the opportunities, if any,
52 available to proposers to present and modify their proposals; and (C)
53 setting forth the criteria upon which the selection was made.

54 (ii) Nothing in this paragraph shall require or preclude: (A) negoti-
55 ations with any proposers following the receipt of responses to the
56 request for proposals; or (B) the rejection of any or all proposals at

1 any time. Upon the rejection of all proposals, the authority may solicit
2 new proposals or bids in any manner prescribed in this section.

3 (g) The authority issues a competitive request for proposals pursuant
4 to the procedures of paragraph (f) of this subdivision for the purchase
5 or rehabilitation of rail cars and omnibuses. Any such request may
6 include among the stated selection criteria the performance of all or a
7 portion of the contract at sites within the state of New York or the use
8 of goods produced or services provided within the state of New York,
9 provided however that in no event shall the authority award a contract
10 to a manufacturer whose final offer, as expressed in unit cost is more
11 than ten percent higher than the unit cost of any qualified competing
12 final offer, if the sole basis for such award is that the higher priced
13 offer includes more favorable provision for the performance of the
14 contract within the state of New York or the use of goods produced or
15 services provided within the state of New York, and further provided
16 that the authority's discretion to award a contract to any manufacturer
17 shall not be so limited if a basis for such award, as determined by the
18 authority, is superior financing, delivery schedule, life cycle, reli-
19 ability, or any other factor the authority deems relevant to its oper-
20 ations;

21 (i) The authority may award a contract pursuant to this paragraph only
22 after a resolution approved by a vote of not less than a two-thirds vote
23 of its members then in office at a public meeting of the authority with
24 such resolution; (A) disclosing the other proposers and the substance of
25 their proposals; (B) summarizing the negotiation process including the
26 opportunities, if any, available to proposers to present and modify
27 their proposals; and (C) setting forth the criteria upon which the
28 selection was made.

29 (ii) Nothing in this paragraph shall require or preclude: (A) negoti-
30 ations with any proposers following the receipt of responses to the
31 request for proposals; or (B) the rejection of any or all proposals at
32 any time. Upon the rejection of all proposals, the authority may solicit
33 new proposals or bids in any manner prescribed in this section.

34 5. Upon the adoption of a resolution by the authority stating, for
35 reasons of efficiency, economy, compatibility or maintenance reliabil-
36 ity, that there is a need for standardization, the authority may estab-
37 lish procedures whereby particular supplies, materials or equipment are
38 identified on a qualified products list. Such procedures shall provide
39 for products or vendors to be added to or deleted from such list and
40 shall include provisions for public advertisement of the manner in which
41 such lists are compiled. The authority shall review such list no less
42 than twice a year for the purpose of making such modifications.
43 Contracts for particular supplies, materials or equipment identified on
44 a qualified products list may be awarded by the authority to the lowest
45 responsible bidder after obtaining sealed bids in accordance with this
46 section or without competitive sealed bids in instances when the item is
47 available from only a single source, except that the authority may
48 dispense with advertising provided that it mails copies of the invita-
49 tion to bid to all vendors of the particular item on the qualified
50 products list.

51 6. The authority shall compile a list of potential sources of
52 supplies, materials or equipment regularly purchased. The authority
53 shall, by resolution, set forth the procedures it has established to
54 identify new sources and to notify such new sources of the opportunity
55 to bid for contracts for the purchase of supplies, materials or equip-
56 ment. Such procedures shall include, but not be limited to: (a) adver-

1 tising in trade journals; (b) cooperation with federal, state and local
2 agencies within its area of operations; (c) publication in the state
3 register quarterly; and (d) procedures established pursuant to subdivi-
4 sion thirteen of section thirteen hundred forty-nine-j of this article.

5 7. The provisions of this section shall not supersede any other
6 provisions of law relative to purchases of products or devices manufac-
7 tured or provided by the blind or other severely handicapped persons, to
8 the invitation and acceptance of bids from small or minority business
9 enterprises or to the purchases of supplies, materials or equipment
10 through the office of general services. Except as may otherwise be
11 provided by law or as more restrictively defined in the official policy
12 or bid specifications of the authority, the term "small business" means
13 a small business or similar term, under federal regulations applicable
14 to projects of the authority which are federally assisted.

15 8. Notwithstanding any other provisions in this section, the authority
16 shall be allowed to use an electronic bidding system for the purchase of
17 goods, materials, and commodities that may inform bidders whether their
18 bid is the current low bid and allow bidders to submit new bids before
19 the date and time assigned for the opening of bids. Such procedure shall
20 not constitute disclosure of bids in violation of section twenty-eight
21 hundred seventy-eight of this chapter.

22 9. The provisions of this section shall not apply to any procurement
23 made by any other public entity not otherwise required by law to award
24 contracts for such purchases to the lowest responsible bidder if such
25 purchases are made at the sole cost and expense of such entity.

26 10. (a) Whenever the comptroller pursuant to section twenty-eight
27 hundred seventy-nine-a of this chapter intends to require supervision in
28 the form of prior review and approval of a contract or contract amend-
29 ment to be awarded by the authority pursuant to this section, then such
30 contract or contract amendment shall be submitted to the comptroller by
31 the authority for approval and shall not be a valid enforceable contract
32 unless it shall first have been approved by the comptroller but only if
33 the comptroller has notified the authority of such determination within
34 thirty days of having received written notice of such contract or
35 contract amendment either in the authority's annual report or any
36 revised report.

37 (b) If the comptroller has timely notified the authority as provided
38 in paragraph (a) of this subdivision that any contract or contract
39 amendment shall be subject to comptroller prior review and approval, and
40 such contract or contract amendment has been submitted to the comp-
41 troller, it shall become valid and enforceable without such approval if
42 the comptroller has not approved or disapproved it within thirty days of
43 submission to the comptroller.

44 11. The award of construction contracts by the authority shall not be
45 subject to the provisions of section one hundred one of the general
46 municipal law.

47 § 1349-hhhh. Commuter transportation authority small business mentor-
48 ing program. 1. As used in this section, unless the context requires
49 otherwise:

50 (a) "authority" means commuter transportation authority and its
51 subsidiaries;

52 (b) "chairperson" means the chairperson of the authority and its
53 subsidiaries and affiliates;

54 (c) "small business" means a business in the construction trades
55 which: (i) is independently owned and operated; (ii) has annual revenues
56 not exceeding a fiscal limitation of five million dollars or such lesser

1 amount as established by the authority pursuant to these provisions; and
2 (iii) meets additional criteria as otherwise established by the chair-
3 person in consultation with the members of the commuter transportation
4 small business mentoring program advisory committee. The chair of the
5 committee shall be the chief diversity officer of the authority. The
6 authority shall establish a detailed definition in general and specific
7 to different segments of the construction industry to the extent neces-
8 sary to reflect differing characteristics of such segments based on the
9 criteria used by the United States small business administration for
10 loans to small businesses as set forth in Sections 121.301 through
11 121.305, or for awarding government procurements as set forth in
12 Sections 121.401 through 121.413, of Subpart A of Part 121 of Chapter I
13 of Title 13 of the Code of Federal Regulations as amended, and such
14 other criteria as determined by the authority;

15 (d) "small business mentoring program" is a program established by the
16 authority pursuant to these provisions to provide small businesses
17 accepted into the program with the opportunity:

18 (i) for up to four years, to compete for and, where awarded, to
19 perform certain authority public work contracts to be designated by the
20 authority for inclusion in this program under this subparagraph, with
21 the assistance of an authority-provided mentor, which shall be a firm
22 competitively selected by the authority that has extensive construction
23 management and mentoring experience, with the mentor to provide the
24 small business with advice and assistance in competing for and managing
25 authority public work contracts; and

26 (ii) for a small business mentoring program participant which the
27 authority has determined has successfully completed the program under
28 subparagraph (i) of this paragraph, for up to four additional years: (A)
29 additional opportunities to compete with other designated small busi-
30 nesses in the program for certain public work contracts to be designated
31 for inclusion under this subparagraph and, where awarded, to perform
32 such authority public work contracts, with the further assistance of an
33 authority-provided mentor, which shall be a firm competitively selected
34 by the authority that has extensive construction management and mentor-
35 ing experience, with the mentor to provide the small business with
36 advice and technical assistance in competing for and managing authority
37 public work contracts; and (B) authority-provided assistance, as deter-
38 mined by the authority, for such a small business to obtain bonding for
39 public work contracts that are competitively awarded pursuant to
40 provisions of law other than this section;

41 (e) "small business mentoring program contract" means a non-federally
42 funded authority public work contract designated by the authority, in an
43 estimated amount of not more than one million dollars for contracts
44 under subparagraph (i) of paragraph (d) of this subdivision and three
45 million dollars for contracts under subparagraph (ii) of paragraph (d)
46 of this subdivision, for which bids or proposals are to be invited and
47 accepted only from businesses that are enrolled in the small business
48 mentoring program and have been selected by the authority to compete for
49 the contract.

50 2. (a) Pursuant to these provisions, the authority may establish a
51 small business mentoring program. In connection therewith, the authority
52 may determine the criteria pursuant to which a small business shall be
53 eligible for and selected to participate in the program under subpara-
54 graphs (i) and (ii) of paragraph (d) of subdivision one of this section,
55 the number of participants to participate in each such components of the
56 program, the criteria for the competitive selection of the firms that

1 will provide small businesses with mentoring services, the assignment of
2 a mentor to a specific small business in the small business mentoring
3 program, and the funding for the program.

4 (b) Under the small business mentoring program, the chairperson or the
5 chairperson's designee is authorized, notwithstanding any other
6 provision of law:

7 (i) to designate which eligible public work contracts shall be small
8 business mentoring program contracts under subparagraphs (i) and (ii) of
9 paragraph (d) of subdivision one of this section, respectively;

10 (ii) to establish standards for qualifying small business mentoring
11 program participants to compete for a small business mentoring program
12 contract, provided that no less than three qualified small businesses in
13 the program submit responsive offers to perform the contract;

14 (iii) to determine when bids or proposals for a small business mentor-
15 ing program contract should be restricted to small business mentoring
16 program participants which, prior to the receipt of bids or proposals,
17 have been qualified by the authority for such competition;

18 (iv) to competitively select, designate and contract with one or more
19 experienced construction management firms that, under the general super-
20 vision of the authority, will provide mentoring services to the small
21 businesses participating in the small business mentoring program, and to
22 assign such mentors one or more designated small businesses participat-
23 ing in the program;

24 (v) for small business mentoring program contracts, except as set
25 forth herein, to waive requirements for the solicitation and award of a
26 public work contract pursuant to sections thirteen hundred forty-nine-
27 gggg and twenty-eight hundred seventy-nine of this chapter and any other
28 provision of law;

29 (vi) to assist only small business mentoring program participants that
30 have been awarded small business mentoring program contracts to obtain
31 any surety bond or contract of insurance required of them in connection
32 with such contract only notwithstanding any provision of section two
33 thousand five hundred four of the insurance law to the contrary; and

34 (vii) for small businesses that have been accepted into the small
35 business mentoring program under subparagraph (ii) of paragraph (d) of
36 subdivision one of this section, in addition to the benefits of such
37 program and notwithstanding any other provision of law, to provide tech-
38 nical assistance in obtaining bids, payment and performance bonding for
39 authority public work contracts that are not small business mentoring
40 program contracts, for which the small business is otherwise qualified.

41 3. (a) If the total number of qualified small business mentoring
42 program participants that respond to a competition and are considered
43 capable of meeting the specifications and terms of the invitation to
44 compete is less than three, or if the chairperson or the chairperson's
45 designee determines that acceptance of the best offer will result in the
46 payment of an unreasonable price, the authority may reject all offers
47 and withdraw the designation of the contract as a small business mentor-
48 ing program contract.

49 (b) If the authority withdraws the designation of contract as a small
50 business mentoring program contract, the firms, if any, that made offers
51 shall be notified. Invitations to compete containing the same or rewrit-
52 ten specifications and terms shall then be re-issued as a small business
53 mentoring program contract for one or more additional contract period.

54 4. A mentor shall provide services and assistance to a small business
55 as designated by the authority, which may include the following:

1 (a) provide business training in the skills necessary to operate a
2 successful construction business and to compete for and perform a public
3 work contract;

4 (b) provide technical assistance to the small business to assess the
5 outcome if the small business competes for but is not awarded a
6 contract;

7 (c) if the small business mentoring program contract is awarded to the
8 small business, provide guidance, advice and technical assistance to the
9 small business in the performance of the contract; and

10 (d) provide other technical assistance to the small business to facil-
11 itate learning, training and other issues which may arise.

12 5. The authority may delegate to the chairperson or the chairperson's
13 designee the authority's responsibilities set forth herein.

14 6. The small business mentoring program contracts authorized by this
15 legislation shall, for the initial year of the program, be in an aggre-
16 gate amount of not less than ten million dollars, and shall not exceed
17 one hundred million dollars, with the maximum amount in future years to
18 be set by the chairperson.

19 § 1349-iiii. Special powers of the authority. In order to effectuate
20 the purposes of this title:

21 1. The authority may acquire, by purchase, gift, grant, transfer,
22 contract or lease, any transportation facility other than a transit
23 facility wholly or partially within the metropolitan commuter transpor-
24 tation district, or any part thereof, or the use thereof, and may enter
25 into any joint service arrangements as hereinafter provided. Any such
26 acquisition or joint service arrangement shall be authorized only by
27 resolution of the authority approved by not less than a majority vote of
28 the whole number of members of the authority then in office, except that
29 in the event of a tie vote the chairperson shall cast one additional
30 vote.

31 2. The authority may on such terms and conditions as the authority may
32 determine necessary, convenient or desirable itself plan, design,
33 acquire, establish, construct, effectuate, operate, maintain, renovate,
34 improve, extend, rehabilitate or repair any transportation facility
35 other than a transit project, or may provide for such planning, design,
36 acquisition, establishment, construction, effectuation, operation, main-
37 tenance, renovation, improvement, extension, rehabilitation or repair by
38 contract, lease or other arrangement on such terms as the authority may
39 deem necessary, convenient or desirable with any person, including but
40 not limited to any common carrier or freight forwarder, the state, any
41 state agency, the federal government, any other state or agency or
42 instrumentality thereof, any public authority of this or any other
43 state, the port of New York authority or any political subdivision or
44 municipality of the state. In connection with the operation of any
45 transportation facility, the authority may plan, design, acquire, estab-
46 lish, construct, effectuate, operate, maintain, renovate, improve,
47 extend or repair or may provide by contract, lease or other arrangement
48 for the planning, design, acquisition, establishment, construction,
49 effectuation, operation, maintenance, renovation, improvement, extension
50 or repair of any related services and activities it deems necessary,
51 convenient or desirable, including but not limited to the transportation
52 and storage of freight and the United States mail, feeder and connecting
53 transportation, parking areas, transportation centers, stations and
54 related facilities.

55 3. (a) Except as directed in paragraph (c) of this subdivision, the
56 authority may establish, levy and collect or cause to be established,

1 levied and collected and, in the case of a joint service arrangement,
2 join with others in the establishment, levy and collection of such
3 fares, tolls, rentals, rates, charges and other fees as it may deem
4 necessary, convenient or desirable for the use and operation of any
5 transportation facility and related services operated by the authority
6 or by a subsidiary corporation of the authority or under contract, lease
7 or other arrangement, including joint service arrangements, with the
8 authority. Any such fares, tolls, rentals, rates, charges or other fees
9 for the transportation of passengers shall be established and changed
10 only if approved by resolution of the authority adopted by not less than
11 a majority vote of the whole number of members of the authority then in
12 office, with the chairperson having one additional vote in the event of
13 a tie vote, and only after a public hearing, provided however, that
14 fares, tolls, rentals, rates, charges or other fees for the transporta-
15 tion of passengers on any transportation facility which are in effect at
16 the time that the then owner of such transportation facility becomes a
17 subsidiary corporation of the authority or at the time that operation of
18 such transportation facility is commenced by the authority or is
19 commenced under contract, lease or other arrangement, including joint
20 service arrangements, with the authority may be continued in effect
21 without such a hearing. Such fares, tolls, rentals, rates, charges and
22 other fees shall be established as may in the judgment of the authority
23 be necessary to maintain the combined operations of the authority and
24 its subsidiary corporations on a self-sustaining basis. The said oper-
25 ations shall be deemed to be on a self-sustaining basis as required by
26 this title, when the authority is able to pay or cause to be paid from
27 revenue and any other funds or property actually available to the
28 authority and its subsidiary corporations: (i) as the same shall become
29 due, the principal of and interest on the bonds and notes and other
30 obligations of the authority and its subsidiaries and the metropolitan
31 transportation authority, together with the maintenance of proper
32 reserves therefor; (ii) the cost and expense of keeping the properties
33 and assets of the authority and its subsidiary corporations in good
34 condition and repair; and (iii) the capital and operating expenses of
35 the authority and its subsidiary corporations. The authority may
36 contract with the holders of bonds and notes with respect to the exer-
37 cise of the powers authorized by this section. No acts or activities
38 taken or proposed to be taken by the authority or any subsidiary of the
39 authority pursuant to the provisions of this subdivision shall be deemed
40 to be "actions" for the purposes or within the meaning of article eight
41 of the environmental conservation law.

42 (b) All fares, tolls, rentals, rates, charges, and other fees estab-
43 lished, levied, and collected or caused to be established, levied, and
44 collected, shall first be transferred to the metropolitan transportation
45 authority in order to maintain the metropolitan transportation authority
46 on a self-sustaining basis unless already pledged to secure, and neces-
47 sary to satisfy the debt service or reserve requirements of, bonds,
48 notes or other obligations of the authority prior to January first, two
49 thousand twenty-one.

50 (c) In the event that the monthly revenues of the metropolitan trans-
51 portation authority fall below one hundred twenty-five percent of the
52 amount necessary to maintain the operations of the metropolitan trans-
53 portation authority on a self-sustaining basis, as defined by section
54 twelve hundred sixty-six of this article, the authority shall, at the
55 direction of the metropolitan transportation authority, establish, levy
56 and collect or cause to be established, levied and collected, in the

1 case of a joint service arrangement, and join with others in the estab-
2 lishment, levy and collection of such fares, tolls, rentals, rates,
3 charges and other fees as the metropolitan transportation authority may
4 deem necessary, convenient or desirable for the use and operation of any
5 transportation facility and related services operated by the authority
6 or by a subsidiary corporation of the authority or under contract, lease
7 or other arrangement, including joint service arrangements, with the
8 authority, until such time that monthly revenues of the metropolitan
9 transportation authority has exceeded, for three consecutive months, two
10 hundred percent of the amount necessary to maintain the operations of
11 the metropolitan transportation authority on a self-sustaining basis.

12 4. The authority may establish and, in the case of joint service
13 arrangements, join with others in the establishment of such schedules
14 and standards of operations and such other rules and regulations includ-
15 ing but not limited to rules and regulations governing the conduct and
16 safety of the public as it may deem necessary, convenient or desirable
17 for the use and operation of any transportation facility and related
18 services operated by the authority or under contract, lease or other
19 arrangement, including joint service arrangements, with the authority.
20 Such rules and regulations governing the conduct and safety of the
21 public shall be filed with the department of state in the manner
22 provided by section one hundred two of the executive law. In the case of
23 any conflict between any such rule or regulation of the authority
24 governing the conduct or the safety of the public and any local law,
25 ordinance, rule or regulation, such rule or regulation of the authority
26 shall prevail. Violation of any such rule or regulation of the authority
27 governing the conduct or the safety of the public in or upon any facili-
28 ty of the authority shall constitute an offense and shall be punishable
29 by a fine not exceeding fifty dollars or imprisonment for not more than
30 thirty days or both or may be punishable by the imposition of a civil
31 penalty by the transit adjudication bureau established pursuant to the
32 provisions of title nine of this article.

33 5. (a) The authority may acquire, hold, own, lease, establish,
34 construct, effectuate, operate, maintain, renovate, improve, extend or
35 repair any transportation facilities through, and cause any one or more
36 of its powers, duties, functions or activities to be exercised or
37 performed by, one or more wholly owned subsidiary corporations of the
38 authority, and may transfer to or from any such corporations any moneys,
39 real property or other property for any of the purposes of this title
40 upon such terms and conditions as shall be agreed to and subject to such
41 payment or repayment obligations as are required by law or by any agree-
42 ment to which any of the affected entities is subject. The directors or
43 members of each such subsidiary corporation of the authority corporation
44 shall be the same persons holding the offices of members of the authori-
45 ty. The chairperson of the board of each such subsidiary shall be the
46 chairperson of the authority, serving ex officio and, provided that
47 there is an executive director of the commuter transportation authority,
48 the executive director of such subsidiary shall be the executive direc-
49 tor of the commuter transportation authority, serving ex officio.
50 Notwithstanding any provision of law to the contrary, the chairperson
51 shall be the chief executive officer of each such subsidiary and shall
52 be responsible for the discharge of the executive and administrative
53 functions and powers of each such subsidiary. The chairperson and execu-
54 tive director, if any, shall be empowered to delegate his or her func-
55 tions and powers to one or more officers or employees of each such
56 subsidiary designated by him or her. Each such subsidiary corporation of

1 the authority and any of its property, functions and activities shall
2 have all of the privileges, immunities, tax exemptions and other
3 exemptions of the authority and of the authority's property, functions
4 and activities. Each such subsidiary corporation shall be subject to the
5 restrictions and limitations to which the authority may be subject. Each
6 such subsidiary corporation of the authority shall be subject to suit in
7 accordance with section thirteen hundred forty-nine-lllll of this title.
8 The employees of any such subsidiary corporation, except those who are
9 also employees of the authority, shall not be deemed employees of the
10 authority.

11 (b) If the authority shall determine that one or more of its subsidi-
12 ary corporations should be in the form of a public benefit corporation,
13 it shall create each such public benefit corporation by executing and
14 filing with the secretary of state a certificate of incorporation, which
15 may be amended from time to time by filing, which shall set forth the
16 name of such public benefit subsidiary corporation, its duration, the
17 location of its principal office, and any or all of the purposes of
18 acquiring, owning, leasing, establishing, constructing, effectuating,
19 operating, maintaining, renovating, improving, extending or repairing
20 one or more facilities of the authority. Each such public benefit
21 subsidiary corporation shall be a body politic and corporate and shall
22 have all those powers vested in the authority by the provisions of this
23 title which the authority shall determine to include in its certificate
24 of incorporation except the power to contract indebtedness.

25 (c) Whenever any state, political subdivision, municipality, commis-
26 sion, agency, officer, department, board, division or person is author-
27 ized and empowered for any of the purposes of this title to co-operate
28 and enter into agreements with the authority such state, political
29 subdivision, municipality, commission, agency, officer, department,
30 board, division or person shall have the same authorization and power
31 for any of such purposes to co-operate and enter into agreements with a
32 subsidiary corporation of the authority.

33 6. Each of the authority and its subsidiaries, in its own name or in
34 the name of the state, may apply for and receive and accept grants of
35 property, money and services and other assistance offered or made avail-
36 able to it by any person, government or agency, which it may use to meet
37 capital or operating expenses and for any other use within the scope of
38 its powers, and to negotiate for the same upon such terms and conditions
39 as the respective authority may determine to be necessary, convenient or
40 desirable.

41 7. The authority may lease railroad cars for use in its passenger
42 service pursuant to the provisions of chapter six hundred thirty-eight
43 of the laws of nineteen hundred fifty-nine.

44 8. (a) The authority may do all things it deems necessary, convenient
45 or desirable to manage, control and direct the maintenance and operation
46 of transportation facilities, equipment or real property operated by or
47 under contract, lease or other arrangement with the authority and its
48 subsidiaries. Except as hereinafter specially provided, no municipality
49 or political subdivision, including but not limited to a county, city,
50 village, town or school or other district shall have jurisdiction over
51 any facilities of the authority and its subsidiaries, or any of their
52 activities or operations. The local laws, resolutions, ordinances, rules
53 and regulations of a municipality or political subdivision, heretofore
54 or hereafter adopted, conflicting with this title or any rule or regu-
55 lation of the authority or its subsidiaries, shall not be applicable to
56 the activities or operations of the authority and its subsidiaries, or

1 the facilities of the authority and its subsidiaries, except such facil-
2 ities that are devoted to purposes other than transportation or transit
3 purposes. Each municipality or political subdivision, including but not
4 limited to a county, city, village, town or district in which any facil-
5 ities of the authority or its subsidiaries are located shall provide for
6 such facilities police, fire and health protection services of the same
7 character and to the same extent as those provided for residents of such
8 municipality or political subdivision.

9 (b) The jurisdiction, supervision, powers and duties of the department
10 of transportation of the state under the transportation law shall not
11 extend to the authority in the exercise of any of its powers under this
12 title. The authority may agree with such department for the execution by
13 such department of any grade crossing elimination project or any grade
14 crossing separation reconstruction project along any railroad facility
15 operated by the authority or by one of its subsidiary corporations or
16 under contract, lease or other arrangement with the authority. Any such
17 project shall be executed as provided in article ten of the transporta-
18 tion law and the railroad law, and the costs of any such project shall
19 be borne as provided in such laws, except that the authority's share of
20 such costs shall be borne by the state.

21 9. Upon approval by the commissioner of transportation of the state of
22 New York of detailed plans and specifications, which approval may be
23 based upon considerations of relative need and the timing of
24 construction, the authority is authorized to design, construct, main-
25 tain, operate, improve and reconstruct a highway bridge crossing Long
26 Island sound, as follows:

27 (a) Upon: (i) the enactment by the state of Connecticut of legislation
28 having like effect as the provisions of this paragraph and the granting
29 of the consent of the congress of the United States of America to the
30 interstate compact thereby created; and (ii) in conformity with recom-
31 mendations of the New York-Connecticut bi-state bridge study commission,
32 the authority is authorized, in cooperation with any duly designated
33 agency or agencies of the state of Connecticut, to design, construct,
34 maintain, operate, improve and reconstruct a highway bridge crossing
35 Long Island sound from a point in the vicinity of the city of Bridgeport
36 in the state of Connecticut to a point in the vicinity of the village of
37 Port Jefferson in the state of New York, together with approaches to
38 such bridge; and to contract from time to time with such agency or agen-
39 cies of the state of Connecticut with respect to all matters affecting
40 these authorizations, including, without limitation, the sharing of all
41 capital, operational and maintenance expense, except that the capital
42 expense of the original construction of such bridge, other than the
43 expense of acquiring the needed real property, shall be in the ratio of
44 fifty per centum for the authority and fifty per centum for such agency
45 or agencies of the state of Connecticut, the manner and by whom the work
46 of design, construction, reconstruction, improvement, maintenance and
47 operation is to be performed or contracted to others for performance,
48 the tolls, fees and other charges to be imposed from time to time for
49 the use of such bridge, and the sharing of revenues derived from the
50 imposition of such tolls, fees and charges, except that net revenues
51 remaining after deduction of operational and maintenance expense of such
52 bridge shall be in the ratio of fifty per centum for the authority and
53 fifty per centum for the state of Connecticut or for such agency or
54 agencies of the state of Connecticut. Subject to the limitations imposed
55 upon the authority by the provisions of the said contracts, that portion
56 of the said bridge and its approaches situate and lying within the

1 territorial boundaries of the state of New York shall be deemed a
2 "transportation facility" of the authority for all the purposes of this
3 title, but tolls, fees and other charges imposed for the use of such
4 bridge shall not be deemed to have been imposed "for the transportation
5 of passengers" within the intendment of subdivision three of this
6 section.

7 (b) If funds are made available by the authority for the payment of
8 the cost and expense of the acquisition thereof, the commissioner of
9 transportation of the state of New York, when requested by the authori-
10 ty, may acquire in the name of the state such real property lying within
11 the territorial boundaries of the state as may be determined from time
12 to time by the authority to be necessary, convenient or desirable to
13 carry out the authorizations set forth in paragraph (a) of this subdivi-
14 sion and this paragraph, may remove the owner or occupant thereof where
15 necessary and obtain possession and, when requested by the authority,
16 may dispose of any real property so acquired, all according to the
17 procedures provided in section thirty of the highway law. The authority
18 shall have the right to possess and use for its corporate purposes all
19 such real property so acquired, all according to the procedures provided
20 in section thirty of the highway law. The authority shall have the right
21 to possess and use for its corporate purposes all such real property so
22 acquired. Claims for the value of the property appropriated and for
23 legal damages caused by any such appropriation shall be adjusted and
24 determined by the commissioner of transportation with the approval of
25 the authority or by the court of claims as provided in section thirty of
26 the highway law. When a claim has been filed with the court of claims,
27 the claimant shall cause a copy of such claim to be served upon the
28 authority and the authority shall have the right to be represented and
29 heard before such court. All awards and judgments arising from such
30 claims shall be paid out of moneys of the authority.

31 (c) The authority, acting independently or jointly or in cooperation
32 with such agency or agencies of the state of Connecticut, may also apply
33 for and accept, upon condition or otherwise, from the duly authorized
34 agencies of the federal government, and of the governments of the states
35 of Connecticut and New York, such underwater and overwater grants of
36 real property, licenses or permits as shall be necessary, convenient or
37 desirable to carry out the authorizations set forth in paragraphs (a)
38 and (b) of this subdivision.

39 (d) The provisions of chapter four hundred forty-two of the laws of
40 nineteen hundred sixty-five, and of any agreement entered into in
41 pursuance thereof, relating to the repayment of a loan made by the state
42 to the authority for the purchase of the Long Island Rail Road shall be
43 inapplicable to: (i) the construction of such bridges and their
44 approaches; (ii) bonds, notes or other obligations of the authority
45 issued for or in connection with the financing of the cost of design,
46 construction and reconstruction of such bridges and their approaches, or
47 the proceeds realized upon such issuance; and (iii) revenues derived
48 from the investment of such proceeds or of any part thereof, and from
49 the imposition of tolls, fees or other charges for the use of such
50 bridges.

51 10. Notwithstanding the provisions of any other law, general, special
52 or local, or of any agreement entered into in pursuance thereof, relat-
53 ing to the repayment of any loan or advance made by the state to the
54 authority, the authority shall not be required to repay any such loan or
55 advance heretofore made from or by reason of the issuance of bonds or
56 notes or from the proceeds realized upon such issuance or from any other

1 funds received from any source whatever in aid or assistance of the
2 project or projects for the financing of which such bonds or notes are
3 issued.

4 11. No project to be constructed upon real property theretofore used
5 for a transportation purpose, or on an insubstantial addition to such
6 property contiguous thereto, which will not change in a material respect
7 the general character of such prior transportation use, nor any acts or
8 activities in connection with such project, shall be subject to the
9 provisions of article eight, nineteen, twenty-four or twenty-five of the
10 environmental conservation law, or to any local law or ordinance adopted
11 pursuant to any such article. Nor shall any acts or activities taken or
12 proposed to be taken by the authority or by any other person or entity,
13 public or private, in connection with the planning, design, acquisition,
14 improvement, construction, reconstruction or rehabilitation of a trans-
15 portation facility, other than a marine or aviation facility, be subject
16 to the provisions of article eight of the environmental conservation
17 law, or to any local law or ordinance adopted pursuant to any such arti-
18 cle if such acts or activities require the preparation of a statement
19 under or pursuant to any federal law or regulation as to the environ-
20 mental impact thereof.

21 12. The authority and each of its subsidiary corporations shall place
22 on each transformer and substation which contains polychlorinated biphe-
23 nyls (PCBs) a symbol so indicating the presence of PCBs. Use of a PCB
24 mark illustrated in the rules and regulations promulgated pursuant to
25 the federal Toxic Substances Control Act shall constitute compliance
26 with the provisions of this subdivision.

27 13. Notwithstanding any other provisions of law or the terms of any
28 contract, the authority, in consultation with the Long Island Rail Road,
29 shall establish and implement a no fare program for transportation on
30 the Long Island Rail Road for police officers employed by the city of
31 New York, county of Nassau, Nassau county villages and cities, county of
32 Suffolk, Suffolk county villages and towns, the division of state
33 police, the port authority of New York and New Jersey, the Metro-North
34 Commuter Railroad Company, the New York city housing authority and the
35 New York city transit authority. In establishing such program, which has
36 as its goal increased protection and improved safety for its commuters,
37 the authority and the Long Island Rail Road shall, among other things,
38 consider: (a) requiring police officers who ride without cost to regis-
39 ter with the Long Island Rail Road as a condition of riding without
40 cost; (b) requiring such officers to indicate during such registration
41 process their regular working hours and the Long Island Rail Road trains
42 that such officers expect to ride; and (c) periodically re-registering
43 and re-validating such officers. The authority and the Long Island Rail
44 Road shall also have the power to consider other matters necessary to
45 carry out the goals and objectives of this section.

46 14. (a) Notwithstanding any other provisions of law or the terms of
47 any contract, the authority, in consultation with the Long Island Rail
48 Road and the Metro-North Commuter Railroad Company, shall establish and
49 implement a no fare program for transportation on the Long Island Rail
50 Road and the Metro-North Commuter Railroad Company for individuals serv-
51 ing as personal care attendants accompanying an Americans with Disabili-
52 ties Act paratransit eligible individual.

53 (b) In order to be eligible for such no fare program the personal care
54 attendant shall show his or her community based personal care attendant
55 agency issued identification card.

1 (c) In order to be considered accompanying an Americans with Disabili-
2 ties Act paratransit eligible individual the personal care attendant
3 shall have the same origin and destination as such paratransit eligible
4 individual.

5 15. Notwithstanding any other provision of law, the authority and any
6 of its subsidiary corporations shall establish and implement a half fare
7 rate program for persons with serious mental illness who are eligible to
8 receive supplemental security income benefits as defined pursuant to
9 title sixteen of the federal social security act and section two hundred
10 nine of the social services law.

11 16. The authority shall conduct a campaign of public outreach to
12 inform the public of the provisions pertaining to assault on employees
13 described in subdivision eleven of section 120.05 of the penal law.

14 § 1349-jjjj. Medical emergency services. The authority is hereby
15 authorized and directed to prepare and develop a medical emergency
16 services program to be implemented at a time to be specified in such
17 program for the benefit of persons utilizing transportation and other
18 related services of the authority. Such program may include but not be
19 limited to provisions for the following:

20 1. the training of designated employees in first aid;

21 2. emergency techniques and procedures;

22 3. handling and positioning of stricken commuters; and

23 4. knowledge of procedures and equipment used for respiratory and
24 cardiac emergencies.

25 Such program shall be submitted to the legislature not later than one
26 hundred eighty days after the effective date of this section.

27 § 1349-kkkk. Medical emergency services plan; implementation on Long
28 Island Rail Road. 1. (a) The authority in consultation with the Long
29 Island Rail Road is hereby authorized and directed to implement a
30 comprehensive medical emergency services program, including an emergency
31 response protocol, not later than the first of September next succeeding
32 the effective date of this section, for the benefit of persons utilizing
33 transportation and other related services of the Long Island Rail Road.
34 Such program shall include but not be limited to provisions for the
35 following:

36 (i) the training of designated employees in first aid;

37 (ii) emergency techniques and procedures;

38 (iii) handling and positioning of stricken commuters;

39 (iv) knowledge of procedures and equipment used for respiratory and
40 cardiac emergencies and an emergency response protocol for all employ-
41 ees.

42 (b) Such program and plan shall be submitted to the temporary presi-
43 dent of the senate, the speaker of the assembly and the governor on or
44 before the first of September next succeeding the effective date of this
45 section and shall be updated as necessary. The authority will issue an
46 annual report on or before April first of each year, which will include
47 current updates, descriptions of medical emergencies, responses and
48 outcomes since the most recent report, information regarding training of
49 personnel, analysis of the current plan and any recommendations for
50 improving the program.

51 2. Notwithstanding any inconsistent provision of any general, special
52 or local law, a designated employee employed upon facilities of the Long
53 Island Rail Road who has been trained in first aid, emergency techniques
54 and procedures, handling and positioning of stricken commuters, and the
55 applicable procedures and equipment used for respiratory and cardiac
56 emergencies who voluntarily and without the expectation of monetary

1 compensation renders any of the foregoing treatment in an emergency to a
2 commuter upon facilities of the Long Island Rail Road who is uncon-
3 scious, ill or injured shall not be liable for damages for injuries
4 alleged to have been sustained by such commuter or for damages for the
5 death of such commuter alleged to have occurred by reason of an act or
6 omission in the rendering of such treatment in an emergency unless it is
7 established that such injuries were or such death was caused by gross
8 negligence on the part of such designated employee.

9 § 1349-llll. Long Island Rail Road commuter council. 1. There is
10 hereby created the Long Island Rail Road commuter council, to study,
11 investigate, monitor and make recommendations with respect to the main-
12 tenance and operation of the Long Island Rail Road. Such council shall
13 study and investigate all aspects of the day to day operations of such
14 railroad, monitor its performance and recommend changes to improve the
15 efficiency of the operation thereof.

16 2. Such council shall consist of twelve members who shall be commuters
17 who regularly use the transportation services of such railroad, and who
18 shall be residents of Nassau, Suffolk, Queens or Brooklyn county.
19 Members shall be appointed by the governor upon the recommendation of
20 the county executive of each such county, provided, however, that such
21 members shall be chosen from a list of ten names submitted by each such
22 county executive and provided further however that no more than six
23 members of such council shall be residents of either such county.
24 Provided, however, that one member shall be appointed on the recommenda-
25 tion of the borough president of Queens and one member shall be
26 appointed on the recommendation of the borough president of Brooklyn.
27 Vacancies occurring in the membership of the council shall be filled in
28 the same manner as original appointments, provided, however, that such
29 vacancy shall be filled from a list of three names submitted by each
30 such county executive.

31 3. The members of the council shall receive no compensation for their
32 services but shall be reimbursed for their expenses actually and neces-
33 sarily incurred in the performance of their duties hereunder.

34 4. The council may request and shall receive from any department,
35 division, board, bureau, commission, agency, public authority of the
36 state or any political subdivision thereof such assistance and data as
37 will enable it properly to carry out its activities hereunder and effec-
38 tuate the purposes set forth herein.

39 § 1349-mmmm. Metro-North rail commuter council. 1. There is hereby
40 created the Metro-North rail commuter council to study, investigate,
41 monitor and make recommendations with respect to the maintenance and
42 operation of those portions of, if any, the Hudson, Harlem, New Haven,
43 Pascack Valley and Port Jervis commuter railroad lines remaining within
44 the metropolitan commuter transportation district. Such council shall
45 study and investigate all aspects of the day to day operation of such
46 railroad lines, monitor their performance and recommend changes to
47 improve the efficiency of the operation thereof.

48 2. Such council shall consist of eleven members and shall be commuters
49 who regularly use the transportation services of such railroad lines. At
50 least five of such members shall be residents of the county of Westches-
51 ter. Of the other six members, at least one of such members shall be a
52 resident of each of the counties of Rockland, Putnam, Dutchess, Orange
53 and Bronx, provided that such county has not withdrawn from the metro-
54 politan commuter transportation district pursuant to section thirteen
55 hundred forty-nine-wwwww of this article; provided further, should only
56 the county of Putnam remain in the metropolitan commuter transportation

1 district then membership on such council shall consist of seven members,
2 five of whom reside in the county of Westchester and two of whom reside
3 in the county of Putnam. Members shall be appointed by the governor. In
4 making such appointments the governor shall consult with and solicit
5 recommendations from local officials and to the extent possible appoint
6 members who represent the ridership of the several commuter railroad
7 lines. Vacancies occurring in the membership of the council shall be
8 filled in the same manner as original appointments.

9 3. The members of the council shall receive no compensation for their
10 services but shall be reimbursed for their expenses actually and neces-
11 sarily incurred by them in the performance of their duties hereunder
12 from funds appropriated to the commissioner of transportation.

13 4. The council may request and shall receive from any department,
14 division, board, bureau, commission, agency, public authority of the
15 state or any political subdivision thereof such assistance and data as
16 it requests and will enable it to properly carry out its activities for
17 the purposes set forth herein.

18 § 1349-nnnn. Medical emergency services plan; implementation on
19 Metro-North Commuter Railroad Company. 1. The authority is hereby
20 authorized and directed to implement a medical emergency services
21 program for the benefit of persons utilizing transportation and other
22 related services of the Metro-North Commuter Railroad Company. Such
23 program shall include but not be limited to provisions for the follow-
24 ing:

25 (a) the training of conductors, trainmen and other designated employ-
26 ees in first aid;

27 (b) emergency techniques and procedures;

28 (c) handling and positioning of stricken commuters; and

29 (d) knowledge of procedures and equipment used for respiratory and
30 cardiac emergencies.

31 2. Notwithstanding any inconsistent provision of any general, special
32 or local law, a designated employee employed upon facilities of the
33 Metro-North Commuter Railroad Company who has successfully completed a
34 course in first aid, including instruction and training in cardiopulmo-
35 nary resuscitation and who voluntarily and without expectation of mone-
36 etary compensation renders first aid, emergency treatment or cardiopulmo-
37 nary resuscitation at the scene of an accident or other emergency, in
38 the course of his or her duties as an employee of the Metro-North Commu-
39 ter Railroad Company to a person who is unconscious, ill or injured,
40 shall not be liable for damages and injuries alleged to have been
41 sustained by such person or for damages for death of such person alleged
42 to have occurred by reason of an act or omission in the rendering of
43 such first aid, emergency treatment or cardiopulmonary resuscitation
44 unless it is established that such injuries were or such death was
45 caused by gross negligence on the part of such designated employee.

46 § 1349-oooo. Excess loss fund. 1. Subject to the provisions of this
47 section, the authority is authorized to issue bonds and notes, in
48 accordance with section thirteen hundred forty-nine-xxxx of this title,
49 in such principal amounts not in excess of the seventy-five million
50 dollar limitation established in subdivision four of this section as, in
51 the opinion of the authority, shall be necessary to provide sufficient
52 funds to meet the capital and reserve requirements of a trust, pooling
53 arrangement or other entity established for the purpose of providing
54 reimbursement and funding to the authority and its subsidiaries for
55 excess or extraordinary losses for damages to real or personal property
56 or for the destruction thereof or for personal injuries or death and for

1 certain property damage losses which may be incurred or sustained by any
2 of them in connection with the use and operation of their respective
3 facilities and in the conduct of their respective activities, the trust,
4 pooling arrangement or other entity established in order to provide such
5 benefits to such participants being referred to in this section as the
6 "excess loss fund". Prior to the issuance of any bonds or notes, other
7 than refunding bonds or notes, authorized by this section, the authority
8 shall make a finding that such issue is expected to result, on a present
9 value basis, in a lower effective cost to the participating authorities
10 than funding the requirements of the excess loss fund solely through the
11 payment of premiums and assessments by such participating authorities.

12 2. In order to effectuate the purposes of the excess loss fund, the
13 authority shall, subject to the provisions of this section, have all the
14 powers provided elsewhere in this title and may:

15 (a) accept the notes, bonds and other contractual obligations of the
16 excess loss fund for funds provided to it by the authority;

17 (b) obtain security for the payment by the excess loss fund of its
18 notes, bonds and other contractual obligations issued to the authority,
19 including a pledge of all or any part of the assets and revenues of the
20 excess loss fund, including its receipts and rights to receive premiums,
21 assessments, reimbursements and other payments from the participants in
22 the excess loss fund, which pledge may contain covenants with respect to
23 the charging and fixing by actuarial estimates, where appropriate, of
24 premiums, assessments, reimbursements and other payments and the use and
25 disposition thereof; and

26 (c) enter into contracts with the excess loss fund and with the
27 participants therein, on such terms and conditions as the parties may
28 agree, with respect to the payment of premiums, assessments, reimburse-
29 ments and other payments to the excess loss fund and the nature and
30 extent of the benefits to be paid by the excess loss fund to such
31 participants.

32 3. The bonds and notes of the authority authorized by this section
33 shall not constitute general obligations of the authority, but shall be
34 special obligations of the authority payable as to principal, redemption
35 premium, if any, and interest solely from the security, sources of
36 payment and funds obtained from or on behalf of the excess loss fund,
37 all in the manner more particularly provided by the authority in the
38 resolution under which such bonds and notes shall be authorized to be
39 issued.

40 4. The aggregate principal amount of bonds and notes issued for the
41 purposes enumerated in subdivision one of this section shall not exceed
42 seventy-five million dollars, excluding: (a) bonds and notes issued to
43 fund costs of issuance and any reasonably required debt service reserve
44 fund for such bonds or notes; (b) an amount equal to any original issue
45 discount from the principal amount of any bonds or notes issued; and (c)
46 bonds and notes issued to refund or otherwise repay bonds or notes ther-
47 etofore issued for such purposes, provided, however, that upon any such
48 refunding or repayment of the total aggregate principal amount of
49 outstanding bonds and notes, including for purpose of such calculation
50 the principal amount of the refunding bonds or notes then to be issued
51 and excluding the principal amount of the bonds or notes so to be
52 refunded or repaid and any amounts excluded under paragraph (a) or (b)
53 of this subdivision, may be greater than seventy-five million dollars,
54 only if the present value of the aggregate debt service of the refunding
55 or repayment bonds or notes to be issued shall not exceed the present
56 value of the aggregate debt service of the bonds or notes so to be

1 refunded or repaid. For purposes of paragraph (c) of this subdivision,
2 the present values of the aggregate debt service of the refunding or
3 repayment bonds or notes and of the aggregate debt service of the bonds
4 or notes so to be refunded or repaid, shall be calculated by utilizing
5 the effective interest rate of the refunding or repayment bonds or
6 notes, which shall be that rate arrived at by doubling the semi-annual
7 interest rate, compounded semi-annually, necessary to discount the debt
8 service payments on the refunding or repayment bonds or notes from the
9 payment dates thereof to the date of issue of the refunding or repayment
10 bonds or notes and to the price bid including estimated accrued interest
11 or proceeds received by the authority including estimated accrued inter-
12 est from the sale thereof.

13 5. The term "excess loss fund" as used in this section shall not
14 include any trust, pooling arrangements or other entity: (a) which
15 provides or offers to provide reimbursement or funding for losses or
16 liabilities to any entity other than the authority and its subsidiaries;
17 or (b) in which any entity other than the authority and its subsidiaries
18 holds an equity interest.

19 § 1349-pppp. Authority police force. 1. The authority is hereby
20 authorized and empowered, to provide and maintain an authority police
21 department and a uniformed authority police force. Each member of such
22 uniformed police force shall be a "police officer" for the purposes of
23 the criminal procedure law, with all of the powers of such police offi-
24 cers thereunder and subject to the same jurisdictional provisions on the
25 exercise of that power as set forth in such law. The geographical area
26 of employment of such police officers for the purposes of the criminal
27 procedure law shall embrace the metropolitan commuter transportation
28 district as defined in section twelve hundred sixty-two of this article.
29 Such department and force shall have the power, in and about any or all
30 of the facilities owned, occupied and/or operated by the authority and
31 its subsidiary corporations, as determined in the discretion of the
32 authority, to enforce and prevent violation of all laws and ordinances.
33 Nothing herein shall confer upon the authority police force or upon
34 their collective negotiations representatives exclusive jurisdiction or
35 claim over the exercise of police power or security work on behalf of
36 the authority and its subsidiary corporations. Nothing herein shall
37 limit the authority and its subsidiary corporations from continuing to
38 rely on local police for police services. However, traditional police
39 functions previously performed by the Long Island Rail Road Company
40 and/or the Metro-North Commuter Railroad Company police force shall
41 continue to be performed by the authority police forces.

42 2. Initial appointments to such authority police force shall be all
43 incumbent police officers from the Long Island Rail Road Company and/or
44 the Metro-North Commuter Railroad Company at the time of such appoint-
45 ment. The executive director of the authority, through the chief of
46 police, shall have the power and authority to appoint and employ such
47 number of police officers as he or she deems necessary to act as police
48 officers of the authority and to administer to the officers an oath or
49 affirmation faithfully to perform the duties of their respective posi-
50 tions or offices. Unless, at the time of appointment, the person is a
51 police officer of the Long Island Rail Road Company or the Metro-North
52 Commuter Railroad Company, only persons who have never been convicted of
53 a felony and are citizens of the United States shall be appointed police
54 officers on the authority police force. After the initial appointments
55 are made, selection of police officer candidates shall be made pursuant
56 to an examination process to be determined at the discretion of the

1 authority and candidates shall receive a certificate attesting to satis-
2 factory completion of an approved municipal police basic training
3 program, as described in section two hundred nine-q of the general
4 municipal law. No person shall be eligible for appointment unless such
5 person is not less than twenty years of age as of the date of appoint-
6 ment nor more than thirty-five years of age as of the date when the
7 applicant takes the written examination, provided, however, that time
8 spent on military duty or on terminal leave, not exceeding a total of
9 six years, shall be subtracted from the age of any applicant who has
10 passed his or her thirty-fifth birthday as provided in subdivision ten-a
11 of section two hundred forty-three of the military law. Upon appoint-
12 ments made by transferring an entire group of police officers into the
13 authority police force, thereby eliminating such other group of police
14 officers, the authority shall recognize any representative previously
15 chosen by the police officers for the purposes of collective negoti-
16 ations consistent with the bargaining units already established and
17 shall also assume and continue to observe any existing labor contracts
18 covering these police officers including such provisions which relate to
19 the grievance and disciplinary procedures and interest arbitration.
20 Subsequent to the establishment of the consolidated police force the
21 authority and the collective bargaining representatives shall be author-
22 ized to negotiate a merger of the separate bargaining units.

23 3. The authority may appoint a chief and one or more deputy chiefs of
24 the authority police department who, in the discretion of the authority,
25 may be selected from the ranks of the authority police force, and assign
26 powers and duties to them and fix their compensation. The chief shall be
27 the head of such department. The deputy chief designated by the chief
28 shall possess all the powers and perform all the duties of the chief
29 during his or her absence or disability. The authority police force
30 shall consist of such divisions, supervisors and officers, including but
31 not limited to police officers, detectives, sergeants, lieutenants and
32 captains as designated by the authority. Notwithstanding any law or
33 provision to the contrary, the members of the uniformed authority police
34 force shall not acquire civil service status or become members of the
35 New York state and local employees' retirement system, except as set
36 forth in this section.

37 4. The authority shall provide for a twenty year retirement plan under
38 the same terms and conditions as provided by section three hundred
39 eighty-nine of the retirement and social security law as enacted by
40 chapter six hundred twenty-eight of the laws of nineteen hundred nine-
41 ty-one; except that:

42 (a) any benefit provided pursuant to such plan shall be subject to an
43 offset, as defined in this paragraph, for any tier II benefit payable
44 pursuant to the federal Railroad Retirement Act to or in the respect of
45 a member. The offset provided for by this paragraph shall be the amount
46 of the tier II benefit which would be payable to or in respect to such
47 member pursuant to the federal Railroad Retirement Act multiplied by a
48 fraction, the numerator of which is the member's years of credited
49 service covered by the federal Railroad Retirement Act rendered to, or
50 credited by, the authority or any subsidiary corporation of the authori-
51 ty, and the denominator of which is the member's total years of service
52 covered by the federal Railroad Retirement Act;

53 (b) references to the Long Island Rail Road shall be to the authority;

54 (c) the transfer of funds described in subdivision f of section three
55 hundred eighty-nine of the retirement and social security law as enacted
56 by chapter six hundred twenty-eight of the laws of nineteen hundred

1 ninety-one shall include the Metro-North Commuter Railroad Company
2 Defined Contribution Pension Plan for Agreement Employees;

3 (d) the provisions of subdivision g of section three hundred eighty-
4 nine of the retirement and social security law as enacted by chapter six
5 hundred twenty-eight of the laws of nineteen hundred ninety-one to the
6 extent of requiring contributions for past service liability shall not
7 be applicable; and

8 (e) when a police officer transferred from the Long Island Rail Road
9 Company police force to the authority police force reaches age sixty-two
10 the authority will offset the amount payable under this plan by the
11 amount of tier II benefit payable from the Railroad Retirement Board for
12 a service age annuity or disability payable at the participants age
13 sixty-two.

14 5. The authority may, in its sole discretion, establish within the
15 authority's defined benefit program, a retirement program consistent
16 with the foregoing. If the authority has not so established such program
17 in its defined benefit program within one hundred eighty days after
18 enactment, then the authority shall elect to participate in article
19 fourteen-B of the retirement and social security law.

20 6. If the authority elects to participate in the New York state and
21 local employees' retirement system, such election to participate shall
22 be made by resolution filed with the comptroller and accepted by him or
23 her pursuant to section thirty-one of the retirement and social security
24 law.

25 7. Nothing herein contained shall be deemed to diminish, suspend or
26 abolish an existing benefit inured to a police officer, transferred from
27 the Long Island Rail Road Company and/or Metro-North Commuter Railroad
28 Company police force and subject to the provisions of this section in
29 and to the rights, privileges or status previously earned within a
30 pension or retirement system of which they were a member immediately
31 prior to the enactment of this section; and any such existing right,
32 privilege or status shall survive the effect of any decisions or deter-
33 minations lawfully made in accordance with the provisions hereof so long
34 as such right, privilege or status is greater in benefit to that which
35 would be imposed or imputed to any subject officer as a result of
36 actions of the authority authorized herein.

37 § 1349-qqqq. The permanent citizens advisory committee. There is
38 hereby established a permanent citizens advisory committee. The members
39 of the committee shall consist of the following members: the Long Island
40 Rail Road commuter council and the Metro-North commuter council.

41 § 1349-rrrr. Commuter transportation authority pledge to customers. 1.
42 A commuter transportation authority pledge to customers shall be created
43 and adopted by the commuter transportation authority. A copy of such
44 pledge shall be posted on the website of the authority and shall be
45 posted in stations where the authority makes regular postings. The
46 authority shall post the pledge in the language or languages it deems
47 necessary and appropriate.

48 2. The commuter transportation authority pledge to customers shall be
49 in the form and manner as prescribed by the authority, include the
50 contact information of the authority, and include, but not be limited
51 to, the following:

52 (a) a description of the authority's commitment to provide safe and
53 reliable services;

54 (b) a description of the authority's commitment to provide timely and
55 accurate information on its services;

1 (c) a commitment that employees will provide service in a courteous
2 manner;

3 (d) a description of the authority's commitment to maintain clean
4 stations, facilities, and buses;

5 (e) a description of the authority's policies when it comes to arrang-
6 ing alternative transportation when service is interrupted;

7 (f) when service is interrupted, a description of the authority's
8 policies when it comes to considering the comfort of inconvenienced
9 customers;

10 (g) when service is interrupted due to weather conditions, a
11 description of the authority's policies on notifying customers;

12 (h) when service is severely interrupted, a description of the author-
13 ity's policies on service restoration.

14 3. The authority from time to time may, update and amend the commuter
15 transportation authority pledge to customers as it deems necessary and
16 proper and may adopt rules and regulations for the proper administration
17 of this section.

18 § 1349-ssss. Expired fare transfer policy. Notwithstanding any other
19 provision of law to the contrary, the authority shall, within ninety
20 days of the effective date of this section, establish an expired fare
21 transfer policy that may be amended from time to time. Such policy shall
22 provide any person who purchases a fare the ability to transfer any
23 remaining balance for two years after such fare is deemed expired.

24 § 1349-tttt. Acquisition and disposition of real property. 1. In
25 addition to the powers provided in section thirteen hundred forty-nine-
26 iiii of this title to acquire transportation facilities, equipment and
27 real property, the authority may acquire, by condemnation pursuant to
28 the condemnation law, any real property it may deem necessary, conven-
29 ient or desirable to effectuate the purposes of this title, provided
30 however, that any such condemnation proceedings shall be brought only in
31 the supreme court and the compensation to be paid shall be ascertained
32 and determined by the court without a jury. Notwithstanding the forego-
33 ing provisions of this subdivision, no real property may be acquired by
34 the authority by condemnation for purposes other than a transportation
35 facility unless the governing body of the city, village or town in which
36 such real property is located shall first consent to such condemnation.

37 2. Nothing herein contained shall be construed to prevent the authori-
38 ty from bringing any proceedings to remove a cloud on title or such
39 other proceedings as it may, in its discretion, deem proper and neces-
40 sary or from acquiring any such property by negotiation or purchase.

41 3. Where a person entitled to an award in the proceedings to condemn
42 any real property for any of the purposes of this title remains in
43 possession of such property after the time of the vesting of title in
44 the condemnor, the reasonable value of his or her use and occupancy of
45 such property subsequent to such time as fixed by agreement or by the
46 court in such proceedings or by any court of competent jurisdiction
47 shall be a lien against such award subject only to the liens of record
48 at the time of vesting of title in the condemnor.

49 4. Subject to the provisions of sections thirteen hundred forty-nine-
50 iiii of this title, title to all property acquired under this title
51 shall vest in the authority or one of its subsidiary corporations as the
52 authority directs.

53 5. The authority may, whenever it determines that it is in the inter-
54 est of the authority, dispose of any real property or property other
55 than real property, which it determines is not necessary, convenient or
56 desirable for its purposes.

1 6. The authority may, whenever it shall determine that it is in the
2 interest of the authority, rent, lease, or grant easements or other
3 rights in, any land or property of the authority.

4 § 1349-uuuu. Acquisition and disposition of real property by depart-
5 ment of transportation. If funds are made available by the authority for
6 the payment of the cost and expense of the acquisition thereof, the
7 commissioner of transportation of the state of New York, when requested
8 by the authority, may acquire such real property in the name of the
9 state as may be determined from time to time by the authority as being
10 necessary, convenient or desirable to effectuate the purposes of this
11 title, may remove the owner or occupant thereof where necessary and
12 obtain possession and, when requested by the authority, may dispose of
13 any real property so acquired, all according to the procedures provided
14 in section thirty of the highway law. The authority shall have the right
15 to possess and use for its corporate purposes all such real property so
16 acquired. Claims for the value of the property appropriated and for
17 legal damages caused by any such appropriation shall be adjusted and
18 determined by such commissioner with the approval of the authority or by
19 the court of claims as provided in section thirty of the highway law.
20 When a claim has been filed with the court of claims, the claimant shall
21 cause a copy of such claim to be served upon the authority and the
22 authority shall have the right to be represented and heard before such
23 court. All awards and judgments arising from such claims shall be paid
24 out of moneys of the authority. No real property may be acquired pursu-
25 ant to the provisions of this section for purposes other than a trans-
26 portation facility unless the governing body of the city, village or
27 town in which such real property is located shall first consent to such
28 acquisition. The provisions of this section shall not be applicable to
29 the acquisition or disposition of real property required for the
30 construction of the two highway bridges crossing Long Island sound
31 referred to in section thirteen hundred forty-nine-iiii of this title.
32 The authority shall be empowered to lease for such other purposes as the
33 authority may determine any part or parts of Republic airport not needed
34 for transportation purposes.

35 § 1349-vvvv. Cooperation and assistance of other agencies. 1. To
36 avoid duplication of effort and in the interests of economy, the author-
37 ity may make use of existing studies, surveys, plans, data and other
38 materials in the possession of any state agency or any municipality or
39 political subdivision of the state. Each such agency, municipality or
40 subdivision is hereby authorized to make the same available to the
41 authority and otherwise to assist it in the performance of its func-
42 tions. At the request of the authority, each such agency, municipality
43 or subdivision which is engaged in highway or other transportation
44 activities or in land use or development planning, or which is charged
45 with the duty of providing or regulating any transportation facility or
46 any other public facility, is further authorized to provide the authori-
47 ty with information regarding its plans and programs affecting the
48 transportation district so that the authority may have available to it
49 current information with respect thereto. The officers and personnel of
50 such agencies, municipalities or subdivisions, and of any other govern-
51 ment or agency whatever, may serve at the request of the authority upon
52 such advisory committees as the authority shall determine to create and
53 such officers and personnel may serve upon such committees without
54 forfeiture of office or employment and with no loss or diminution in the
55 compensation, status, rights and privileges which they otherwise enjoy.

1 2. The authority shall, at the request of any state agency, municipi-
2 ality or political subdivision of the state, engaged in highway or
3 other transportation activities or in land use or development planning,
4 provide said state agency, municipality or political subdivision with
5 all current and relevant information regarding its plans or programs, so
6 as to enable said agency, municipality or subdivision to properly effec-
7 tuate said activities or planning.

8 3. To the extent that the provisions of this title authorize the
9 authority to enter into any agreement or arrangement with, or undertake
10 any other activity requiring the participation of, the Big Apple Trans-
11 it, the New York city transit authority or any of their subsidiary
12 corporations in furtherance of their respective purposes and powers or
13 the Triborough bridge and tunnel authority in furtherance of its
14 purposes and powers, such entities are hereby authorized and empowered
15 to enter into and perform such contract or other arrangement and to
16 undertake such activities.

17 § 1349-www. Promotion of qualified transportation fringes. The
18 authority shall promote the broad use of qualified transportation fringes,
19 under section 132(f) of the internal revenue code, in order to
20 increase the number of participating companies and employees in such
21 programs. The authority may also study and report on ways in which
22 programs may be improved so as to increase public participation.

23 § 1349-xxxx. Notes, bonds and other obligations of the authority. 1.
24 (a) The authority shall have power and is hereby authorized from time to
25 time to issue its bonds, notes and other obligations in such principal
26 amount as, in the opinion of the authority, shall be necessary, conven-
27 ient or desirable to effectuate any of its powers and purposes, includ-
28 ing to provide sufficient funds for achieving its purposes, including
29 the acquisition, establishment, construction, effectuation, operation,
30 maintenance, renovation, improvement, extension, rehabilitation or
31 repair of any transportation facility, the payment of principal, redemp-
32 tion premium and interest on bonds, notes and other obligations of the
33 authority, establishment of reserves to secure such bonds, notes and
34 other obligations, the provision of working capital and all other
35 expenditures of the authority and its subsidiary corporations incident
36 to and necessary or convenient to carry out their purposes and powers.
37 Such bonds, notes or other obligations may be issued for an individual
38 transportation facility or issued on a consolidated basis for such
39 groups or classes of facilities and projects as the authority in its
40 discretion deems appropriate and be payable from and secured separately
41 or on a consolidated basis by, among other things, all or any portion of
42 such revenues and other monies and assets of the authority and its
43 subsidiary corporations as the authority determines in accordance with
44 the provisions of section thirteen hundred forty-nine-ddddd of this
45 title;

46 (b) The authority shall have power, from time to time, to issue
47 renewal notes, to issue bonds to refund, redeem or otherwise pay,
48 including by purchase or tender, notes of the authority and its subsid-
49 iary corporations and whenever it deems refunding, redemption or payment
50 expedient, to refund, redeem or otherwise pay, including by purchase or
51 tender, any bonds of the authority and its subsidiary corporations, by
52 the issuance of new bonds, whether the bonds to be refunded, redeemed or
53 otherwise paid have or have not matured, and to issue bonds partly for
54 such purpose and partly for any other purpose and to otherwise refund,
55 redeem, acquire by purchase or tender, or in any other way repay any

1 outstanding notes, bonds or other obligations of the authority, and any
2 of its subsidiary corporations;

3 (c) Every issue of its notes, bonds or other obligations shall be
4 general obligations or special obligations. Every issue of general obli-
5 gations of the authority shall be payable out of any revenues or monies
6 of the authority, subject only to any agreements with the holders of
7 particular notes or bonds pledging any particular receipts or revenues.
8 Every issue of special obligations shall be payable out of any revenues,
9 receipts, monies or other assets of the authority and its subsidiary
10 corporations, identified for such purposes in accordance with agreements
11 with the holders of particular notes, bonds or other obligations. The
12 authority may issue transportation revenue special obligation bonds,
13 notes or other obligations as provided in section thirteen hundred
14 forty-nine-eeeeee of this title;

15 2. The authority may from time to time issue its bonds and notes in
16 such principal amounts as, in the opinion of the authority, shall be
17 necessary to finance the unfunded pension fund liabilities of the
18 authority, its affiliates and subsidiaries, provided, however, that in
19 no event shall the cumulative amounts of bonds and notes issued pursuant
20 to the authority of this subdivision exceed one billion two hundred
21 million dollars or sixty percent of such unfunded pension fund liabil-
22 ities, whichever is less, and provided, further, that no bonds shall be
23 issued under this subdivision for a term longer than twenty years. The
24 authority shall not issue bonds or notes in any twelve-month period in a
25 cumulative principal amount in excess of forty percent of the total
26 amount permitted to be issued under this subdivision. Prior to the issu-
27 ance of any bonds or notes, the authority shall make a finding that such
28 issue is expected to result, on a present value basis, in a lower effec-
29 tive cost to the authority than funding the unfunded pension fund
30 liability solely through the payment of annual amounts to the pension
31 fund, assuming that the principal component of the unfunded liability
32 will be amortized over the same number of years as the term of the bonds
33 or notes and that the interest payable thereon is the actuarial rate of
34 interest determined by the actuary for the pension fund at the time of
35 the issuance of such bonds or notes. The aggregate principal amount of
36 bonds and notes issued for such purposes may be increased to fund costs
37 of issuance and may reasonably require debt service of other reserve
38 funds. Bonds and notes may be issued to refund or otherwise repay bonds
39 or notes theretofore issued for such purposes; provided, however, that
40 upon any such refunding or repayment, including for the purpose of such
41 calculation the principal amount of the refunding bonds or notes then to
42 be issued and excluding the principal amount of the bonds or notes so to
43 be refunded or repaid and also excluding any amounts used to pay costs
44 of issuance and reasonably required debt service or other reserve funds,
45 the present value of the aggregate debt service of the refunding or
46 repayment bonds or notes to be issued shall not exceed the present value
47 of the aggregate debt service of the bonds or notes so to be refunded or
48 repaid. For purposes of the preceding sentence, the present values of
49 the aggregate debt service of the refunding or repayment bonds or notes
50 and of the aggregate debt service of the bonds or notes so to be
51 refunded or repaid shall be calculated by utilizing the effective inter-
52 est rate of the refunding or repayment bonds or notes, which shall be
53 that rate arrived at by doubling the semi-annual interest rate,
54 compounded semi-annually, necessary to discount the debt service
55 payments on the refunding or repayment bonds or notes from the payment
56 dates thereof to the date of issue of the refunding or repayment bonds

1 or notes and to the price bid including estimated accrued interest or
2 proceeds received by the authority including estimated accrued interest
3 from the sale thereof. Debt service on the bonds or notes shall be
4 structured so that the economic benefits thereof shall be relatively
5 uniform for each full year throughout the term of the bonds or notes.
6 Beginning with the date of first issuance of bonds under this section,
7 the authority and its subsidiaries shall make annual payments into the
8 pension fund in amounts at least equal to the current pension contrib-
9 ution liability applicable to such year. The net proceeds of the bonds
10 or notes intended to be invested in non-debt securities may be invested
11 by the recipient pension fund in a fiscally prudent manner in securities
12 consistent with any trust indentures and all applicable state and feder-
13 al law over a reasonable period of time not less than thirty days
14 following the issuance of the bonds or notes. The operating budget
15 savings associated with the issuance of pension obligation bonds pursu-
16 ant to this subdivision shall be dedicated to reducing service elimi-
17 nations projected to occur within that period.

18 3. The notes, bonds and other obligations shall be authorized by
19 resolution approved by not less than a majority vote of the whole number
20 of members of the authority then in office, except that in the event of
21 a tie vote the chairperson shall cast one additional vote. Such notes,
22 bonds and other obligations shall bear such date or dates, and shall
23 mature at such time or times, in the case of any such note or any
24 renewals thereof not exceeding five years from the date of issue of such
25 original note, and in the case of any such bond not exceeding fifty
26 years from the date of issue, as such resolution or resolutions may
27 provide. The notes, bonds and other obligations shall bear interest at
28 such rate or rates, be in such denominations, be in such form, either
29 coupon or registered, carry such registration privileges, be executed in
30 such manner, be payable in such medium of payment, at such place or
31 places and be subject to such terms of redemption as such resolution or
32 resolutions may provide. The notes, bonds and other obligations of the
33 authority may be sold by the authority, at public or private sale, at
34 such price or prices as the authority shall determine. No notes or bonds
35 of the authority may be sold by the authority at private sale, however,
36 unless such sale and the terms thereof have been approved in writing by
37 (a) the comptroller, where such sale is not to the comptroller, or (b)
38 the director of the budget, where such sale is to the comptroller.

39 4. Any resolution or resolutions authorizing any notes, bonds or any
40 issue thereof, or any other obligations of the authority, may contain
41 provisions, which shall be a part of the contract with the holders ther-
42 eof, as to:

43 (a) pledging all or any part of the revenues of the authority or of
44 any of its subsidiary corporations to secure the payment of the notes or
45 bonds or of any issue thereof, or any other obligations of the authori-
46 ty, subject to such applicable agreements with bondholders, noteholders,
47 or holders of other obligations of the authority and the metropolitan
48 transportation authority, as may then exist;

49 (b) pledging all or any part of the assets of the authority or of any
50 of its subsidiary corporations to secure the payment of the notes or
51 bonds or of any issue of notes or bonds, or any other obligations of the
52 authority, subject to such agreements with noteholders, bondholders, or
53 holders of other obligations of the authority as may then exist;

54 (c) the use and disposition of revenues, including fares, tolls,
55 rentals, rates, charges and other fees, made or received by the authori-
56 ty, or any of its subsidiary corporations;

1 (d) the setting aside of reserves or sinking funds and the regulation
2 and disposition thereof;

3 (e) limitations on the purpose to which the proceeds of sale of notes,
4 bonds or other obligations of the authority may be applied and pledging
5 such proceeds to secure the payment of the notes or bonds or of any
6 issue thereof or of other obligations;

7 (f) limitations on the issuance of additional notes, bonds or other
8 obligations of the authority; the terms upon which additional notes,
9 bonds or other obligations of the authority may be issued and secured;
10 the refunding of outstanding or other notes, bonds or other obligations
11 of the authority;

12 (g) the procedure, if any, by which the terms of any contract with
13 noteholders, bondholders, or holders of other obligations of the author-
14 ity, may be amended or abrogated, the amount of notes, bonds or other
15 obligations of the authority the holders of which shall consent thereto,
16 and the manner in which such consent may be given;

17 (h) limitations on the amount of monies to be expended by the authori-
18 ty or any of its subsidiary corporations for operating, administrative
19 or other expenses of the authority or any of its subsidiary corpo-
20 rations;

21 (i) vesting in a trustee or trustees such property, rights, powers and
22 duties in trust as the authority may determine, which may include any or
23 all of the rights, powers and duties of the trustee appointed by the
24 bondholders, noteholders or holders of other obligations of the authori-
25 ty pursuant to this title, and limiting or abrogating the right of the
26 bondholders, noteholders or holders of other obligations of the authori-
27 ty to appoint a trustee under this article or limiting the rights,
28 powers and duties of such trustee;

29 (j) any other matters, of like or different character, which in any
30 way affect the security or protection of the notes, bonds or other obli-
31 gations of the authority.

32 5. In addition to the powers herein conferred upon the authority to
33 secure its notes, bonds and other obligations, the authority shall have
34 power in connection with the issuance of notes, bonds and other obli-
35 gations to enter into such agreements as the authority may deem neces-
36 sary, convenient or desirable concerning the use or disposition of the
37 monies or property of any of the authority, its subsidiary corporations,
38 including the mortgaging of any such property and the entrusting, pledg-
39 ing or creation of any other security interest in any such monies or
40 property and the doing of any act, including refraining from doing any
41 act, which the authority would have the right to do in the absence of
42 such agreements. The authority shall have power to enter into amendments
43 of any such agreements within the powers granted to the authority by
44 this title and to perform such agreements. The provisions of any such
45 agreements may be made a part of the contract with the holders of the
46 notes, bonds and other obligations of the authority.

47 6. It is the intention hereof that any pledge, mortgage or security
48 instrument made by the authority shall be valid and binding from the
49 time when the pledge, mortgage or security instrument is made; that the
50 monies or property so pledged, mortgaged and entrusted and thereafter
51 received by the authority, or any of its subsidiary corporations shall
52 immediately be subject to the lien of such pledge, mortgage or security
53 instrument without any physical delivery thereof or further act; and
54 that the lien of any such pledge, mortgage or security instrument shall
55 be valid and binding as against all parties having claims of any kind in
56 tort, contract or otherwise against the authority, or any of its subsid-

1 liary corporations, irrespective of whether such parties have notice
2 thereof. Neither the resolution nor any mortgage, security instrument
3 or other instrument by which a pledge, mortgage lien or other security
4 is created need be recorded or filed and neither the authority nor, any
5 of its subsidiary corporations shall be required to comply with any of
6 the provisions of the uniform commercial code.

7 7. Neither the members of the authority nor any person executing the
8 notes, bonds or other obligations shall be liable personally on the
9 notes, bonds or other obligations or be subject to any personal liabil-
10 ity or accountability by reason of the issuance thereof.

11 8. The authority, subject to such agreements with the holders of
12 notes, bonds or other obligations as may then exist, shall have power
13 out of any funds available therefor to purchase notes, bonds or other
14 obligations of the authority. The authority may hold, cancel or sell
15 such bonds, notes and other obligations, subject to and in accordance
16 with agreements with such holders.

17 9. Neither the state nor the city of New York shall be liable on
18 notes, bonds or other obligations of the authority and such notes, bonds
19 and other obligations shall not be a debt of the state or the city of
20 New York, and such notes, bonds and other obligations shall contain on
21 the face thereof, or in an equally prominent place, a statement to such
22 effect.

23 10. So long as the authority has any outstanding bonds, notes or other
24 obligations issued pursuant to this section, none of the authority or
25 any of its subsidiary corporations shall have the authority to file a
26 voluntary petition under chapter nine of the federal bankruptcy code or
27 such corresponding chapter, chapters or sections as may, from time to
28 time, be in effect, and neither any public officer nor any organization,
29 entity or other person shall authorize the authority or any of its
30 subsidiary corporations to be or become a debtor under chapter nine or
31 said corresponding chapter, chapters or sections during any such period.

32 11. The term "monies" as used in this section shall include, but not
33 be limited to, all operating subsidies provided by: (i) any public bene-
34 fit corporation; or (ii) any governmental entity, federal, state or
35 local and shall exclude all funds required to be transferred to the
36 metropolitan transportation authority pursuant to section thirteen
37 hundred forty-nine-iiii of this title.

38 12. Any resolution or agreement authorizing the issuance of bonds,
39 notes or other obligations pursuant to this section may, in addition,
40 authorize and provide for the issuance of lease obligations of the
41 authority which may be issued for the purposes and on the terms and
42 conditions under which the bonds, notes and other obligations authorized
43 under this section may be issued, and may be secured in the same manner
44 as such bonds, notes and other obligations, and which resolution with
45 respect to such lease obligations, may contain such other provisions
46 applicable to bonds, notes and other obligations not inconsistent with
47 the provisions of this section, as the authority may determine.

48 13. The aggregate principal amount of bonds, notes or other obli-
49 gations issued after the effective date of this title by the authority
50 to fund projects contained in capital program plans approved pursuant to
51 section thirteen hundred forty-nine-yyyy of this title for the new capi-
52 tal program period shall not exceed the new capital program debt limit.
53 Such aggregate principal amount of bonds, notes or other obligations or
54 the expenditure thereof shall not be subject to any limitation contained
55 in any other provision of law on the principal amount of bonds, notes or
56 other obligations or the expenditure thereof applicable to the authori-

1 ty. The aggregate limitation established by this subdivision shall not
2 include:

3 (a) obligations issued to refund, redeem or otherwise repay, including
4 by purchase or tender, obligations theretofore issued either by the
5 issuer of such refunding obligations or by the authority;

6 (b) obligations issued to fund any debt service or other reserve funds
7 for such obligations;

8 (c) obligations issued or incurred to fund the costs of issuance, the
9 payment of amounts required under bond and note facilities, federal or
10 other governmental loans, security or credit arrangements or other
11 agreements related thereto and the payment of other financing, original
12 issue premiums and related costs associated with such obligations;

13 (d) an amount equal to any original issue discount from the principal
14 amount of such obligations or to fund capitalized interest;

15 (e) obligations incurred in connection with the leasing, selling or
16 transferring of equipment; and

17 (f) bond anticipation notes or other obligations payable solely from
18 the proceeds of other bonds, notes or other obligations which would be
19 included in the aggregate principal amount specified in the opening
20 paragraph of this subdivision, whether or not additionally secured by
21 revenues of the authority, or any of its subsidiary corporations.

22 § 1349-yyy. Capital program plans; approvals; effect of disapproval.

23 1. (a) On or before the first of October next succeeding the effective
24 date of this section and every fifth year thereafter, the authority
25 shall submit to the governor a capital program plan for the ten-year
26 period commencing January first of the following year.

27 (b) Each such plan shall contain the capital program for the railroad
28 facilities, not including the Staten Island rapid transit operating
29 authority, under the jurisdiction of the authority.

30 (c) The plan shall set system-wide goals and objectives for capital
31 spending, establish standards for service and operations, and describe
32 each capital element proposed to be initiated in each of the years
33 covered by the plan and explain how each proposed element supports the
34 achievement of the service and operational standards established in the
35 plan. The plan shall also set forth an estimate of the amount of capital
36 funding required each year and the expected sources of such funding.
37 Each plan subsequent to the first such plan and each proposed amendment
38 or modification thereof shall also describe the current status of each
39 capital element included in the previously approved plan, if any. The
40 plan shall be accompanied or supplemented by such supporting materials
41 as the governor shall require.

42 (d) A capital element shall mean either a category of expenditure
43 itemized in a plan, as hereinafter provided, for which a specified maxi-
44 mum dollar amount is proposed to be expended, or a particularly
45 described capital project within one or more categories for which no
46 maximum expenditure is proposed, but for which an estimate of expected
47 cost is provided. A capital element shall be deemed to have been initi-
48 ated for purposes of this section if in connection with such element the
49 authority shall certify that: (i) purchase or construction contracts
50 have been entered into, obligating in the aggregate an amount exceeding
51 ten percent of the maximum or estimated cost of the element as set forth
52 in a plan; (ii) financing specific to the project has been undertaken;
53 or (iii) in a case where such element is limited to design or engineer-
54 ing, a contract therefor has been entered into.

55 2. The plan shall itemize the capital elements included in each
56 section of the plan under the following categories of expenditure: (a)

1 rolling stock and buses; (b) passenger stations; (c) track; (d) line
2 equipment; (e) line structures; (f) signals and communications; (g)
3 power equipment, emergency power equipment and substations; (h) shops,
4 yards, maintenance facilities, depots and terminals; (i) service vehi-
5 cles; (j) security systems; (k) electrification extensions; and (l)
6 unspecified, miscellaneous and emergency.

7 3. A capital program plan shall be approved only by resolution of the
8 authority approved by not less than a majority vote of the whole number
9 of members of the authority then in office, except that in the event of
10 a tie vote the chairperson shall cast one additional vote. After
11 approval, the authority shall submit the plan to the governor, who has
12 ninety days to approve the plan.

13 4. A copy of any capital program plan that has been approved by the
14 authority and distributed to the governor shall be simultaneously
15 provided to the public by the metropolitan commuter authority, via its
16 official or shared internet website.

17 5. If the governor takes no action within ninety days after receiving
18 the plan, the plan shall be deemed to have been approved.

19 6. If the governor vetoes the plan, the authority may only override
20 the veto by unanimous vote.

21 7. If the governor vetoes the plan and the authority does not override
22 the veto, the authority may thereafter reformulate and resubmit such
23 plan at any time. Within thirty days of the submission of such reformu-
24 lated plan, the governor shall notify the authority of its approval, or,
25 if the reformulated plan is not approved and the governor has not noti-
26 fied the authority of his or her disapproval within such period, the
27 reformulated plan shall be deemed to have been approved.

28 8. No general obligation bonds or notes of the authority, no special
29 obligation bonds or notes of the authority to finance a transit project
30 shall be issued to finance the costs of a capital element unless such
31 capital element and such source of funding was set forth in a plan
32 approved as provided in this section.

33 9. The disapproval of a capital program plan shall not affect: (a) the
34 right of the authority or of its subsidiaries to initiate and complete
35 any capital element which will be financed otherwise than through the
36 issuance of the bonds or notes the issuance of which is prohibited under
37 subdivision four of this section; (b) the right of the authority to
38 issue bonds or notes to finance a capital element which was initiated
39 prior to such disapproval in conformity with a previously approved plan;
40 or (c) the right of the authority to issue bonds or notes to refund or
41 otherwise repay any of its outstanding bonds or notes or to fulfill any
42 of their obligations to the holders of any of their outstanding bonds or
43 notes.

44 10. Notwithstanding the provisions of subdivision eight of this
45 section, if a source of funding described in an approved plan shall be
46 unavailable or be available in a lesser amount than that set forth in
47 such plan, the authority may issue bonds or notes as necessary to
48 provide the requisite funding for the capital elements included in the
49 plan to the extent that the aggregate amount of such bonds or notes to
50 be issued in substitution for such unavailable amounts shall not exceed
51 the greater of fifty million dollars or twenty percent of the total
52 amount described in such plan for either the substitute funding source
53 or the funding source being substituted for.

54 11. (a) The authority may from time to time submit to the governor
55 amendments or modifications to any ten-year plan theretofore submitted,
56 and shall submit such an amendment or modification: (i) if the estimated

1 cost of any capital element for which a specified dollar amount was
2 proposed to be expended exceeds the amount set forth in the approved
3 plan for such element by more than ten percent; (ii) if with respect to
4 a particularly described capital element for which only an estimate of
5 projected cost has been provided in the plan there is a material change
6 in the description of such element from that contained in the approved
7 plan; (iii) if a capital element not previously included in the approved
8 plan is proposed to be undertaken and its cost, together with the cost
9 of other elements included in category (1) of the plan, exceeds by ten
10 percent the amount provided for such category (1) elements; (iv) if the
11 authority shall propose to change by more than one year the time when
12 any capital element is proposed to be initiated or the effect of such
13 change will be to increase the estimated amount of capital funding
14 required in any year covered by the plan by more than twenty percent; or
15 (v) if the availability of funding sources changes to the degree to
16 which the authority is precluded from exercising the authorization
17 provided in subdivision six of this section and the authority wishes to
18 do so.

19 (b) An amendment or modification may only be approved in two ways: (i)
20 an amendment or modification shall only be approved by the governor and
21 within thirty days of the submission of an amendment or modification the
22 governor shall notify the authority of its approval of the same; or (ii)
23 if the amendment or modification is not approved by the governor within
24 such thirty day period and the governor has not notified the authority
25 in writing of his or her disapproval within such period, the amendment
26 or modification shall be deemed to have been approved.

27 12. In formulating its capital program plans, the authority shall give
28 consideration to the physical condition and urgency of need of each of
29 the several transportation and transit systems involved, to the needs of
30 all of the communities and areas serviced by these systems, to the
31 extent to which other capital aid or assistance may be available to each
32 of these systems, and to the safety, comfort and convenience of its
33 passengers. In determining the source or method of funding which the
34 authority is to use to finance the cost of the capital elements included
35 in its capital program plans, the authority shall, insofar as practica-
36 ble, give consideration, among other things, to: (a) the potential
37 impact of each such source or method upon the level of passenger fares;
38 (b) the relative cost of the several funding alternatives; and (c) the
39 relative ability of each source or method to provide funding at times
40 and in amounts estimated to be required by the capital program plan. To
41 the extent funding is proposed to be obtained through the issuance and
42 sale of bonds or notes, the authority shall, insofar as practicable and
43 consistent with the matters set forth in paragraphs (a), (b) and (c) of
44 this subdivision, give preference to the use of funds appropriated or to
45 be appropriated to the authority by virtue of service contracts with the
46 director of the budget entered into pursuant to the provisions of the
47 transportation systems assistance and financing act of 1981 for purposes
48 of paying the annual cost of debt service for such bonds or notes.

49 13. On or before the fourth first of October succeeding the effective
50 date of this subdivision, and on or before October first of every fifth
51 year thereafter, the authority shall submit to the governor a twenty-
52 year capital needs assessment. Such assessment shall begin with the
53 period commencing on the second first of January after such submission,
54 and begin each assessment with every fifth year thereafter, and describe
55 capital investments over the succeeding twenty years. Such assessment
56 shall: (a) set forth broad long-term capital investments to be made

1 throughout the district; and (b) establish a non-binding basis to be
2 used by the authority in the planning of strategic investments involving
3 capital elements in its five-year capital plans. Such assessment shall
4 not require the approval of the governor and shall be for informational
5 purposes only. For purposes of this section, "broad long-term capital
6 investments" shall include but not be limited to: system rebuilding,
7 enhancement, and expansion needs; agency needs broken down by capital
8 element or investment category; and projected future trends and network
9 implications. Such assessment shall be certified by the chairperson of
10 the authority and shall be entered into the permanent record of the
11 minutes of the review board.

12 § 1349-zzzz. Submission of strategic operation plan. 1. On or before
13 the first of July next succeeding the effective date of this section,
14 the authority shall submit to the governor a strategic operation plan
15 for the commuter railroad services under the jurisdiction of the author-
16 ity for the five-year period commencing January first of the following
17 year. The plan may be amended as required but shall be updated at least
18 annually. The plan shall include, but need not be limited to, the
19 following:

20 (a) Long-range goals and objectives for the operation of services and
21 facilities;

22 (b) Planned service and performance standards for each year of the
23 period covered by the plan; including, in such plan submitted after the
24 first of July next succeeding the effective date of this section: (i)
25 standards for determining frequency of service at peak hours and off-
26 peak hours; (ii) frequency of service at peak and off-peak hours based
27 on the application of such standards to the current period for bus route
28 or group of bus routes, and commuter rail lines, divisions or branches
29 as appropriate; (iii) projected performance for each bus route or group
30 of bus routes, and commuter rail lines, divisions or branches as appro-
31 priate as measured by reliability indicators commonly utilized within
32 the transit industry, including such measures as planned number of vehi-
33 cles with air conditioning and projected reliability of such equipment,
34 planned standards for cleanliness of the interior and exterior of commu-
35 ter rail cars, buses, and passenger stations, and other appropriate
36 measures of planned performance influencing the quality of services;

37 (c) Level and structure of fares projected for each year of the period
38 covered by the plan;

39 (d) Estimated operating and capital resources anticipated to be avail-
40 able from internal sources as well as from federal, state, regional and
41 local sources;

42 (e) Estimated operating and capital costs to satisfy planned standards
43 of performance and service;

44 (f) Strategies to improve productivity; control cost growth; integrate
45 and coordinate the delivery of services provided by the authority as
46 well as other public and private transportation providers in the service
47 area;

48 (g) Specific allocation of operating and capital resources by mode and
49 operation, including funds, personnel, and equipment;

50 (h) Configuration by mode, operation and route of the services to be
51 provided and the facilities to be operated, identifying major planned
52 changes in services and routes; and

53 (i) Identification of the operating and capital costs as compared to
54 the revenues anticipated from system users for the commuter transporta-
55 tion authority.

1 An analysis of the relationship between specific planned capital
2 elements contained in approved capital program plans and the achievement
3 of planned service and performance standards. Such analysis shall
4 include the relationship of specific planned capital elements to the
5 achievement of such service and performance standards for each bus route
6 or group of bus routes, or commuter rail lines, divisions or branches as
7 appropriate.

8 2. Each annual update of the plan shall include a status report summa-
9 ri- zing the extent to which planned service and performance standards
10 de- veloped for the previous year were achieved, the causes of any failure
11 to achieve projected standards of service, and corrective measures the
12 author- ity intends to take to avoid non-achievement of projected stand-
13 ards in the next upcoming year.

14 3. The commuter transportation authority shall take into consideration
15 any petitions from local officials for improved services, including how
16 these service improvements relate to the service and performance stand-
17 ards described in this section, and shall consult with appropriate local
18 officials in its preparation and periodic updates to the operation plan.

19 § 1349-aaaa. Financial and operational reports. The authority shall
20 submit to the governor, the temporary president of the senate and the
21 speaker of the assembly, no later than thirty days following the
22 submis- sion of the annual independent audit report pursuant to section
23 twenty-eight hundred two of this chapter, a complete detailed report or
24 reports setting forth, to the extent such matters are not fully
25 ad- dressed in the annual independent audit report, the following:

26 1. its financial reports, including, but not limited to:

27 (a) audited financials in accordance with all applicable regulations
28 and following generally accepted accounting principles as defined in
29 subdivision ten of section two of the state finance law;

30 (b) grant and subsidy programs;

31 (c) operating and financial risks;

32 (d) current ratings of its bonds issued by recognized municipal bond
33 rating agencies and notice changes in such ratings; and

34 (e) long-term liabilities, including leases and employee benefit
35 plans; and

36 2. an assessment of the effectiveness of its internal control struc-
37 ture and procedures, including, but not limited to:

38 (a) descriptions of the authority and its major units and subsid-
39 iar- ies;

40 (b) the number of employees, and minority and women employees, for
41 each;

42 (c) an organizational chart;

43 (d) its charter, if any and by-laws;

44 (e) the extent of participation by minority and women-owned enter-
45 prises in authority contracts and services in accordance with article
46 fifteen-A of the executive law; and

47 (f) a listing of material changes in internal operations and programs
48 during the reporting year.

49 § 1349-bbbbb. Mission statement and measurement report. 1. The
50 author- ity shall submit to the governor, the temporary president of the
51 senate and the speaker of the assembly, on or before the thirty-first of
52 Octo- ber next succeeding the effective date of this section, a proposed
53 author- ity mission statement and proposed measurements. The proposed
54 mis- sion statement and proposed measurements shall have the following
55 com- ponents: (a) a brief mission statement expressing the purpose and
56 goals of the authority; (b) a description of the stakeholders of the

1 authority and their reasonable expectations from the authority, which
2 stakeholders shall include at a minimum: (i) the residents and taxpayers
3 of the area of the state served by the authority; (ii) the persons that
4 use the services provided by the authority; and (iii) the employees of
5 the authority and any employee organization; (c) the goals of the
6 authority in response to the needs of each group of stakeholders; and
7 (d) a list of measures by which performance of the authority and the
8 achievement of its goals may be evaluated.

9 2. The authority shall thereafter reexamine its mission statement and
10 measurements on an annual basis, and publish on its website self evalu-
11 ations based on the stated measures.

12 § 1349-cccc. Requirements for certain authority contracts and related
13 subcontracts. 1. Any contractor or subcontractor subject to the posting
14 requirements of paragraph a of subdivision three-a of section two
15 hundred twenty of the labor law with respect to a public works contract
16 of the authority shall:

17 (a) post information conforming to the provisions of subdivision two
18 of this section in one or more conspicuous places at each major work-
19 place site where persons who perform work on the contract or subcon-
20 tract, including management, are most likely to see such postings;
21 provided that, this requirement may be satisfied by the displaying of
22 such information with other notices that inform persons of rights under
23 federal or state laws or rules, human resource policies, or collective
24 bargaining agreements;

25 (b) post information conforming to the provisions of subdivision two
26 of this section on an internet and intranet website, if any, of that
27 person or business organization; provided that, this requirement may be
28 satisfied by providing on such website a conspicuous hyperlink to the
29 authority website maintained pursuant to subdivision three of this
30 section, which hyperlink shall be labeled "Protections for Reporting
31 Fraud in New York";

32 (c) distribute information specified in subdivision two of this
33 section to those persons, including employees and managers, who perform
34 work on the contract; provided that, this requirement may be satisfied
35 by distributing such information in an employee handbook or through a
36 specific electronic communication containing the information to a known
37 electronic mail address maintained by the person; and

38 (d) comply with the provisions of this subdivision, and provide to the
39 authority satisfactory evidence of such compliance, within ninety days.

40 2. The disclosures required by subdivision one of this section shall:

41 (a) provide the telephone numbers and addresses to report information
42 of fraud or other illegal activity to the appropriate officers of the
43 inspector general of the authority and the attorney general of the
44 state;

45 (b) describe in detail conduct prohibited by section one hundred
46 eighty-nine of the state finance law, and the role of that act in
47 preventing and detecting fraud and abuse in work paid for by the author-
48 ity or with funds originating from the authority;

49 (c) notify prospective qui tam plaintiffs on how to file a qui tam
50 action, including the necessity to contact private counsel skilled in
51 filing such actions and of the potential for cash rewards in such
52 actions based on the percentage of the funds recovered by the govern-
53 ment; and

54 (d) describe prohibitions on employer retaliation against persons who
55 file or assist actions under article thirteen of the state finance law,
56 the New York false claims act, pursuant to section one hundred ninety-

1 one of the state finance law, or who report illegal conduct that threat-
2 ens the health or safety of the public pursuant to section seven hundred
3 forty of the labor law.

4 3. No later than forty-five days after the effective date of this
5 section, the authority shall establish and continuously maintain on its
6 public website and its intranet site a page that shall provide the
7 information specified in subdivision two of this section, and that shall
8 also provide sample statements, displays and other materials suitable
9 for insertion in employee handbooks or posting at workplaces or on
10 websites that would satisfy the disclosure requirements of this section.

11 4. The authority shall not enter into any contract described in subdi-
12 vision one of this section that does not incorporate the terms of this
13 section.

14 5. Material compliance by a covered person or business organization
15 that has contracted with the authority under a contract that incorpo-
16 rates the terms of this section shall be a material condition of payment
17 for the provision of goods or services.

18 6. The authority is authorized to adopt such rules and regulations as
19 are necessary to effect the purposes of this section.

20 § 1349-ddddd. Reserve funds and appropriations. The authority may
21 create and establish one or more reserve funds in accordance with agree-
22 ments with bondholders, noteholders or the holders of other obligations
23 of the authority and may pay into such reserve funds: (a) any monies
24 appropriated and made available by the state for the purposes of such
25 funds; (b) any proceeds of sale of notes, bonds or other obligations to
26 the extent provided in the resolution of the authority authorizing the
27 issuance thereof; and (c) any other monies which may be made available
28 to the authority for the purpose of such funds from any other source or
29 sources. In lieu thereof, the authority may provide for the deposit
30 therein of, or substitute for monies on deposit therein, a liquidity or
31 credit facility, surety bond or other similar agreement.

32 § 1349-eeee. Consolidated financings. 1. Notwithstanding any incon-
33 sistent provisions of this or any other law, general, special or local,
34 the authority may issue its notes, bonds and other obligations to
35 finance transportation facilities utilizing a consolidated pledge of all
36 or any portion of the revenues and other monies and assets of the
37 authority and its subsidiaries, together with those other sources of
38 payment described in this section. In connection therewith, at its
39 discretion, the authority, subject to the rights of the holders of
40 notes, bonds or other obligations of the authority, and the metropolitan
41 transportation authority, may deposit or cause to be deposited into one
42 or more funds and accounts: (a) all or any portion of the revenues,
43 other monies and assets received by the authority and its subsidiaries;
44 (b) all or any portion of the amounts from the operating and capital
45 costs account of the metropolitan transportation authority dedicated tax
46 fund required to be distributed to the authority under the provisions of
47 section twelve hundred seventy-c of this article; (c) all or any portion
48 of the available monies in the commuter railroad account of the metro-
49 politan transportation authority special assistance fund established
50 under the provisions of section twelve hundred seventy-a of this article
51 available for payment of operating and capital costs of the Long Island
52 Rail Road company and the Metro-North Commuter Railroad Company as
53 provided in subdivision three of section twelve hundred seventy-a of
54 this article; and (d) any other monies of the authority and its subsid-
55 iaries from any source whatsoever.

1 2. Amounts so deposited in such funds or accounts may be: (a) pledged
2 by the authority to secure, and be applied to, the payment of its bonds,
3 notes or other obligations issued to finance transportation facilities
4 undertaken for the authority and its subsidiaries; and (b) used for
5 payment of operating costs, and capital costs, including debt service,
6 reserve requirements, if any, the payment of amounts required under
7 bonds, notes or other financing facilities or agreements, and the
8 payment of all costs related to such obligations, of or for the authori-
9 ty and its subsidiaries as the authority in its full discretion shall
10 determine. To the extent moneys so deposited have been pledged by the
11 authority to secure and pay its bonds, notes or other obligations as
12 herein provided, such moneys shall first be applied to satisfy the
13 requirements of any debt service or reserve requirements of the resol-
14 ution or resolutions or other contractual arrangements authorizing such
15 bonds, notes or other obligations. After satisfaction of such require-
16 ments of any such resolution, resolutions, or other contractual arrange-
17 ments or if the authority has not so pledged such moneys, such moneys so
18 deposited, subject to the provisions of any other resolutions or
19 contractual arrangements of the authority applicable provisions of law,
20 may be transferred to or for the benefit of the authority and its
21 subsidiaries. Revenues and other monies of the authority and its subsid-
22 aries which are deposited in the funds or accounts authorized by this
23 section, as reduced by any application of such revenues or monies to the
24 payment of debt service, reserve requirements, if any, and other costs
25 attributable to the funding of the capital costs of such entity, shall
26 be allocated, credited and distributed to such source entity. Any other
27 revenues or monies which are deposited in the funds or accounts author-
28 ized by this section which are required by law to be allocated or paid
29 to the authority or its subsidiaries shall be allocated or paid to the
30 entity to which it is required to be allocated or paid by law after
31 reduction by an amount equal to the portion thereof applied to the
32 payment of debt service, reserve requirements, if any, and other costs
33 attributable to the funding of the capital costs of such entity. In
34 determining the amount of debt service, reserve requirements, if any,
35 and other costs attributable to the authority and its subsidiaries the
36 authority shall make such calculation based upon the percentage of the
37 proceeds of the bonds, notes and other obligations expended for the
38 capital costs attributable to each such entity. The authority may
39 utilize any interim allocation of such distributions, provided that
40 within ninety days after the end of each calendar year, the authority
41 shall certify to the director of the budget, the chairperson of the
42 senate finance committee and the chairperson of the assembly ways and
43 means committee, that the aggregate amount of monies transferred to each
44 of the authority and its subsidiaries in respect of such calendar year,
45 taking into account any interagency repayments or reimbursements antic-
46 ipated to be made in the next succeeding calendar year, is not less than
47 the amounts required to be paid or transferred to such entities.

48 § 1349-ffff. Regulation of certain authority expenditures. The
49 authority shall implement policies as appropriate to minimize unwar-
50 ranted expenses and to protect against abuses in connection with: (a)
51 the granting of any privileges or benefits having financial value, other
52 than wage payments or expense reimbursements, to members or staff of the
53 authority, or any subsidiary or other authority created by the authori-
54 ty; and (b) the full-time and part-time assignment and use of automob-
55 iles owned or leased by the authority, or any subsidiary or other
56 authority created by the authority, and the use by authority employees

1 and board members of livery vehicles, as defined in section one hundred
2 twenty-one-e of the vehicle and traffic law.

3 § 1349-gggggg. Agreement of the state. The state does hereby pledge to
4 and agree with the authority and its subsidiaries, and the holders of
5 any notes, bonds or other obligations, including lease obligations,
6 issued or incurred under this title, that the state will not limit or
7 alter the denial of authority under subdivision nine of section thirteen
8 hundred forty-nine-xxxx of this title, or the rights and powers vested
9 in the authority and its subsidiaries, by this title to fulfill the
10 terms of any agreements made by any of them with the holders thereof, or
11 in any way impair the rights and remedies of such holders until such
12 notes, bonds or other obligations, including lease obligations, together
13 with the interest thereon, with interest on any unpaid installments of
14 interest, and all costs and expenses for which the authority or its
15 subsidiaries is liable in connection with any action or proceeding by or
16 on behalf of such holders, are fully met and discharged. The authority
17 and its subsidiaries are each authorized to include this pledge and
18 agreement of the state in any agreement with the holders of such notes,
19 bonds or other obligations, including lease obligations.

20 § 1349-hhhhhh. Right of state to require redemption of bonds. Notwith-
21 standing and in addition to any provisions for the redemption of bonds
22 which may be contained in any contract with the holders of the bonds,
23 the state may, upon furnishing sufficient funds therefor, require the
24 authority to redeem, prior to maturity, as a whole, any issue of bonds
25 on any interest payment date not less than twenty years after the date
26 of the bonds of such issue at one hundred five per centum of their face
27 value and accrued interest or at such lower redemption price as may be
28 provided in the bonds in case of the redemption thereof as a whole on
29 the redemption date. Notice of such redemption shall be published in at
30 least two newspapers publishing and circulating respectively in the
31 cities of Albany and New York at least twice, the first publication to
32 be at least thirty days before the date of redemption.

33 § 1349-iiiiii. Remedies of noteholders and bondholders. 1. In the
34 event that the authority shall default in the payment of principal of or
35 interest on any issue of notes or bonds after the same shall become due,
36 whether at maturity or upon call for redemption, and such default shall
37 continue for a period of thirty days, or in the event that the authority
38 shall fail or refuse to comply with the provisions of this title or
39 shall default in any agreement made with the holders of any issue of
40 notes or bonds, the holders of twenty-five per centum in aggregate prin-
41 cipal amount of the notes or bonds of such issue then outstanding, by
42 instrument or instruments filed in the office of the clerk of any county
43 in which the authority operates and has an office and proved or acknowl-
44 edged in the same manner as a deed to be recorded, may appoint a trustee
45 to represent the holders of such notes or bonds for the purposes herein
46 provided.

47 2. Such trustee may, and upon written request of the holders of twen-
48 ty-five per centum in principal amount of such notes or bonds then
49 outstanding shall, in his or her own name:

50 (a) by suit, action or proceeding in accordance with the civil prac-
51 tice law and rules, enforce all rights of the noteholders or bondhold-
52 ers, including the right to require the authority to collect fares,
53 tolls, rentals, rates, charges and other fees adequate to carry out any
54 agreement as to, or pledge of, such fares, tolls, rentals, rates, charg-
55 es and other fees and to require the authority to carry out any other

1 agreements with the holders of such notes or bonds and to perform its
2 duties under this title;

3 (b) bring suit upon such notes or bonds;

4 (c) by action or suit, require the authority to account as if it were
5 the trustee of an express trust for the holders of such notes or bonds;

6 (d) by action or suit, enjoin any acts or things which may be unlawful
7 or in violation of the rights of the holders of such notes or bonds;
8 and/or

9 (e) declare all such notes or bonds due and payable, and if all
10 defaults shall be made good, then, with the consent of the holders of
11 twenty-five per centum of the principal amount of such notes or bonds
12 then outstanding, to annul such declaration and its consequences.

13 3. Such trustee shall in addition to the foregoing have and possess
14 all of the powers necessary or appropriate for the exercise of any func-
15 tions specifically set forth herein or incident to the general represen-
16 tation of bondholders or noteholders in the enforcement and protection
17 of their rights.

18 4. The supreme court shall have jurisdiction of any suit, action or
19 proceeding by the trustee on behalf of such noteholders or bondholders.
20 The venue of any such suit, action or proceeding shall be laid in the
21 county in which the instrument or instruments are filed in accordance
22 with subdivision one of this section.

23 5. Before declaring the principal of notes or bonds due and payable,
24 the trustee shall first give thirty days' notice in writing to the
25 governor, to the authority, to the comptroller and to the attorney
26 general of the state.

27 § 1349-jjjjj. Notes and bonds as legal investment. The notes and bonds
28 of the authority are hereby made securities in which all public officers
29 and bodies of the state and all municipalities and political subdivi-
30 sions, all insurance companies and associations and other persons carry-
31 ing on an insurance business, all banks, bankers, trust companies,
32 savings banks and savings associations, including savings and loan asso-
33 ciations, building and loan associations, investment companies and other
34 persons carrying on a banking business, all administrators, guardians,
35 executors, trustees and other fiduciaries, and all other persons whatso-
36 ever who are now or who may hereafter be authorized to invest in bonds
37 or other obligations of the state, may properly and legally invest funds
38 including capital in their control or belonging to them. Notwithstand-
39 ing any other provisions of law, the bonds of the authority are also
40 hereby made securities which may be deposited with and shall be received
41 by all public officers and bodies of this state and all municipalities
42 and political subdivisions for any purpose for which the deposit of
43 bonds or other obligations of the state is now or may hereafter be
44 authorized.

45 § 1349-kkkkk. Exemption from taxation. It is hereby found, determined
46 and declared that the creation of the authority and the carrying out of
47 its purposes is in all respects for the benefit of the people of the
48 state of New York and for the improvement of their health, welfare and
49 prosperity and is a public purpose, and that the authority will be
50 performing an essential governmental function in the exercise of the
51 powers conferred upon it by this title. Without limiting the generality
52 of the following provisions of this section, property owned by the
53 authority, property leased by the authority and used for transportation
54 purposes, and property used for transportation purposes by or for the
55 benefit of the authority exclusively pursuant to the provisions of a
56 joint service arrangement or of a joint facilities agreement or trackage

1 rights agreement shall all be exempt from taxation and special ad valo-
2 rem levies. The authority shall be required to pay no fees, taxes or
3 assessments, whether state or local, including but not limited to fees,
4 taxes or assessments on real estate, franchise taxes, sales taxes or
5 other excise taxes, upon any of its property, or upon the use thereof,
6 or upon its activities in the operation and maintenance of its facili-
7 ties or on any fares, tolls, rentals, rates, charges or other fees,
8 revenues or other income received by the authority and the bonds of the
9 authority and the income therefrom shall at all times be exempt from
10 taxation, except for gift and estate taxes and taxes on transfers. This
11 section shall constitute a covenant and agreement with the holders of
12 all bonds issued by the authority. The terms "taxation" and "special ad
13 valorem levy" shall have the same meanings as defined in section one
14 hundred two of the real property tax law and the term "transportation
15 purposes" shall have the same meaning as used in titles two-A and two-B
16 of article four of such law.

17 § 1349-lllll. Actions against the authority. 1. As a condition to the
18 consent of the state to such suits against the authority, in every
19 action against the authority for damages, for injuries to real or
20 personal property or for the destruction thereof, or for personal inju-
21 ries or death, the complaint shall contain an allegation that at least
22 thirty days have elapsed since the demand, claim or claims upon which
23 such action is founded were presented to a member of the authority or
24 other officer designated for such purpose and that the authority has
25 neglected or refused to make an adjustment or payment thereof.

26 2. An action against the authority founded on tort, except an action
27 for wrongful death, shall not be commenced more than one year and ninety
28 days after the cause of action therefor shall have accrued, nor unless a
29 notice of claim shall have been served on the authority within the time
30 limited by and in compliance with all the requirements of section
31 fifty-e of the general municipal law. An action against the authority
32 for wrongful death shall be commenced in accordance with the notice of
33 claim and time limitation provisions of title eleven of article nine of
34 this chapter.

35 3. The authority shall be liable, and shall assume the liability to
36 the extent that it shall save harmless any duly appointed officer or
37 employee of the authority, for the negligence of such officer or employ-
38 ee, in the operation of a vehicle or other facility of transportation
39 owned or otherwise under the jurisdiction and control of the authority
40 in the discharge of a duty imposed upon such officer or employee at the
41 time of the accident, injury or damages complained of, while otherwise
42 acting in the performance of his or her duties and within the scope of
43 his employment.

44 4. The authority may require any person, presenting for settlement an
45 account or claim for any cause whatever against the authority, to be
46 sworn before a member, counsel or an attorney, officer or employee of
47 the authority designated for such purpose, concerning such account or
48 claim and when so sworn to answer orally as to any facts relative to
49 such account or claim. The authority shall have power to settle or
50 adjust all claims in favor of or against the authority.

51 5. The rate of interest to be paid by the authority upon any judgment
52 for which it is liable shall not exceed four per centum per annum.

53 6. The provisions of this section which relate to the requirement for
54 service of a notice of claim shall not apply to a subsidiary corporation
55 of the authority. In all other respects, each subsidiary corporation of
56 the authority shall be subject to the provisions of this section as if

1 such subsidiary corporation were separately named herein, provided,
2 however, that a subsidiary corporation of the authority which is a stock
3 corporation shall not be subject to the provisions of this section
4 except with respect to those causes of action arising on and after the
5 first day of the twelfth calendar month following that calendar month in
6 which such stock corporation becomes a subsidiary corporation of the
7 authority.

8 § 1349-mmmmmm. Annual audit of the authority. 1. The comptroller shall
9 conduct an annual audit of the books and records of the authority and
10 its subsidiary corporations. Such audit shall include a complete and
11 thorough examination of such authority's receipts, disbursements, reven-
12 ues and expenses during the prior fiscal year in accordance with the
13 categories or classifications established by such authority for its own
14 operating and capital outlay purposes; assets and liabilities at the end
15 of its last fiscal year including the status of reserve, depreciation,
16 special or other funds and including the receipts and payments of these
17 funds; schedule of bonds and notes outstanding at the end of its fiscal
18 year and their redemption dates, together with a statement of the
19 amounts redeemed and incurred during such fiscal year; operations, debt
20 service and capital construction during the prior fiscal year.

21 2. The comptroller, upon completion of such audit, shall within sixty
22 days thereafter, report to the governor and the legislature his or her
23 findings, conclusions and recommendations thereof.

24 § 1349-nnnnnn. Authority budget and financial plan. 1. In addition to
25 the requirements of section twenty-eight hundred two of this chapter,
26 each authority budget and plan shall be posted on its website and shall:
27 (a) present information relating to the authority and each of its agen-
28 cies in a clear and consistent manner and format; (b) be prepared in
29 accordance with generally accepted accounting principles, except as
30 otherwise consented to by the comptroller upon good cause shown; (c) be
31 based on reasonable assumptions and methods of estimation; (d) include
32 estimates of projected operating revenues and expenses; (e) identify any
33 planned transaction that would shift resources, from any source, from
34 one fiscal year to another, and the amount of any reserves; and (f)
35 contain a summary in plain English of the principal information in the
36 budget and conclusions to be drawn from it.

37 2. The authority shall prepare and make available for public
38 inspection on its website information that details the sources of data
39 and the assumptions and methods of estimation used to calculate all
40 operating and capital budget projections, consistent with generally
41 accepted budgetary practices.

42 3. The authority shall establish at least annually the quarterly
43 revenue and expense targets for the authority, and for each subsidiary
44 or other authority created by the authority itself and for which it
45 reports financial data.

46 4. The authority shall prepare and make available for public
47 inspection on its website: (a) within sixty days of the release of the
48 adopted budget and any updates to the budget, except updates released
49 within ninety days of the close of the fiscal year, monthly projections
50 for the current fiscal year of all revenues and expenses, staffing for
51 the authority and each of its agencies, and utilization for each of the
52 authority's agencies that operate transportation systems, including
53 bridges and tunnels; (b) within sixty days after the close of each quar-
54 ter, a comparison of actual revenues and expenses, actual staffing and
55 actual utilization to planned or projected levels for each of the
56 authority's agencies that operate transportation systems, including

1 bridges and tunnels, with an explanation of each material variance and
2 its budgetary impact; and (c) within ninety days after the close of each
3 quarter, the status of each gap-closing initiative with a projected
4 value greater than one million dollars in any given fiscal year; the
5 status of capital projects by capital element, including but not limited
6 to commitments, expenditures and completions; and an explanation of
7 material variances from the plan, cost overruns and delays.

8 5. Financial information required to be submitted by the authority
9 pursuant to paragraphs (d) and (e) of subdivision one of section thir-
10 teen hundred forty-nine-aaaaa of this title shall be presented in a
11 format consistent with the budget and plan, in downloadable, searchable
12 format.

13 § 1349-ooooo. Independent audit of the authority. The independent
14 auditor retained by the authority shall not provide to the authority,
15 contemporaneously with the audit unless it shall have previously
16 received written approval by the audit committee any non-audit service,
17 including:

- 18 1. routine bookkeeping or other services;
- 19 2. financial information systems design and implementation;
- 20 3. appraisal or valuation services, fairness opinions, or contribu-
21 tion-in-kind reports;
- 22 4. actuarial services;
- 23 5. outsourcing services;
- 24 6. authority management functions or human resources;
- 25 7. broker or dealer, investment advisor or investment banking
26 services;
- 27 8. legal services and expert services unrelated to the audit.

28 § 1349-ppppp. Independent audit by the legislature. After the
29 submission of the annual independent audit report to the legislature
30 pursuant to section twenty-eight hundred two of this chapter, and after
31 review of such report, the temporary president of the senate and the
32 speaker of the assembly may commission an auditing firm, every two
33 years, to conduct an independent audit of the authority, including its
34 subsidiaries. The temporary president of the senate and the speaker of
35 the assembly shall set the scope of such audit, and determine the terms
36 of the request for proposal for such audit. Such audit shall be
37 performed for the second year after the effective date of this section.
38 The authority shall fully cooperate with and assist in such an audit.

39 § 1349-gqqqq. Reporting. The authority shall post on its website on or
40 before the first of May, the law firms retained by the authority which
41 in the past year received payment for services in such year.

42 § 1349-rrrrr. Station operation and maintenance. 1. (a) The operation,
43 maintenance and use of passenger stations shall be public purposes of
44 the city of New York and the counties within the district. The total
45 cost to the authority and each of its subsidiary corporations of opera-
46 tion, maintenance and use of each passenger station within the district
47 serviced by one or more railroad facilities of the authority or of such
48 subsidiary corporation, including the buildings, appurtenances, plat-
49 forms, lands and approaches incidental or adjacent thereto, shall be
50 borne by the city of New York if such station is located in such city
51 or, if not located in such city, by such county within the district in
52 which such station is located. On or before June first of each year, the
53 authority shall, in accordance with the method specified herein, deter-
54 mine and certify to the city of New York and to each county within the
55 district the respective allocation of costs related to the operation,
56 maintenance and use of passenger stations within such city and each such

1 other county, for the twelve-month period ending the preceding March
2 thirty-first.

3 (i) The total payment amount to be billed by the authority for the
4 operation, maintenance and use of each passenger station within the city
5 of New York and the counties of Nassau, Suffolk, Westchester, Dutchess,
6 Putnam, Orange, and Rockland shall be calculated by summing the total
7 amount listed in the base amount table plus an adjustment to such base
8 year amount equal to the base amount times the increase or decrease in
9 the Consumer Price Index for Wage Earners and Clerical Workers for the
10 New York, Northeastern-New Jersey Standard Metropolitan Statistical Area
11 for the twelve-month period being billed.

12 BASE AMOUNT TABLE

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

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

28 (b) On or before the following September first, of each year, such
29 city and each such county shall pay to the authority such cost or amount
30 so certified to it on or before the preceding June first. Such city and
31 each such county shall have power to finance such costs to it by the
32 issuance of budget notes pursuant to section 29.00 of the local finance
33 law. Each year, the authority, the city of New York and the counties of
34 Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, and Rockland
35 may, after having reached an agreement, recommend to the legislature
36 modifications to the amounts set forth in this section based upon chang-
37 es made to commuter services including but not limited to changes in the
38 number of passenger stations within such counties or the level of commu-
39 ter rail service provided to any such passenger stations. Failure
40 between the authority and between the counties to reach agreement will
41 be referred to the state comptroller for mediation. If the mediation is
42 unsuccessful, each party and the state comptroller may submit a recom-
43 mendation to the governor and the legislature for legislative action.

44 (c) In the event that a city or county shall fail to make payment to
45 the authority for station maintenance as required pursuant to this
46 section, or any part thereof, the chief executive officer of the author-
47 ity or such other person as the chairperson shall designate shall certi-
48 fy to the state comptroller the amount due and owing the authority at
49 the end of the state fiscal year and the state comptroller shall with-
50 hold an equivalent amount from the next succeeding state aid allocated
51 to such county or city from the motor fuel tax and the motor vehicle
52 registration fee distributed pursuant to former section one hundred

1 twelve of the highway law, or amounts distributed pursuant to section
2 ten-c of the highway law, or per capita local assistance pursuant to
3 section fifty-four of the state finance law subject to the following
4 limitations: (i) prior to withholding amounts due the authority from
5 such county or city, the comptroller shall pay in full any amount due
6 the state of New York municipal bond bank agency, on account of any such
7 county's or city's obligation to such agency; the city university
8 construction fund pursuant to the provisions of the city university
9 construction fund act; the New York city housing development corpo-
10 ration, pursuant to the provisions of the New York city housing develop-
11 ment corporation act, article twelve of the private housing finance law;
12 and (ii) the transit construction fund pursuant to the provisions of
13 title nine-A of this article. The comptroller shall give the director of
14 the budget notification of any such payment. Such amount or amounts so
15 withheld by the comptroller shall be paid to the authority and the
16 authority shall use such amount for the repayment of the state advances
17 hereby authorized. When such amount or amounts are received by the
18 authority, it shall credit such amounts against any amounts due and
19 owing by the city or county on whose account such amount was withheld
20 and paid.

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

27 § 1349-sssss. Transfer and receipt of surplus funds. Notwithstanding
28 any provision of this title or any other provision of law, general,
29 special or local, the authority may from time to time transfer and pay
30 over to the New York city transit authority or the Triborough bridge and
31 tunnel authority all or any part of its surplus funds and may accept and
32 use any monies transferred and paid over to it by the New York city
33 transit authority or the Triborough bridge and tunnel authority.

34 § 1349-ttttt. Title not affected if in part unconstitutional or inef-
35 fective. If any provision of any section of this title or the applica-
36 tion thereof to any person or circumstance shall be adjudged invalid by
37 a court of competent jurisdiction, such order or judgment shall be
38 confined in its operation to the controversy in which it was rendered,
39 and shall not affect or invalidate the remainder of any provision of any
40 section of this title or the application of any part thereof to any
41 other person or circumstance and to this end the provisions of each
42 section of this title are hereby declared to be severable.

43 § 1349-uuuuu. Commuter transportation authority inspector general. 1.
44 There is hereby created in the commuter transportation authority an
45 office of commuter transportation authority inspector general. The
46 inspector general shall be appointed by the governor with the advice and
47 consent of the senate. The inspector general shall, prior to his or her
48 appointment, have had at least ten years experience in the management of
49 transportation services, in auditing and investigation of governmental
50 operations, or in services related to management and productivity
51 improvement. The term of office of the inspector general shall be five
52 years from the effective date of appointment, and he or she shall serve
53 at the pleasure of the governor. The salary of the inspector general
54 shall be determined by the authority board.

55 2. The inspector general shall annually submit to the board of the
56 commuter transportation authority a budget request for the operation of

1 the office. If the board disapproves any portion of such request and the
2 commissioner of transportation determines such disapproval to be unrea-
3 sonable, such commissioner shall withhold from payments due such author-
4 ity, the amount so determined to be unreasonable and transfer such
5 amount to the office of the commuter transportation authority inspector
6 general.

7 3. The inspector general shall have full and unrestricted access to
8 all records, information, data, reports, plans, projections, matters,
9 contracts, memoranda, correspondence and any other materials of the
10 authority and its subsidiaries, the Long Island Rail Road, Metro-North
11 Railroad, and metropolitan suburban bus authority, or any other agency
12 that may come under the control of the authority, or within their custo-
13 dy or control.

14 4. The inspector general, notwithstanding the provisions of title nine
15 of this article and this title, and of title three of article three of
16 this chapter, shall have the following functions, powers and duties:

17 (a) to receive and investigate complaints from any source or upon his
18 or her own initiative concerning alleged abuses, frauds and service
19 deficiencies, including deficiencies in the maintenance and operation of
20 facilities, relating to the authority and its subsidiaries;

21 (b) to initiate such reviews as he or she may deem appropriate of the
22 operations of the authority and its subsidiaries, in order to identify
23 areas in which performance might be improved and available funds used
24 more effectively;

25 (c) to recommend remedial actions to be taken by the authority and its
26 subsidiaries, to overcome or correct operating or maintenance deficien-
27 cies and inefficiencies that he or she determines to exist;

28 (d) to make available to appropriate law enforcement officials infor-
29 mation and evidence which relate to criminal acts that he or she may
30 obtain in carrying out his or her duties;

31 (e) to subpoena witnesses, administer oaths or affirmations, take
32 testimony and compel the production of such books, papers, records and
33 documents as he or she may deem to be relevant to any inquiry or inves-
34 tigation undertaken pursuant to this section and to delegate such powers
35 to a duly authorized deputy inspector general;

36 (f) to monitor the implementation by the authority and its subsid-
37 aries of recommendations made by the inspector general or other audit
38 agencies; and

39 (g) to do all things necessary to carry out the functions, powers and
40 duties set forth in this section.

41 5. The inspector general shall cooperate, consult and coordinate with
42 the state public transportation safety board with regard to any activity
43 concerning the operations of the commuter transportation authority. With
44 respect to any accident on the facilities of the commuter transportation
45 authority, the primary responsibility for investigation shall be that of
46 the board which shall share its findings with the commuter transporta-
47 tion authority inspector general.

48 6. The inspector general shall make annual public reports on his or
49 her findings and recommendations. Such a report shall be filed in the
50 office of the governor and with the legislature on or before the first
51 of February for the preceding year. The commuter transportation authori-
52 ty and its applicable constituent agencies shall prepare a response to
53 the annual report and to any and all other final reports made by the
54 inspector general within thirty days of receipt, which time may be
55 extended by the inspector general in his or her discretion, indicating
56 whether such authority intends to implement the recommendations in such

1 reports, and, if not, why not. In addition, the commuter transportation
2 authority and its applicable constituent agencies shall give quarterly
3 reports to the inspector general outlining the status of each of the
4 recommendations made by the inspector general in his or her final
5 reports. Copies of all of these reports shall be sent to the governor,
6 the temporary president of the senate, the speaker of the assembly, the
7 chairperson of the senate transportation committee, the chairperson of
8 the senate finance committee, the chairperson of the assembly corpo-
9 rations, authorities and commissions committee and the chairperson of
10 the assembly ways and means committee.

11 7. To effectuate the purposes of this section, the inspector general
12 may request from any department, board, bureau, commission, office or
13 other agency of the state, or any of its political subdivisions, such
14 cooperation, assistance, services and data as will enable him or her to
15 carry out his or her functions, powers and duties hereunder, and they
16 are authorized and directed to provide said cooperation, assistance,
17 services and data.

18 § 1349-vvvvv. Management advisory board. 1. There is hereby created in
19 the office of the commuter transportation authority inspector general a
20 management advisory board, consisting of thirteen members appointed by
21 the governor, of whom two shall be appointed upon nomination by the
22 temporary president of the senate, two upon nomination by the speaker of
23 the assembly, one upon nomination by the minority leader of the senate
24 and one upon nomination by the minority leader of the assembly. All
25 members shall serve for a term of three years, except that, of the two
26 members first appointed upon nomination by the temporary president of
27 the senate, one shall serve for a term of two years and one shall serve
28 for a term of one year; of the two members first appointed upon nomi-
29 nation by the speaker of the assembly, one shall serve for a term of two
30 years and one shall serve for a term of one year; and, of two of the
31 members first appointed by the governor without nomination by any other
32 person, two shall each serve for a term of two years and two shall each
33 serve for a term of one year. One of the members appointed to the
34 management advisory board directly by the governor shall be designated
35 by the governor to serve as its chairperson.

36 2. All members of the management advisory board shall be residents of
37 the metropolitan transportation district, and shall be persons with
38 substantial experience in the management of private enterprise, in the
39 delivery of public services, or in labor or labor-management relations.

40 3. The management advisory board shall assist the commuter transporta-
41 tion authority inspector general in identifying ways to improve
42 services, reduce costs and increase the efficiency of the authority and
43 its subsidiaries.

44 4. No later than the first of April next succeeding the effective date
45 of this section, and annually thereafter, the management advisory board
46 shall submit to the governor and the legislature a report on its activ-
47 ities during the previous year.

48 5. The office of the commuter transportation authority inspector
49 general shall provide the management advisory board with such staff
50 support as may be required for the performance of its duties.

51 6. Members of the management advisory board shall serve without
52 compensation, but shall be reimbursed for expenses reasonably incurred
53 in the performance of their duties.

54 § 1349-wwwww. Transition-election to withdraw from the metropolitan
55 commuter transportation district. 1. The counties of Dutchess, Orange
56 and Rockland shall have an option to withdraw from the metropolitan

1 commuter transportation district and have such withdrawal take effect on
2 either: (a) The first of January next succeeding the effective date of
3 this section. If any such county plans to withdraw from the district on
4 the first of January next succeeding the effective date of this section,
5 it shall: (i) no later than seventy-five days after the effective date
6 of this section, furnish the commissioner of transportation, and chair-
7 person of the authority and the other counties which have an option to
8 withdraw, a resolution adopted by the county legislature providing
9 notice of intent to withdraw; (ii) on or before the first of October
10 next succeeding the effective date of this section, furnish to the
11 commissioner of transportation, the chairperson of the authority and
12 other counties which have an option to withdraw, a resolution adopted by
13 the county legislature providing for a public transportation plan. For
14 the purposes of this section, a "public transportation plan" shall mean
15 a plan that maintains adequate and continuous public transportation
16 services from the withdrawing county to the city of New York or any
17 terminus previously served, provides a reasonable level of rail passen-
18 ger service, provides a schedule for implementing such service, protects
19 the public investment in the rail transportation system and any other
20 criteria deemed necessary by the commissioner of transportation. Prior
21 to withdrawal pursuant to this paragraph or paragraph (b) of this subdivi-
22 vision, a county shall receive approval of its public transportation
23 plan pursuant to paragraph (c) of this subdivision; and (iii) on or
24 before the first of December next succeeding the effective date of this
25 section, furnish the commissioner of transportation, a copy of an agree-
26 ment with the authority or an operator of rail passenger service for the
27 provision of rail passenger service to and from such county and the city
28 of New York or any terminus previously served.

29 If a county planning to withdraw on the first of January next succeed-
30 ing the effective date of this section is unable to withdraw because it
31 could not meet the requirements of this paragraph, it may elect to with-
32 draw pursuant to paragraph (b) of this subdivision.

33 (b) The second or third first of January succeeding the effective date
34 of this section. If any such county plans to withdraw on either the
35 second or third first of January next succeeding the effective date of
36 this section, it shall: (i) no later than ninety days after the first of
37 January of the year immediately preceding the year in which such county
38 plans to withdraw from the district, furnish the commissioner of trans-
39 portation, the chairperson of the authority and the other counties which
40 have an option to withdraw, a resolution adopted by the county legisla-
41 ture providing notice of intent to withdraw from the district; (ii) no
42 later than one hundred twenty days after the first of January of the
43 year immediately preceding the year in which such county plans to with-
44 draw from the district furnish to the commissioner of transportation,
45 the chairperson of the authority and the counties which have an option
46 to withdraw a resolution adopted by the county legislature providing a
47 public transportation plan as described in this section; and (iii) on or
48 before October first of the year immediately preceding the year in which
49 such county plans to withdraw from the district, furnish to the commis-
50 sioner a copy of an agreement with the authority or an operator of rail
51 passenger service for the provision of rail passenger service to and
52 from such county and the city of New York or any terminus previously
53 served.

54 (c) No later than thirty days after receipt of the public transporta-
55 tion plan the commissioner of transportation shall, in writing, either
56 approve such plan as conforming with the requirements heretofore

1 described or disapprove such plan as failing to meet such requirements
2 and the reasons therefor. Disapproval of a plan shall not prohibit a
3 county from resubmitting a public transportation plan and such resubmit-
4 ted plan shall be approved or disapproved no later than fifteen days
5 after receipt by the commissioner of transportation. The public trans-
6 portation plan shall be subject to any state or federal public hearing
7 requirements which the authority would be subject to if the authority
8 made the changes proposed by such plan.

9 (d) Any such county which plans to withdraw from the district shall
10 meet the requirements of this section prior to the effective date of
11 withdrawal, and no withdrawal for the purposes of this section shall
12 take effect unless such county furnishes the resolutions and agreement
13 prior to the effective date of withdrawal.

14 2. The authority and any subsidiary corporation of the authority shall
15 enter into an agreement or agreements with a county that plans to with-
16 draw from the district to transfer and assign to such county all author-
17 ity and subsidiary railroad facilities and operations, rights and obli-
18 gations, and contract rights and obligations, including operating
19 contract rights and obligations, which are owned, operated, maintained
20 or used directly or by contract or which are otherwise involved in the
21 provision of railroad services to such counties. Such agreement shall
22 provide, in the event a facility, operation, right or obligation is
23 necessary and material to the provision of rail passenger service in the
24 district or is not assignable under applicable bond covenants or
25 contracts or the parties agree that it should not be assigned, that the
26 authority or subsidiary thereof shall continue to hold and be responsi-
27 ble for such facility, operation, right or obligation and that such
28 county shall reimburse to the authority that portion of the cost to the
29 authority or subsidiary of its retention of such facility, operation,
30 right or obligation that is allocable to such county. If the parties
31 agree that the authority or subsidiary thereof shall operate the rail-
32 road facilities in a county after the effective date of such county's
33 withdrawal, the agreement also shall provide for the terms and condi-
34 tions of the operation of such service.

35 3. Within forty-five days of the effective date of this section, the
36 authority and any subsidiary corporation of the authority shall provide
37 to the counties of Dutchess, Orange and Rockland a written statement,
38 including cost estimates and the useful life, if any, of all of its
39 facilities, operations, rights and obligations relating to the provision
40 of rail service in such counties.

41 4. The authority and any subsidiary corporation of the authority is
42 authorized to enter into an agreement or agreements with a county that
43 plans to withdraw from the district, pursuant to which the authority or
44 subsidiary thereof will provide technical assistance to such county
45 prior to, during and after the withdrawal, with respect to the transfer
46 of ownership, operation, maintenance and use of railroad facilities
47 within such county. Such agreement may provide that the county reimburse
48 the authority or its subsidiary for the cost to the authority and its
49 subsidiary for the provision of such technical assistance.

50 5. The authority shall have no obligation to undertake or continue any
51 project or part thereof in a current or future capital program plan
52 which pertains to railroad facilities within or services to a county
53 that withdraws from the district on or after such date of withdrawal nor
54 shall the authority enter into any contract for a project or part there-
55 of which would increase liabilities pursuant to subdivision six of this
56 section in a county after such county notifies the authority of its

1 intent to withdraw as provided in subdivision one of this section,
2 provided, however, that if the authority has executed a contract for the
3 effectuation of a project or part thereof in a capital program plan in
4 such county, it shall be assigned to such county in accordance with
5 subdivision two of this section, unless the parties agree that it shall
6 not be assigned and that the authority or its subsidiary shall continue
7 to be responsible therefor, in which event the county shall reimburse
8 the authority or its subsidiary in accordance with the provisions of
9 subdivision two of this section.

10 6. Any county which withdraws from the district shall reimburse to the
11 authority or its subsidiary, within the time period agreed to by the
12 parties, any capital expenditures heretofore undertaken by the authori-
13 ty, the metropolitan transportation authority or its subsidiary for
14 railroad facilities only within such county which were financed by
15 commuter railroad revenue bonds issued by the metropolitan transporta-
16 tion authority pursuant to section twelve hundred sixty-nine of this
17 article or by the authority pursuant to section thirteen hundred forty-
18 nine-xxxx of this title and are assigned to such county in accordance
19 with the provisions of subdivision two of this section.

20 7. The obligations of a county that withdraws from the district to
21 reimburse the authority and any subsidiary corporation of the authority
22 for the costs of operation, maintenance and use of passenger stations
23 pursuant to section thirteen hundred forty-nine-rrrrr of this title,
24 shall continue for any such costs incurred up to the effective date of
25 the county's withdrawal from the district and for costs incurred there-
26 after that result from acts preceding such withdrawal, and the applica-
27 bility of the payment provisions and procedures of such section thirteen
28 hundred forty-nine-rrrrr to such county shall continue thereafter with
29 respect to the aforesaid costs.

30 8. In the event of a county's failure to make payment of any monies
31 determined by the authority to be owed and due it or any subsidiary
32 corporation of the authority pursuant to the terms of any agreement
33 entered into pursuant to this section, the authority is authorized to
34 recover such payments in the same manner as in section thirteen hundred
35 forty-nine-rrrrr of this title and the state comptroller shall withhold
36 and pay monies to the authority in accordance with the procedures set
37 forth in that section.

38 9. The term of office of any resident of a county that withdraws from
39 the district under this section, as a member of the board of the author-
40 ity, the Metro-North rail commuter council or the management advisory
41 board, which is based upon residence in such county, shall terminate
42 upon the county's withdrawal and the office shall be deemed vacant and
43 filled in the manner provided by law.

44 10. The provisions of this section and all agreements undertaken in
45 accordance herewith shall be subject to the rights of the holders of any
46 outstanding bonds or notes issued by the authority.

47 § 1349-xxxxx. The office of legislative and community input. 1. The
48 chairperson of the authority shall establish the office of legislative
49 and community input for the purpose of communicating information to, and
50 receiving comments, concerns and recommendations from, members of the
51 legislature, and members of the permanent citizens advisory committee to
52 the authority, as defined in section thirteen hundred forty-nine-qqqq of
53 this chapter, on the following:

54 (a) the operations of the rapid transit, omnibus and commuter rail
55 line facilities of the authority including, but not limited to:

1 (i) the quality of service provided on any rapid transit, omnibus, and
2 commuter rail line or route;

3 (ii) the frequency of operating service on the authority's mass trans-
4 it facilities;

5 (iii) the maintenance and condition of the authority's mass transit
6 facilities including, but not limited to, rapid transit and commuter
7 rail stations, railcars, buses, rail lines, fare collection systems and
8 sound systems; and

9 (iv) proposed service changes, including any reductions or expansion
10 of services, as it relates to the authority's mass transit facilities;
11 and

12 (b) any proposed, submitted and/or approved capital program plan, its
13 components, elements and projects, and associated expenditures. Any such
14 comments, concerns and recommendations relating to the capital program
15 plan, its components, elements and projects, and associated expenditures
16 shall be taken into consideration in the development of the current and
17 each successive capital program plan and/or any amendment to such plan.

18 2. The office shall establish a process to ensure timely notification
19 of the receipt of, and response to, comments, concerns, and recommenda-
20 tions by members of the legislature or members of the permanent citizens
21 advisory committee to the authority.

22 3. The chair and office shall prepare a report containing the follow-
23 ing information:

24 (a) a compilation of the comments, concerns, and recommendations
25 received by the office;

26 (b) how these comments, concerns or recommendations were or will be
27 addressed, such as the authority's response by the incorporation or
28 initiation of system and operational adjustments, improvements or expan-
29 sions if applicable; and

30 (c) how these comments, concerns or recommendations were or will be
31 addressed, such as the authority's response by changing or amending the
32 capital plan, as well as providing status updates on the progress of
33 such plan.

34 4. Such report shall on a biannual basis, commencing the first of
35 September next succeeding the effective date of this section, be submit-
36 ted to the governor, the temporary president of the senate and the
37 speaker of the assembly, be posted on the authority's website and also
38 be made readily available to the public.

39 § 1349-yyyyy. Debarment. The authority shall establish, pursuant to
40 regulation, a debarment process for contractors of the authority that
41 prohibits such contractors from bidding on future contracts, after a
42 debarment determination by such authority, for a period of five years
43 from such determination. Such regulations shall ensure notice and an
44 opportunity to be heard before such debarment determination and provide
45 as a defense acts such as force majeure. Such regulations shall only
46 provide for a debarment in situations involving a contractor's failure
47 to substantially complete the work within the time frame set forth in
48 the contract, or in any subsequent change order, by more than ten
49 percent of the contract term; or where a contractor's disputed work
50 exceeds ten percent or more of the total contract cost where claimed
51 costs are deemed to be invalid pursuant by the contractual dispute
52 resolution process.

53 § 1349-zzzzz. Right to share employees. 1. It is hereby found and
54 declared to be necessary and proper to authorize the authority, its
55 subsidiaries, affiliates, and subsidiaries of affiliates, powers to
56 effectuate and ensure such entities continued financial viability, which

1 is at issue given sizable operating deficits and significant capital
2 needs. Allowing wholesale internal management reforms will create
3 savings, combat entrenched bureaucracies, create streamlined, uniform,
4 and efficient services, ensure public accountability and reestablish
5 public trust. In order to facilitate these necessary goals it is both
6 reasonable and a legitimate public purpose to provide systematic author-
7 ity for the sharing of employees within and between the respective enti-
8 ties.

9 2. Notwithstanding any provision of law to the contrary, the authori-
10 ty, its subsidiaries, affiliates, and subsidiaries of affiliates shall
11 each have the right to share employees within and between such entities
12 and to assign such employees to perform any operation or function
13 subject only to a determination that they are substantially similar to
14 any operation or function currently performed. Substantially similar
15 operation or function shall be determined exclusively by the authority.

16 3. Nothing set forth in this subdivision shall be construed to impede,
17 infringe or diminish the rights and benefits that accrue to employees
18 and employers through collective bargaining agreements, or impact or
19 change an employee's membership in a bargaining unit.

20 § 2. This act shall take effect January 1, 2021.

21 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
22 sion, section or part of this act shall be adjudged by any court of
23 competent jurisdiction to be invalid, such judgment shall not affect,
24 impair, or invalidate the remainder thereof, but shall be confined in
25 its operation to the clause, sentence, paragraph, subdivision, section
26 or part thereof directly involved in the controversy in which such judg-
27 ment shall have been rendered. It is hereby declared to be the intent of
28 the legislature that this act would have been enacted even if such
29 invalid provisions had not been included herein.

30 § 3. This act shall take effect immediately provided, however, that
31 the applicable effective date of Parts A through E of this act shall be
32 as specifically set forth in the last section of such Parts.