

STATE OF NEW YORK

2041

2019-2020 Regular Sessions

IN SENATE

January 18, 2019

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

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

3 § 1277. Station operation and maintenance. 1. [~~a.~~] The operation,
4 maintenance and use of passenger stations shall be public purposes of
5 the city of New York and the counties within the district. The total
6 cost to the authority and each of its subsidiary corporations of opera-
7 tion, maintenance and use of each passenger station within the district
8 serviced by one or more railroad facilities of the authority or of such
9 subsidiary corporation, including the buildings, appurtenances, plat-
10 forms, lands and approaches incidental or adjacent thereto, shall be
11 borne by the city of New York if such station is located in such city
12 or, if not located in such city, by such county within the district in
13 which such station is located. On or before June first of each year, the
14 authority shall, in accordance with the method specified herein, deter-
15 mine and certify to the city of New York and to each county within the
16 district the respective allocation of costs related to the operation,
17 maintenance and use of passenger stations within such city and each such
18 other county, for the twelve month period ending the preceding March
19 thirty-first.

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

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

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

5 BASE AMOUNT TABLE

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

15 ~~[(1-i)]~~ b. For each year thereafter, such total payment for each such
 16 county shall be the same amount as the total payment during the imme-
 17 diately prior year, plus an adjustment equal to the prior year amount
 18 times the increase or decrease in the Consumer Price Index for Wage
 19 Earners and Clerical Workers for the New York, Northeastern-New Jersey
 20 Standard Metropolitan Statistical Area for the twelve-month period being
 21 billed.

22 ~~[(b)]~~ 2. On or before the following September first, of each year, such
 23 city and each such county shall pay to the authority such cost or amount
 24 so certified to it on or before the preceding June first. Such city and
 25 each such county shall have power to finance such costs to it by the
 26 issuance of budget notes pursuant to section 29.00 of the local finance
 27 law. For the year beginning April first, two thousand four, the author-
 28 ity, the city of New York and the counties of Nassau, Suffolk, Westches-
 29 ter, Dutchess, Putnam, Orange, and Rockland may, after having reached an
 30 agreement, recommend to the legislature modifications to the amounts set
 31 forth above based upon changes made to commuter services including but
 32 not limited to changes in the number of passenger stations within such
 33 counties or the level of commuter rail service provided to any such
 34 passenger stations. Failure between the authority and between the coun-
 35 ties to reach agreement will be referred to the state comptroller for
 36 mediation. If the mediation is unsuccessful, each party and the state
 37 comptroller may submit a recommendation to the governor and the legisla-
 38 ture for legislative action.

39 ~~[(e)]~~ 3. In the event that a city or county shall fail to make payment
 40 to the authority for station maintenance as required pursuant to this
 41 section, or any part thereof, the chief executive officer of the author-
 42 ity or such other person as the chairman shall designate shall certify
 43 to the state comptroller the amount due and owing the authority at the
 44 end of the state fiscal year and the state comptroller shall withhold an
 45 equivalent amount from the next succeeding state aid allocated to such
 46 county or city from the motor fuel tax and the motor vehicle registra-
 47 tion fee distributed pursuant to former section one hundred twelve of
 48 the highway law, or amounts distributed pursuant to section ten-c of the
 49 highway law, or per capita local assistance pursuant to section fifty-
 50 four of the state finance law subject to the following limitations:
 51 prior to withholding amounts due the authority from such county or city,
 52 the comptroller shall pay in full any amount due the state of New York
 53 municipal bond bank agency, on account of any such county's or city's
 54 obligation to such agency; the city university construction fund pursu-
 55 ant to the provisions of the city university construction fund act; the

1 New York city housing development corporation, pursuant to the
2 provisions of the New York city housing development corporation act
3 (article twelve of the private housing finance law); and the transit
4 construction fund pursuant to the provisions of title nine-A of article
5 five of this chapter. The comptroller shall give the director of the
6 budget notification of any such payment. Such amount or amounts so with-
7 held by the comptroller shall be paid to the authority and the authority
8 shall use such amount for the repayment of the state advances hereby
9 authorized. When such amount or amounts are received by the authority,
10 it shall credit such amounts against any amounts due and owing by the
11 city or county on whose account such amount was withheld and paid.

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

18 § 2. Subdivision 5 of section 1205 of the public authorities law, as
19 added by chapter 930 of the laws of 1977, is amended to read as follows:

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

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

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

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