STATE OF NEW YORK

7812

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT to amend the public authorities law, in relation to establishing the metropolitan transportation authority control board

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

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that the metropolitan transportation authority is facing a severe fiscal crisis, and that the crisis cannot be resolved absent assistance from the state. The legislature finds that the authority has repeatedly relied on annual extraordinary increases in state aid as well as cost increases passed on to taxpayers and its customers to balance its budget, and that the state and taxpayers cannot continue to take such extraordinary actions on the authority's behalf. The legislature further finds and declares that maintenance of a balanced budget by the metropolitan transportation authority is a matter of overriding state concern, requiring the legislature to intervene to provide a means whereby: the long-term fiscal stability of the authority will be assured, the core infrastructure investment needs of the authority will be met, the confidence of investors in the authority's bonds and notes is preserved, the burden to taxpayers of untenable cost increases is lifted and the economy of both the region and the state as a whole is protected.

§ 2. The public authorities law is amended by adding two new sections 1279-m and 1279-n to read as follows:

§ 1279-m. Metropolitan transportation authority control board; creation; procedure. 1. The metropolitan transportation authority control board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this chapter and any other provision of law.

2. The membership of the board shall consist of five persons appointed by the governor, of which one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly, one upon the recommendation of the minority

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

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leader of the senate and one upon the recommendation of the minority leader of the assembly. The term of the members first appointed shall continue for twenty-four months after the initial appointment. Upon recommendation of the nominating party, the governor may replace any member in accordance with the provision contained herein for the appointment of members. The governor shall designate one of the members to serve as chairperson. The board shall act by unanimous vote of the voting members of the board. Any determination of the board shall be evidenced by a certification thereof executed by all the voting members. Each member of the board shall be entitled to designate a representative to attend meetings of the board in such member's place, and to vote or otherwise act on such member's behalf in such member's absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of such representative's duties or functions to any other person.

3. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, of any political subdivision of the state, of any governmental entity operating any public school or college or of any other public agency or instrumentality or unit of government which exercises governmental powers under the laws of the state, shall forfeit such office or employment by reason of acceptance or appointment as a member, representative, officer, employee or agent of the board nor shall service as such member, representative, officer, employee or agent of the board be deemed incompatible or in conflict with such office or employment. The members, their representatives, officers and staff to the board shall be deemed employees within the meaning of section seventeen of the public officers law.

4. The members of the board shall serve without salary or per diem allowance but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to this section or other provision of law, provided however that such members and representatives are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement.

§ 1279-n. Powers, functions and duties of the metropolitan transportation authority control board; limitations. 1. The metropolitan transportation authority control board shall have the power and it shall be its duty to receive applications for approval of the financing and construction of any project proposed by the metropolitan transportation authority. Any application made concerning a project shall include the terms, conditions and dates of the repayment of state appropriations authorized by law pursuant to a repayment agreement. Any subsidiary of the metropolitan transportation authority shall also be subject to the provisions of this section. All applications and submissions to the board required to be made by a subsidiary shall be made on behalf of such subsidiary by the metropolitan transportation authority. The metropolitan transportation authority shall not make any commitment, enter into any agreement or incur any indebtedness for the purpose of acquiring, constructing, or financing any project unless prior approval has been received from the board.

2. The board may require as part of such application such information as it deems necessary and shall act upon such application within a reasonable time. The board shall furnish the state comptroller with a copy of each such application within three days following receipt thereof by the board. The board shall not approve any such application prior

to the earlier of (a) seven days following the receipt by the state comptroller of such application or (b) the receipt by the board of the state comptroller's comments on the application or the state comptroller's consent to an earlier determination by the board. Reference to the state comptroller in this subdivision shall include any authorized representative of the state comptroller.

3. The board may approve applications only upon its determination that, with relation to any proposed project, there are commitments of funds sufficient to finance the acquisition and construction of such project. In determining the sufficiency of commitments of funds, the board may consider commitments of funds, projections of fees or other revenues and security, which may, in the discretion of the board, include collateral security sufficient to retire a proposed indebtedness or protect or indemnify against potential liabilities proposed to be undertaken. A copy of such determination shall be submitted to the chief executive officer of the metropolitan transportation authority and the state comptroller.

3-a. The board shall not approve recovery act bonds applications provided by the state of New York municipal bond bank agency unless the board finds sufficient interest rate and other savings to each participating municipality.

4. Notwithstanding any other provisions of this section, the requirements of subdivisions one, two, three, and three-a of this section shall not apply with regard to any project of the metropolitan transportation authority in progress as of the effective date of this section, as determined by the metropolitan transportation authority control board whose affirmative determination shall be conclusive as to all matters of law and fact for the purpose of the limitations of this section.

5. Nothing contained in subdivisions one, two and three of this section shall limit the right or obligation of the metropolitan transportation authority to comply with the provisions of any existing contract, including any existing labor contract or contract with or for the benefit of the holders of any obligations of the metropolitan transportation authority.

6. The board may participate in any meeting of the authority held for the purpose of negotiations with labor organizations and/or the creation of any labor contract on or after the effective date of this section.

7. A member of the board shall vote within the scope of such member's legal authority. The legal authority of a member of the board pursuant to this section is solely to determine whether the authority has demonstrated that there is the commitment of funds sufficient to finance the acquisition and construction of the project subject to approval. Failure of a member to vote within the scope of such member's legal authority constitutes a violation of the public's trust for the purposes of paragraph h of subdivision three of section seventy-four of the public officers law. As the appointing authority, the governor has the full discretion to immediately remove a member of the board the governor finds to be acting, or threatening to act, beyond the scope of such member's legal authority set forth herein.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.